

PUBLIC SECTOR-GOVT. - DEFENCE

1996

JANUARY - APRIL

Major defence force traditions face the boot

BY PATRICK BULGER
Political Correspondent

Cape Town - Two traditional features of South African military life - Afrikaans and public Christian prayer - are set to be given their marching orders.

The draft white paper on defence presented to Parliament's joint standing committee on defence yesterday brings practices within the SADF in line with the language and religious provisions of the interim constitution.

The NP sharply opposed the new provisions on language and religion.

The paper's drafter, Laurie Nathan, who is director of the University of Cape Town-based Centre for Conflict Resolution,

Star 24/11/96
confirmed that the paper forbids the quoting of biblical scripture at military parades and official functions.

In reply to a question from DP MP Douglas Gibson on whether the saying of grace would be outlawed before meals, Nathan replied that "Jews, Hindus or Muslims would be entitled to object to the Lord's Prayer at the beginning of a banquet".

ANC MP Ian Phillips said Parliament's policy was to allow a moment of silence and reflection before functions "and the sky has not fallen in", he argued.

NP MP John Gogotya asked whether the religious prohibition would be extended to halaal food, and NP Senator John Wiley asked what had happened to the princi-

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ple of majority rule given that "70% of South Africa is Christian".

The NP objected to the religious provisions and the clause that said "Because of the unique nature of armed forces and military operations, the SANDF shall apply a one language policy for the purpose of command, control and instruction. That language shall be English".

It also objected to the clause saying "The SANDF shall not discriminate against any of its members on the grounds of sexual orientation" - which would in effect allow the SANDF to recruit gays and lesbians.

Changes will be made to the paper before it is finally adopted by Defence Minister Joe Modise and the Cabinet.

Homosexuals free to join defence force

BD 24/1/96 (254)

Wyndham Hartley

CAPE TOWN — Homosexuals were given the final go-ahead to join the defence force yesterday, and English was chosen as its main language — moves which the NP vowed to fight.

In discussions on the defence White Paper, the joint standing committee on defence finally decided, in the face of NP objections, that the language of control and instruction in the SANDF would be English. It also confirmed the decision to eliminate religious ceremony from official functions.

Homosexuals may join the military following the committee's decision that

there could be no discrimination on grounds of sexual orientation.

The NP was also outvoted on the issue of the components of the new national part-time force. It wanted it specified in policy that the old citizen force and commando members could be incorporated. The ANC insisted that all former statutory forces could volunteer in the same way as former members of liberation forces. To specify would send the wrong political signals, ANC MP Thandi Modise said.

NP senator Gerhard Koornhof said he and his colleagues would brief their principles on the deliberations and the matters could then be taken up again

in the Cabinet. The NP members felt certain that the White Paper would be discussed in the Cabinet before returning to Parliament.

Koornhof also warned the committee during discussion on clauses dealing with the arms industry that all the controls envisaged "could end up controlling us out of the business". He was referring to a clause stipulating that if any country betrayed its arms purchase agreement with SA then all further sales to the country should be prohibited. Arms purchases are governed by end-user certificates which specify that arms may not be sold to a third party without consent of the supplier.

Traditions get marching orders

CT 24/1/96 (254)

POLITICAL WRITER

IN a shake-up of military traditions, Afrikaans and public Christian prayers have been scrapped and discrimination against gays has been banned.

The changes are contained in a White Paper adopted by the Joint Standing Committee on Defence yesterday.

The National Party recorded its deep reservations about the changes.

The director of the Centre for Conflict Resolution at the University of Cape Town, Mr Laurie

Nathan, who was responsible for drafting the White Paper, told the committee the promotion of religious tolerance was in line with the constitution.

The White Paper bans military personnel from quoting the scriptures or any other religious tracts at any official function.

Mr Johan Marais (NP) said the proposals would cause a "grave change in the atmosphere" of the defence force.

The ban on discrimination against gays puts South Africa at the forefront of the world.

The White Paper says the SA

National Defence Force must apply a "one-language" policy — English — but must try to provide for the different languages of its members.

In another major change, military personnel will be obliged to report unlawful orders and can no longer use the excuse "I was only following orders".

The White Paper also tightens up the provisions for the export of arms.

It is to be sent to Defence Minister Joe Modise, who is to present it to the cabinet. The NP's objections will be included.

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**Proposals for
 defence force
 met with ire**

Star 25/1/96
 By SHIRLEY WOODGATE

A wave of anger has greeted proposals to scrap Afrikaans as an official language and Christian prayers in the SA National Defence Force, with the Rapportryers warning that patience with the Government was running out.

"This is part of the campaign to get rid of Afrikaans, but when the people get cross they will act instead of writing letters. I do not know how they will react or what they will do, but while the older generation is trying to do things peacefully, the younger generation is more rebellious," secretary-general James du Plessis added.

In terms of the new language and religious provisions contained in the draft white paper presented on Tuesday to Parliament's joint standing committee on defence, English will become the only official language spoken in the SANDF and quoting of the Bible at parades and official functions will be forbidden.

Another proposal, which allows the SANDF to recruit homosexuals, has gladdened that community, with National Coalition for Gay and Lesbian Equality lobbying manager Clayton Wakeford commenting that the army was about a job, not sexual orientation.

The Rapportryers' Du Plessis stressed that the constitution stated that no language should be used to the detriment of another, but in this case, English, which was the fifth most popular tongue in SA, was superseding Afrikaans, which was ranked third after Zulu and Xhosa.

AWB spokesman Fred Rundle said the new "gays in, Afrikaans out" policy was symptomatic of the degeneration of morals in the new South Africa.

Boerestaat Party spokesman and Afrikaner "taalbul" Robert van Tonder, so named when he regularly took shop assistants who refused to address him in Afrikaans to court in the early 80s, accused the ANC of being "black Englishmen" and of suppressing the Afrikaner language and identity.

Afrikaner Volksfront general secretary Dr Harry Mocke described the proposal as another step to promote what he said was the threatening Muslim revolution.

"If you remove Christianity from public functions you will eventually remove it from the people as a whole," warned

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NTSO 000 of the...
 Qunu... in the

Star 25/1/96
**SANDF plan
 met with ire**

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Apostolic Faith Mission general secretary Dr Jan Lammerman

He stressed that faith was not only part of Sunday living but the daily lives of millions of South Africans, and suggested there was more to the move than met the eye.

Lammerman questioned the right of a small minority to prescribe to the majority and said the next step was the phasing out of chaplains.

Dean Godfrey Henwood of St Mary's Anglican Cathedral said it would have been preferable for the SANDF not to scrap one religion, but to provide opportunities for all, as the SABC had done.

an "original" shape, reports said - AFP.



**Not on top,
 it's outside**

Pat Ellis of Coralville...
 wipes the surplus from his snow sculpture. He spent almost four hours...
 the coffee cup with the help of a neighbour.

**MARKETS
 IN MOTION**

Rand/dollar	3 6498 (-0,0038)
Rand/pound	5 5107 (+0,0188)
JSE Gold	10 572 11 (-26,40)
JSE Metal	2 705,50 (-0,60)
JSE Industrial	8 118 30 (+0,00)
JSE Financial	3 065 40 (+0,00)
JSE Overall	6 329 40 (+5,80)
FTSE 100	3 758 21 (+3,70)
Gold (London)	417 00 (+0,65)
New York Exchange	524,94 (+0,57)

SANDF won't discriminate against serving gays and lesbians

Star 26/1/96 (254)

By **NORMAN CHANDLER**
Defence Correspondent

Gays can serve in the SA National Defence Force without fear of discrimination but have to live up to a strict code of personal conduct.

The military respects their constitutional rights to be homosexual or lesbian as long as their activities do not interfere with military discipline, esprit de corps and morale.

If it does, the SANDF has the right to discharge or fine them.

This has been spelt out by the SANDF, which says the basic principle governing any person

entering military service is that they are acceptable in terms of the recognised profile of a soldier and that their actions are not deemed to be anti-social.

"If there are serving soldiers who show homosexual inclinations, they are not encouraged to participate in such activities," a source said, adding "It is pretty obvious that no one openly admits to being homosexual."

Reports this week have said that homosexuals and lesbians would be able to serve in the defence force in future, and that their rights would be entrenched in a white paper on defence to be published at the end of May.

However, official policy is that they have been acceptable for some time on the basis of "the best man for the job".

The draft white paper was published for comment last year and has not yet been tabled in Parliament, despite reports to the contrary.

It is being discussed at various parliamentary levels, including the standing committee on defence under the chairmanship of Tony Yengeni.

The SANDF has dismissed claims that there has been a policy in place prohibiting the appointment of any person "with homosexual preferences".

German firm asks for action on Denel's alleged industrial espionage

Amanda Vermeulen

THE German embassy has been asked by Laser Optronic Technologies, the local subsidiary of a German company, to take up with the home affairs department the allegedly irregular award of a major state tender to a competitor.

The tender related to supply of equipment for production of a new generation of passports using advanced technology. The company, a subsidiary of conglomerate Mannesmann and acting as the agent of German firm Mau-

rer Electronics, which submitted the tender, has objected to the fact that employees of Denel Informatics & Networking examined Maurer technology while the tender was being considered. The Denel subsidiary is now discussing subcontracting services to De La Rue, which won the tender.

Laser Optronic Technologies MD John Bond, in his complaint to the German embassy, said home affairs and Denel misused the state tender proceedings "to suit their own interests, having misrepresented their position

to obtain trade secrets and commit industrial espionage". In the letter, dated January 26, Bond asked the ambassador to advise his firm whether it was possible to lay charges in Germany against those involved.

Deputy President Thabo Mbeki has asked Home Affairs Minister Mangosutho Buthelezi to investigate.

Home affairs spokesman Henne Meyer said at the weekend as far as the ministry was concerned the issue had been resolved. The department was not aware of any investigation under way.

He accused the firm of complaining to Mbeki's office "to coerce the department to accept its technology". De La Rue had won the contract because of its lower price, saving the department millions of rands.

He said he could not comment on any link between Denel and De La Rue. "De La Rue is an independent international company with many subsidiaries throughout the world which we cannot know about and therefore the department cannot comment on any link with Denel," he said

De La Rue won the contract to print the 1994 national ballot papers

Denel Informatics & Networking had not submitted a rival bid but had accompanied a home affairs delegation to Germany to "evaluate equipment"

Denel spokesman Paul Holtzhausen said De La Rue had approached Denel Informatics to look at subcontracting support services only after the tender had been awarded. No agreement had been signed yet.

Bond said his firm was considering taking legal action to stop the tender.

espionage



DEMOBBED: Former uMkhonto weSizwe members Mr Edwin Ntjana (front) and Mr Patrick Mshthola (red cap) were among those who accepted the payout and opted for demobilisation at Khayelitsha yesterday

PICTURE: NIC BOTHMA

Ex-MK members opt for civvy street

CT 30/1/96

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LINDIZ VAN ZILLA
STAFF WRITER

3.

MOST former members of the ANC's armed wing, uMkhonto weSizwe, declined yesterday to be integrated into the SA National Defence Force and instead opted for the financial benefits of demobilisation in the hope of starting a new life

Most of the 101 former MK soldiers who reported to the 9 South African Infantry base near Khayelitsha yesterday said they no longer considered the army a career option

Some said their military purpose had been fulfilled while serving in MK, while others said they had already secured successful careers

Mr Thando Mgozi from Khayelitsha, who works as an assistant accountant for a large marine salvaging company, said he had never thought of going back to the army

He had decided to study instead and

had obtained a diploma in accounting at the Cape Technikon

Lieutenant-Colonel David Seed, a member of the British Military and Advisory Training Team (BMATT) that is assisting in the demobilisation process, said that depending on the length of service in uMkhonto weSizwe, the payouts ranged between R12 000 and R42 000

Mr Patrick Mshthola, a second-year retail management student at the Peninsula Technikon, said he was taking the money to help finance his studies

Ms Vinolia Bunga from Khayelitsha said although she was unemployed and in need of a job, she had decided not to sign up in the army

When she received the money she would consider registering for a study course

Ms Sveliswa Mhlauhi, 43, said "I am unemployed, but there are many young people who have a bright future in the SANDF and it wouldn't be right for me

to take a job just for the sake of having one"

Athlone resident Ms Sandra Adonis said she was struggling to find a job and was thinking of re-integrating into the SANDF

But she was worried that with the rationalisation of the SANDF she would possibly soon be out of a job.

"Last in, first out," she said "I would like to start my own business from home, maybe in clothing or motor spares"

Officer in charge of the demobilisation process Colonel Mxolisi Petane said "These people are not leaving the army with ill feelings. They just have other commitments"

Seed said counselling programmes were also being offered to former MK members to help them re-integrate successfully into civilian and social life

These would include advice on how best to invest the money they received from the payouts

Thousands of demobilised soldiers won't be left in the lurch

By **NIKKI WHITFIELD**

About 30 000 men and women to be demobilised by the over-full South African National Defence Force will soon have to find a niche for themselves in civilian life.

Many are not equipped for it. Since integrating with seven military forces, and soon an eighth, the SANDF has been bursting at

the seams. Around 120 000 men and women are currently on the army payroll, but since the defence budget was slashed by 50%, there is not enough money to go around.

After the 1994 election, Apla, Umlkhonto weSizwe, the former TBVC state forces, and the former SA Defence Force were integrated to become the SANDF. In November last year it was announced

that 2 000 IFP self-protection unit

members were to join the SANDF. According to former MK commander and now SANDF Service Corps chief Lieut-Gen L S Moloi, demobilised members will not simply be left in the lurch.

Speaking yesterday at a briefing at the SA Institute of Race Relations, he outlined his department's readaptation plans for the demobilised soldiers.

"It is the Service Corps' intention to give them vocational training, concentrating on their talents, and to provide them with adult education to equip them for civilian life," Moloi said.

Members to be demobilised will undergo a three-month re-orientation course, followed by a six-month training period to determine their individual talents and to guide them to appropriate

careers. Moloi said the Service Corps, dedicated to furthering the aims of the RDP, would go out of its way to involve business in the training programmes.

After the training period, the Service Corps will liaise with companies on the progress of candidates.

If they do not adapt after 12 months, reorganisation of candidates will take place.

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Arwa 31/1/96

Caprivi 200: The Year of the Generals

(254) M+G 22/12/95 - 4/1/96

The indictment of the Malan 20 by Attorney General Tim McNally comes as a small victory to journalists who have fought for the exposé of the Caprivi 200, write **Mail & Guardian Reporters**

By 1995 many South Africans — forced over the years with a diet of reports about “third forces”, “covert operations” and “state-sponsored hit squads” — could not easily be moved to read yet another exposé about that dark period of South African history in which members of the country’s security forces deliberately used their proficiency for violence to tear at the fabric of the nation they were supposed to protect.

Then, on the eve of the November local government elections, came the bombshell Sunday newspaper report that the attorney general for KwaZulu-Natal, Tim McNally, was on the verge of arresting our erstwhile Defence Minister Magnus Malan and a coterie of other generals and military officers on charges of promoting interecine violence and political murders during the late 1980s.

The indictment against the Malan 20, as the group of generals and military officers charged with the massacre of 13 civilians at KwaMakutha have come to be known, is mostly the result of untiring detective work by a crack group of policeman and lawyers in the Independent Task Unit (ITU). It must be stressed that the charges against the officers still have to be proven in a court of law.

But the fact that a prosecution has been successfully lodged comes as a small victory for that band of newspaper reporters who have long tried to convince the authorities and the public that much of the mayhem that still mars this country’s move towards peace had been arranged in the 1980s from the highest ranks of the military.

The case against Malan and his men was also vindication for David Soggot, a human rights lawyer who had tried to convince Judge Richard Goldstone that the Caprivi 200 — a unit of Inkatha members trained by the South African Defence Force (SADF) — was the agency responsible for many of the happenings that his commission of inquiry into public violence had been appointed to scrutinise. Buried in Soggot’s lengthy submission to the Goldstone Commission is a prophetic paragraph, ignored at the time, whose accuracy has only now been revealed.

It says, “The entire operation relating to the training and deployment of the Caprivi training was manifestly masterminded, planned and funded by various members of the Defence Force.”

It is pointed out that this operation was carried out in conjunction with Inkatha, the KwaZulu government and the KwaZulu Police and that there must exist in consequence a considerable body of documentation, correspondence, books of account, memoranda and reports capable of proving that the SADF, then and now, constitutes a most important single source of political violence in the Republic.”

That a former Cabinet minister is now in the



August 1991 exposé: Our story on the Inkatha 'hit squad' that the Defence Force trained

dock is largely due to the fact that Colonel Frank Dutton and his colleagues in the ITU were able to track down some of those documents, mainly top-secret reports of a State Security Council subcommittee set up in 1985 to coordinate the training of the Caprivi 200, and make them available for the KwaZulu-Natal Attorney General to prepare his case against the Malan 20.

For many reporters on this newspaper, reading McNally’s charge sheet against Malan and his fellow suspects is a bit like taking a trip down memory lane. Almost every major point made in the indictment was covered by *The Weekly Mail* (now the *Mail & Guardian*) in a string of exposés that began more than five years ago with our revelation that a regiment of Inkatha

warriors had been trained in the “art of offensive guerrilla warfare” by the Department of Military Intelligence in the Caprivi Strip during 1986.

Here are some examples. Says the indictment, “On 19 December 1985 accused number 14 (General Tieme Groenewald) presented (Inkatha leader Mangosuthu) Buthelezi’s requirements to accused number 19 (General Magnus Malan) and recommended *inter alia* that the Defence Force should initially train a defensive unit of 10 to 20 men (on a covert basis) for Buthelezi and Inkatha.”

In September 1990, *The Weekly Mail* ran a front page report that described how the Caprivi 200 were trained at a secret training base on the banks of the Cuando River that had been set up by the Department of Military Intelligence.

“After training was completed the unit was divided into four divisions — called ‘offensive’, ‘defensive’, ministers aides and contra-mobilisation intelligence’ — before returning to Ulundi where some were required to train other Inkatha members,” says the report.

It was used at the time to back claims made by Nelson Mandela, then leader of the African National Congress, who had for the first time begun to voice concern in public that a “third force” was responsible for an upsurge in train murders, drive-by shootings and other forms of black-on-black violence in Natal and on the Reef.

● The indictment adds, “Accused no 19 (General Malan) also ordered that Colonel Cornelius Johannes Van Niekerk (Accused number 13) head the project. Accused number 13 was then Director of Special Tasks 2 (known as DST-2) and fell under the direct command of Accused number 15 (Colonel Cornelius Jacobus van Tonder).”

These two officers were in charge of South Africa’s covert support for the Renamo rebel movement that waged a 15-year civil war in Mozambique. The *Weekly Mail*’s September 1990 report said “There are compelling reasons to believe the devastation and social fragmentation generated by South Africa’s support for Renamo in Mozambique, where a million people have died as a direct or indirect result of the war, have now come home to roost.”

● The charge sheet notes that a “contra-mobilisation group” of the Caprivi 200 were trained to promote Inkatha by a military front company called Adult Education. The recruits were paid by military intelligence long after they returned to South Africa. This was paid into an Inkatha account and paid to members of the paramilitary unit by accused number seven (MZ Khumalo).

In December 1991, *The Weekly Mail* ran a front-page report under the headline “SADF’s Hidden Hand in Inkatha” which showed that more than R7-million of taxpayers money was used to train and support the Caprivi 200 and that this was funnelled through a military front company called Adult Education.

● The Attorney General’s charge sheet describes in detail how the Caprivi 200 were transported from Namibia back to South Africa and housed at various bases in KwaZulu-Natal. It was from these barracks that a “restless” group from the unit was allegedly recruited to carry out the KwaMakutha killings.

In August 1991, *The Weekly Mail* uncovered a secret base used by the Caprivi 200 near Mkuze in KwaZulu-Natal. The report begins by saying, “Inkatha members who President FW de Klerk claims were trained by the South African Defence Force as security guards for KwaZulu leaders were involved in the assassination and attempted murder of anti-apartheid activists.”

● The indictment describes how the Caprivi unit and its SADF handlers cooperated with officials at the army’s Natal Command to gather intelligence and obtain weapons in preparation for the KwaMakutha attack.

In an exposé published in January 1992 by *The Weekly Mail*, Inkatha defector Mbongeni Khumalo described in detail how one MZ Khumalo, acted as a liaison between Inkatha and military officers in Natal Command.

The reports says, “Khumalo also reveals that throughout 1989, in collaboration with Inkatha, the SADF’s Natal Command had drafted and distributed tens-of-thousands of leaflets in Natal townships vilifying the Mass Democratic Movement. This is the first direct evidence to back the widely-held belief that MZ Khumalo, Buthelezi’s right-hand man, acted as Inkatha’s chief liaison with Pretoria’s security forces.”

● The charge sheet describes in detail how Daluxolo Luthuli, a commander from the Caprivi 200 unit, played a major role in selecting the home of ANC-sympathiser Victor Ntuli as a target for the hit squad. Luthuli was requested to select four potential targets. It was stressed that only persons whose death would have a positive impact on Inkatha must be chosen as targets,” says the indictment.

In February this year, just before Luthuli defected from Inkatha to join the ITU’s witness protection programme, *The Weekly Mail* ran an exclusive interview with the paramilitary commander. It quoted Luthuli as saying “I will disclose all I was doing and I want politicians and hit squad members to testify so that they can remind each other. In this way the truth will come out and heal the country’s past wounds and hatred.”

A truth too terrible to admit

M+G 22/12/95 - 4/1/96 (254)

Mail & Guardian reporter

FOR some, acknowledging the terrible deeds committed by the custodians of law and order in South Africa has been a painful process. To discover tax payers’ money had been secretly used to fund a civil war. And that the Christian Government had repeatedly lied when questions were asked both inside and outside parliament. *The Weekly Mail*’s revelations were dismissed out of hand.

And during the early days of the Goldstone Commission some of its investigators both from the police and the Department of Justice couldn’t bring themselves to believe allegations about a third force.

Even those in the commission who knew the revelations were true were surprised at the extent of security force involvement in the violence in KwaZulu-Natal and the old PWV.

But for many the truth was almost too terrible to admit.

Dr Jackie Cilliers, director of the Institute for Defence Policy readily admits he didn’t, couldn’t believe *The Weekly Mail*’s disclosures

five years ago. A former career soldier with considerable active service in the South African Defence Force (SADF), he had joined the military because he admired it. “I really respected, loved being in the SADF.”

“But I believed we should only kill the enemy on foreign soil. But by 1983 the National Party had run out of all options at home. They then had to rely on security force coercion.”

“The culture which had been practiced in Angola, Mozambique, Rhodesia, was then brought back by the military into South Africa... Finally the weight of evidence was so overwhelming I had to believe what was being said.”

KwaZulu-Natal MP Kobus Jordaan asked questions about security force involvement with Inkatha in parliament even earlier than *The Weekly Mail*’s investigations. “I asked questions about training of Inkatha. The Minister of Defence (General Magnus Malan), told Parliament there was no training. I will wait for this trial and the truth commission and if need be I might spur some people to come forward.”

Suzanne Vos, Inkatha Freedom Party MP who was the main press voice during the run-up to the election at the height of third force allegations, said the media in general and *The Weekly Mail* in particular had been “less than fair” in its coverage of the IFP.

“I have been involved with Inkatha since 1975, a member of the central committee, and I can swear I have never heard any discussion whatsoever about plans to kill people. Everyone was caught up in a spiral of violence, but if Inkatha was so much on the offensive, how come, so many of our people were dying? I think *The Weekly Mail* went out of its way to get Inkatha.”

● Two international police observers attached to the Independent Task Unit, the special police investigation team that “cracked” the Malan case, said in a statement last week that the unit appeared to be independent. The IFP has often accused it of pro-African National Congress bias.

Niels Brodersen of Denmark and Simon Molenaar of Holland said in a statement they had seen “no sign of one-sided bias regarding any political party or movement”.

Cuts have left SA 'nearly powerless'

OWN CORRESPONDENT

LONDON: Drastic cuts in South Africa's defence budget in the past six years have left the country virtually powerless to deter attacks, says Defence Minister Mr Joe Modise

Interviewed in the latest Jane's Defence Weekly, the minister said SA's defence resources were completely inadequate

"Our ships are obsolete and we have no long-range patrol aircraft," he said

Plundered

CT 5/1/96

This meant SA, as the major force in the new Association of Southern African States, was unable to help other nations in the region protect their coasts

"They come to us asking for support and assistance. They complain that the marine life in their waters is being plundered by for-

ign ships

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"They are not even talking about security problems or some future military threat," said Mr Modise, who chairs the Inter-State Defence and Security Committee

If SA lost its deterrence capability, the country would "face the risk of being exposed to any destabilisation", he said

"Although we are not as hard hit as Angola and Mozambique, SA is not yet stable

"We still have troops deployed in kwaZulu/Natal and Gauteng to support the police"

Gun-running, cross-border crime, drugs smuggling and illegal immigration also contributed to the region's instability, he said

In the long term, he said, he hoped the region would develop a joint defence capability

"It is in our interests to pool our defence resources. Stability will only come with the growth of each country's financial resources"

Only tough get going

(254)
STAFF REPORTER

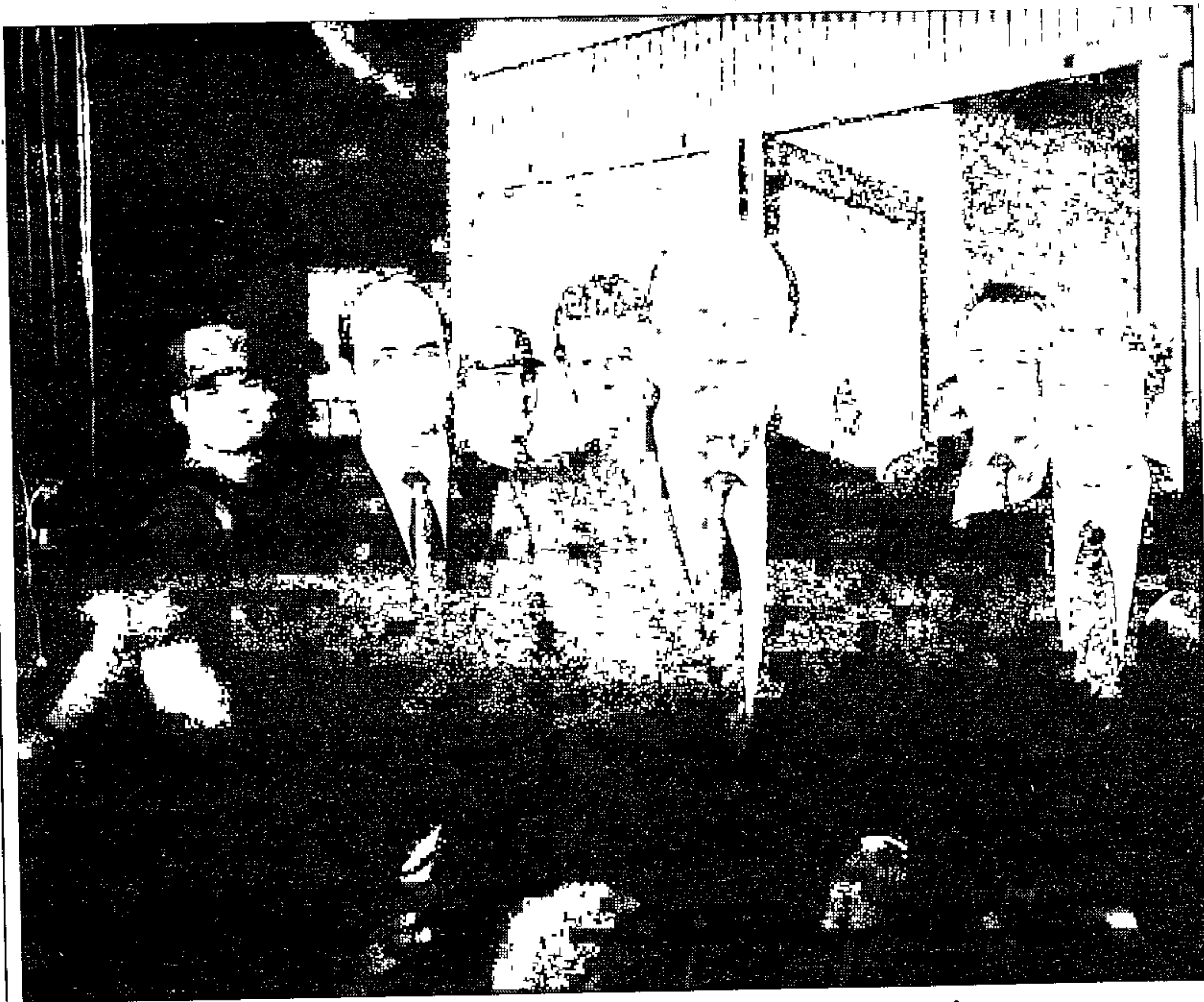
ET 11/1/96

AFTER a lengthy and stringent selection process, only 2 500 out of more than 21 000 applicants reported for voluntary service in the South African National Defence Force yesterday

A severe limit on the number of yearly intakes for the year-long national service means only 2 000-3 000 applicants can be accepted.

Registration officer Colonel F P J Bronkhorst said about 18 000 men and 3 000 women applied

The large drop-out could be attributed to the fact that many failed to comply with requirements of the Defence Force Act. They had to be between the ages of 17 and 27, have a matric and pass stringent medical tests



In defence of Magnus: The state will pay legal costs for all the accused in the Malan trial

Taxpayers to bear Malan's costs

(254) (254) M+G 12-18/1/96

Vuyo Mvoko

THE taxpayer is going to pay legal costs for former defence minister Magnus Malan and 10 senior officers in their murder trial which begins in early March in Durban.

General Malan and his co-accused, including former SADF chief General "Kat" Liebenberg, are accused of complicity in the massacre of 13 civilians at KwaMakhuta in KwaZulu-Natal in 1987.

The indictment against Malan and the others includes allegations about a secret sub-committee of the State Security Council which approved millions of rands for training Inkatha hit squads in the Caprivi from 1986.

Malan and others were arrested after the Durban-based Investigation Task Unit found secret documents linking them to the training of the hit-squads

and the execution of the massacre.

Responding to a *Mail & Guardian* inquiry this week, Lieutenant-Colonel Damien de Lange, on behalf of the Minister of Defence, said defence costs of former SADF as well those of South African National Defence Force (SANDF) members involved in trials are and will be borne by the ministry. He would not explain how this decision had been reached beyond saying it was "at the instruction of the Treasury for Finance". He said he presumed the decision had been taken by the Cabinet.

De Lange said there was no provision to recover the money if the accused were found guilty. He said some would probably not be able to pay back the huge sums involved in their defence.

Office of the President spokesman Parks Mankahlana said the payment

of the defence costs of the Malan 20 was never discussed in Cabinet.

The South African taxpayer has already paid out more than R3-million in legal costs for the defence of former policeman, Vlakplaas commander Eugene de Kock, in a trial which will probably end in March.

African National Congress spokesman Carl Niehaus said the organisation was "extremely uncomfortable" with the situation, but understood the dilemma facing the ministry, and that as long as there was a legal provision it was difficult for the ministry not to abide by it.

However *M&G* has learned there is some unhappiness about the government paying for the defence of Malan and his co-accused in the recently formed Secretariat for Defence. The Secretariat was established to ensure civilian accountability in the military.

SAPS accused of blocking inquiries

MD 12/1/96 (254)

Faruk Chothia

DURBAN — KwaZulu-Natal police reporting officer Adv Neville Melville accused the SAPS and SANDF yesterday of failing to co-operate fully with him in investigations into their role in political violence in the province

His comments came against the backdrop of claims by former Shobashobane station commander Shaun van Vollenhoven that senior police officers were warned of the possibility of an attack on Shobashobane, but failed to act. Van Vollenhoven has since obtained a transfer from his post.

Melville said it was "like hitting a brick wall" when it came to dealing with the police, and there was much "obstructionism". He had received "virtually no co-operation" from the SANDF. This was not the case in all instances, but was the general rule.

Van Vollenhoven was quoted as saying that a report was given to senior police officers at southern KwaZulu-Natal joint operation centre, identifying an area in Durban from which the attackers would come. A warning was given that an attack could take place during the holiday period from December 16 onwards.

This information was borne out on Christmas Day when about 600 IFP supporters rampaged through Shobashobane, killing 19 people and burning 87 homes.

Melville said he would be conduct-

ing an investigation into alleged police complicity in the Shobashobane massacre. He would be assisted by components of the complaints investigation unit and the investigation task unit, which arrested former Defence Minister Gen Magnus Malan for alleged involvement in hit squad activity.

Melville said he was confident of receiving police co-operation in this instance, as it was being dealt with at a "high level".

But on most previous occasions, he said, he had great difficulty gaining access to records and dockets from local police stations. He had experienced similar problems with the SANDF. Melville said he had raised his concerns in a report submitted last year to senior police officers nationally and provincially, as well as approaching the general-designate in the complaints investigation unit, Frank Alton, for assistance. Alton was helpful, but was "swamped with work".

Police spokesman Supt Bala Naidoo said he was unaware of the instances referred to by Melville. Melville had been assured of police co-operation in his investigations into the Shobashobane massacre.

SANDF spokesman Capt Kim van Niekerk said the SANDF had assisted Melville, but allegations of army involvement in violence should be reported to the local police station.

See Page 6

'Politically explosive' situation in Phoenix

MD 12/1/96 (125)

Faruk Chothia

DURBAN — A politically explosive situation had developed in Phoenix after IFP KwaZulu-Natal MP Haripersad Romalall encouraged home seekers to occupy about 20 unallocated homes in the township illegally. Durban central metropolitan substructure housing committee chairman Trevor Bonhomme said yesterday.

A meeting between Durban acting town clerk Mike O'Meara, housing director Vidhu Vedalankar, Romalall and IFP MP Thomas Shabalala to resolve the dispute took a "bad turn". Shabalala had threatened that if the council tried to evict the illegal occupants he would "protect" them,

Bonhomme said. Shabalala confirmed he was willing to "guard" the illegal occupants. Romalall said he had acted on humanitarian grounds. Families had been "sleeping on stairs and in schoolyards".

Bonhomme said the council had obtained an interim court interdict to prevent Romalall from encouraging further occupations. Romalall said houses were empty and were being used as gambling dens and brothels.

Bonhomme said there was an allocation policy in place. Those on waiting lists would be given homes first.

He said the IFP component of the committee differed with Romalall. It supported a decision that legal steps be taken to evict the occupants.

FRIDAY
JANUARY 12, 1996

CORVETTES STILL ON SHOPPING LIST

In the navy — it's more of the same

ET 12/11/96 (254)

THE navy's financial report shows that the navy is dominated by white men. It also makes clear that the navy is still keen to buy four corvettes. **BARRY STREEK** reports.

ALL top 89 positions in the navy were occupied by whites and all but one of them by men, the SA National Defence Force has disclosed in its 1994/5 financial report.

The highest ranked black officers, four Asians, three coloureds and two blacks, were commanders.

There were 176 commanders in the navy, 167 of whom were white. The 15 women commanders were all white.

However, it was announced recently that Commander Yegan Moodley of Durban had been appointed the first black commander of a South African warship

Of the 777 officers above the rank of midshipman, 705 were white, 90,7% of the total, and all but 76 were men

More than half of all ranks, 2 738 out of 5 478, were white and 460 (8,3%) were women

All three vice-admirals, two

rear-admirals and 16 commodores were white men, as were 67 of the 68 captains. One was a white woman

The report said the navy had integrated 11 officers from the former guerilla forces who had received four years' naval training in the former Soviet Union

A further 256 young members from the former non-statutory forces were recruited as ratings "to facilitate the integration process"

The report has also disclosed that the navy had rolled over R41 million for the controversial purchase of four corvettes.

This roll-over had been approved by defence headquarters

The report said: "The major activity intended for the financial year 95/96 is the acquisition of four patrol corvettes, supported by the progress of the strike craft life extension programme and ship-borne communications.

"Once approval for the acquisition of the corvettes has been obtained, the allocation of contracts will continue"

However, while the navy has planned for the purchase of the corvettes, the cabinet has not yet approved the matter and there is no indication when a decision will be taken.

Chief of the navy Vice-Admiral R C Simpson-Anderson said in his foreword that the ships operated by the navy were ageing despite programmes to expand their operational life and keep them up to date in an environment that saw constant technological innovation and development

"Approval for the acquisition of four new patrol corvettes which are vital to the future of the SA Navy is still awaited"

"These corvettes will not only assure the SA Navy's viability well into the next century but will also provide essential capabilities, which it has lost through the lack of adequate financing over the years," Admiral Simpson-Anderson said

Ethical fusillade fired at arms industry

(254)

By PETER De IONNO
ST 14/1/96

THE sale and export of South African weapons should be restricted by stringent controls that put moral and ethical values above commercial considerations, says the second report into the arms industry by the Cameron commission. The report, prepared by commissioner Laurie Nathan and described as "another nail in the coffin of the defence industry" by defence analyst Jakkie Cilliers, has been leaked to the Sunday Times.

The thrust of the report is summarised in two sentences: "People use weapons to kill other people. This truism should form the basis of South Africa's policy on arms sales."

The humanitarian, ethical, political, legal and strategic reasons for exercising restraint should take precedence over the economic and commercial motivation for selling arms," says the report.

The commission's recommendations — that would give Parliament the power to veto arms sales, strip the secrecy from illegal deals, and impose harsh penalties for breaching controls — fly in the face of a drive endorsed by the Minister of Defence, Joe Modise, to double last year's export sales of R850-million.

The report was presented to President Nelson Mandela a month ago and is expected to be released publicly after it has been put to cabinet. The first report, by the commission, chaired by Judge Edwin Cameron, investigated the "Wazan debacle" in which defence force assault rifles sold by Armscor arrived in Yemen, a prohibited destination.

The commission was scathing in condemning Armscor and senior management for administrative negligence. The second report says Mr Modise should appoint a new board of directors to Armscor to oversee the transformation of the company.

The report urges the government to examine the future of the industry and the conversion to civilian production. The commission is expected to present the report to the conventional arms committee in Pretoria on Thursday. Mr Cilliers, director of the Institute for Defence Policy, said "We are killing off the defence industry by default."

SANDF plans further cutbacks

BD 17/11/90

(254)

Stephané Bothma

PRETORIA — The second phase of the SA National Defence Force's R225m demobilisation process — involving about 10 000 former MK members ineligible or unwilling to be soldiers — will start next week, SANDF chief Gen Georg Meiring announced yesterday.

Although Meiring could not say exactly how many former MK cadres would finally accept the offer of voluntary demobilisation, the SANDF said last year it was estimated that about 10 000 MK and Apla soldiers would opt to be released.

During the first phase in September last year, a group of 470 non-statutory force members based at the Wallmansthal assembly area outside Pretoria were demobilised at a cost of about R60m funded from the approved integration budget.

The demobilisation programme is part of an overall process of rationalisation to bring the force strength of the integrated SANDF down to an affordable level — from 135 000 members to about 90 000 — by 2000.

Meiring said those eligible for the second phase were only MK members whose names were on the formal certified personnel register and those who had not yet integrated or reported to assembly areas.

Soldiers from the former Transkei, Bophuthatswana, Venda and Ciskei who were in the service of the SANDF on April 27 1994 and non-statutory force members who now hold office in any political party are not eligible for voluntary demobilisation.

Financial compensation approved by Cabinet for volunteers relates to the duration of certified service in the non-statutory forces.



MBA

UNIVERSITY OF WALES

The Masters in Business Administration degree will be offered by the Management Unit of the Technikon Witwatersrand. The degree has been validated by the University of Wales and is conferred by the University of Wales, Bangor.

OBJECTIVES OF THE MBA

(254) legitimate - Malan

Star 19/1/96

SADF trade in ivory legit

ANC describes the SADF's help in the smuggling of ivory and rhino horn during the Angolan war as a 'shock' while the former defence minister says the trade plan made economic sense and broke no laws at the time

BY ANITA ALLEN

Former defence minister General Magnus Malan has admitted he gave the go-ahead for the SA Defence Force to "help" Unita sell ivory from elephants killed during the Angolan war

He said the order was given as part of a secret operation, with the proviso that the contemplated trade channel should be run in a legitimate manner

His admission follows the release on Wednesday of the Kumbleben Commission report which found the SADF was involved in illegal smuggling of ivory and rhino horn from Angola and Namibia from mid-1975 to 1986

The commission was also sharply critical of an inquiry headed by the late Brigadier De Wet Roos in 1988 into allegations of SADF ivory smuggling

It said the inquiry was a charade to give authenticity to a later SADF statement that it had transported limited quantities of ivory on behalf of Unita from mid-1978 to end 1979 when the practice was stopped

Superintendent Piet Lategan, head of the SAP's Endangered Species Protection Unit (ESPU), said yesterday the police will prosecute individuals involved in the illicit ivory trade

"Some of the evidence indicates that certain activities were not part of military operations and some of the people involved are already known to us," he said

Last night the ANC called for the prosecution of SADF officers involved in smuggling ivory "The killing and smuggling of elephants and rhino in Angola and the smuggling of ivory and rhino horn constitutes a shocking rape of the environment and national resources of a neighbouring country," the party said in a statement

Malan said in his statement to Reuters "Trade in ivory was legal and internationally accepted until the '80s I was approached in the late '70s with the request that Unita should be assisted in the selling of their ivory This made sense, since in this way Unita could make a contribution to the cost of provisions that were supplied to them by the SADF"

Malan was chief of the SADF from 1980 to 1985, and official "logistical support" for Unita continued under his two successors, Generals Constand Viljoen and Janrie Geldenhuys

The involvement started soon after Viljoen and former Bureau of

► To Page 2

Friday January 19 1996

I gave go-ahead, admits Malan

(254) From Page 1

Star 19/1/96
State Security chief General Hendrik van den Bergh visited Unita leader Jonas Savimbi in mid-1975, the Kumbleben report said

The task of implementing "logistical support" was one of the special tasks of the Directorate Special Tasks, one of three divisions of Military Intelligence

The latter was under the command of the Chief of Staff Intelligence, who was accountable directly to the Chief of the SADF

In 1980, a front company, Framma-Intertrading (Pty) Ltd was set up, with two directors, one of them a Sgt-Maj Jose Lopes Francisco, a refugee from Angola who was given rank, which he held until 1985

This company purchased and transported goods to and from Unita, and continued operating until 1988, when it was liquidated by the SADF

Mr Justice Kumbleben said the commission was told that disclosures of operations of the Directorate Special Tasks was on a "need to know" basis

"Perhaps more accurately stated, information was withheld on a 'need to know' footing," the judge says in his report One must therefore not assume that its activities would have been known to personnel of other sections of the SADF"

The DP has called for a full investigation into Malan's role, and NP environment spokesman Nick Koornhof said he hoped the Attorney-General would soon react to the Kumbleben Report Since the release of the report, the ESPU has been contacted by several people wanting to give evidence

"We will certainly treat all information as confidential, but I can't decide on immunity I want people to phone me, speak to me confidentially and then, if necessary, I will speak to the attorney-general concerned," Lategan said He can be contacted at (012) 803-9900



Three men dragged the pilot and his passenger, continued burning for some time

They gave their lives to golf course employees

BY NIALL ARTHURSON

Civil Aviation investigators arrived at Germiston Country Club today to inspect the site of yesterday's plane crash in which two men were seriously injured

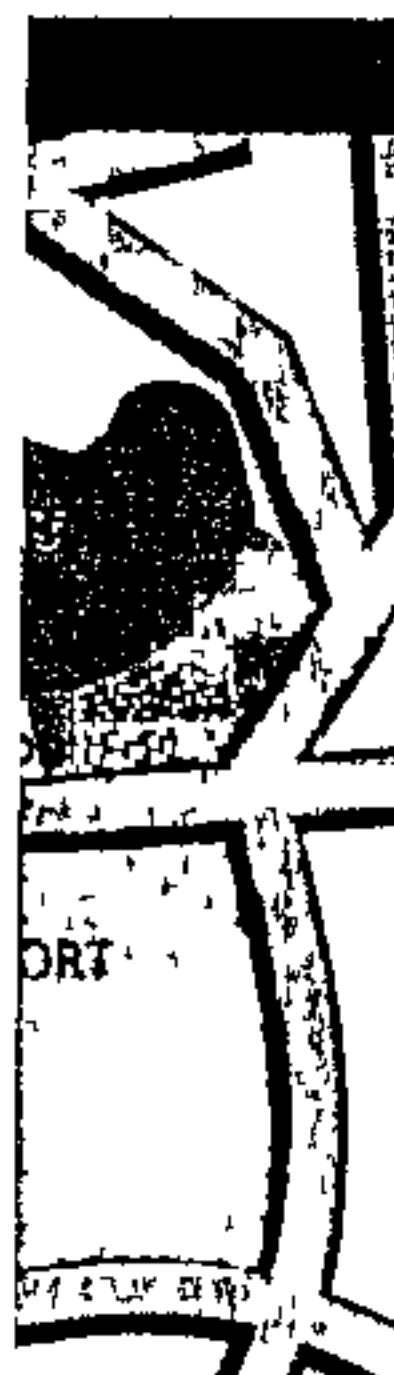
The area around the crash site on the golf course's 6th hole was cordoned off as the investigating team began sifting through the wreckage of the Cessna 210 which plunged to the ground and burst into flames soon after taking off from the nearby Rand Airport at 3.30pm

The two men aboard the plane sustained burns and multiple injuries They were pulled from the wreckage by three greenkeepers and rushed to hospital, where both were reported to be in a stable condition

The pilot told paramedics his name was Martin, while his companion was Jacques van Niekerk. Police were unable to provide further details on the two casualties

Piet de Klerk, chief Civil Aviation accident investigator, said today efforts were continuing to trace the owner of the aircraft "I understand the aircraft was on a training flight, but at this stage it is still too early to determine the cause of the crash," he said "The wreckage will probably be taken to Rand Airport for a detailed examination"

The two crash victims probably owe their lives to the three courageous golf course employees, who ripped off the plane's doors and cut the seatbelts with their brush cutters to get to the occupants



Malan denies backing illicit rhino horn and ivory trade

PRETORIA — Former SA Defence Force chief Gen Magnus Malan yesterday denied having sanctioned the illicit transportation of rhino horn from Angola and Namibia until 1986 to help the Angolan rebel movement Unita

A government commission of inquiry report handed to Environmental Affairs and Tourism Minister Dawie de Villiers on Wednesday said the defence force had been involved in the unlawful smuggling of ivory and rhino horn.

The defence force's covert involvement in transporting the ivory and rhino horn, the report said, had been sanctioned by Malan

Malan said he had never been involved in rhino horn smuggling. He admitted, however, that the defence force had aided Unita by selling the rebels' ivory since the late 1970s

Malan said he had given permission for the creation of an ivory trade channel after being approached by intelligence's chief of staff in the late 1970s with a request that Unita be assisted in the selling of its ivory

BD 19/11/96 (254)
The permission had been granted, providing all interested parties were consulted and that the channel was run legitimately.

Malan said he had not been asked to testify before the commission headed by Judge Mark Kumleben and that he did not have the report at his disposal

The ANC called for officers involved in smuggling ivory to be prosecuted

National police commissioner George Fivaz welcomed comments by the Kumleben commission that the SAPS's endangered species protection unit should be expanded.

"I wish to give the assurance that, within the framework of national policing priorities, resource assessments of units such as this unit are done on an ongoing basis"

Fivaz said the national management services of the SAPS had already launched an investigation into the structure, functioning and resourcing of the unit — Sapa.

Comment: Page 10

Ivory smuggling report contradicts top brass

(254)
By ANITA ALLEN

20/1/96

The findings of the Kumleben Commission report on ivory and rhino horn smuggling contradict statements by the SANDF's chief and former defence minister General Magnus Malan.

SANDF chief General Georg Meiring and Malan, who was SADF chief from 1976 to 1980, are on record as saying the SADF was not involved in illegal smuggling of elephant tusk and rhino horn.

Mr Justice Mark Kumleben disagreed, saying the SADF was involved from the "womb to the tomb" in its front company, which beyond doubt smuggled contraband.

In his evidence to the commission, Meiring said "It is my official position that the SADF and now the SANDF are not and were not involved in the smuggling and illegal trade in ivory and rhino horn."

The SANDF has, therefore, nothing to hide, and undertakes its fullest co-operation with the commission and will make all relevant information available."

In his 200-page report, summarising correspondence from 140 individuals across the globe and evidence by 23 witnesses under oath, Kumleben said "From mid-1978 to about 1986 the SADF (military intelligence division) officially, though covertly, participated in the illicit possession and transportation of ivory and rhino horn from Angola and Namibia to South Africa."

From evidence that remained uncontradicted, the judge concluded that covert operations were sanctioned from top structures in Pretoria.

When the SADF wound down front company Frama Inter-Trading (Pty) Ltd, the SADF's financial administration director, a Dr Briers, was called in. Lawyers handled the complex transaction.

The company's name was changed to Elegant Foods (Pty) Ltd, with the SADF lawyer as its director.

The SADF paid the costs of an action brought by a creditor, who finally withdrew his action.

Kumleben, describing in detail the winding down of Frama, said this demonstrated "that from womb to tomb the SADF was involved in its life story."

Malan admitted sanctioning SADF support of Unita and payment for goods by moving ivory and rhino horn on condition that it was "legitimate".

On April 20 1989, while Frama-Elegant Foods was being liquidated, Malan referred in Parliament to the findings of the secret Roos inquiry in October 1988. "After extensive investigations the inquiry found that at no stage was the SADF involved in shooting elephant. The SADF is the target of malicious journalists," Hansard recorded Malan as saying.

"As an organisation the SADF is in no way involved in such illegal activities. The SADF does not condone any such unlawful action on the part of its members."

His use of present tense echoes similar evasions by National Party politicians on South Africa's nuclear weapons programme. It is also a highly selective quote from the Roos inquiry, the findings of which were made public at the Kumleben inquiry.

The Roos inquiry found that the SADF was involved in transporting and buying ivory and rhino horn, but did not address the question of whether permits had been obtained to make this legal.

What was certain was that from 1980 to 1988, no permits were issued by the proper authorities to Frama or its directors to possess or transport ivory and rhino horn.

That made them illegal, Kumleben said. The Roos report was "not an honest attempt to fulfil its terms of reference and seek the truth", it was not "thorough", "documents referred to were not incorporated in the record", and "the exercise was a charade", he said.

The SANDF would not answer questions yesterday on what action was being taken.

Housing made part of corvette deal

Mungo Soggot

GERMAN industrial group Thyssen has proposed investing R19m in SA to kickstart a 100-houses-a-day scheme as part of its R2bn countertrade package for the navy's corvette order.

The group said yesterday it was heading the German consortium targeting the navy's four-ship programme which could resurface this year.

Navy officials confirmed their chances of securing government approval for the R1,7bn corvette order were greater than last year, when Cabinet shot down the defence ministry's controversial request.

Ministry spokesman Lt-Col Damian de Lange refused to comment on speculation that the navy stood a good chance this year.

However, Reuter reported a senior defence

ministry source saying the draft Defence Review due out soon would tilt towards rearming the beleaguered navy.

Former naval procurement officer Peter Rogers said: "I think it is highly likely the navy will be given the go ahead to revive the tender process."

Industry sources said the Germans and the Spanish appeared to be front-runners for the order, which, if it went ahead, was likely to hinge on the counter-

trade side of the deal.

Engineering group Dorbyl was in line to form a key part of such a countertrade deal with the Spaniards or the Germans until it closed its ship building division in Durban last week.

Thyssen director Christoph Hoening said at full capacity the project would be able to turn out 20 000 houses a year. Each would cost between R12 500 and R15 000. The project would employ 2 000 unskilled and semiskilled workers.

THURSDAY
FEBRUARY 1, 1996 ★

BRIEFS

**Corvette budget
cut to R1,69bn**

(254) CT 11/2/96
SOUTH AFRICA has reduced the budget for the proposed purchase of four naval corvettes to R1,69 billion from R3bn, navy spokesman Commander Stan Slogrove said yesterday.

Reacting to reports that the stalled corvette project might be revived, Slogrove said "We are going for the absolute minimum and we've brought the price down to R1,69bn including everything, even the helicopters"

SA corvettes
budget 'cut
to R1,69-billion'

ARG 1/2/96

SOUTH Africa has reduced the budget for the proposed purchase of four naval corvettes to R1,69 billion from R3 billion, says a navy spokesman.

Responding to reports that the stalled corvette project might soon be revived, he said the current estimate included weaponry and fitting out in South Africa

"The original budget ... was somewhere around R3 billion but that was a few years ago and it was stopped because it was too expensive."

Military sources said the acquisition programme halted by President Mandela last year could be resumed by mid-year after publication in May or June of a military review including proposals on South Africa arms requirements. —

Reuter (254)

cost: 2 700

SA forces to be sent on UN peace-keeping operations

2/2/96

(254)

SPECIAL CORRESPONDENT

JOHANNESBURG South Africa will participate in United Nations peace-keeping activities in return for the UN having cancelled the country's multi-million rand debt to the world organisation

This was said yesterday by Defence Minister Joe Modise at an Air Force Day parade at Zwartkop Air Force Base near Pretoria

Assuring the SA Air Force that its future was guaranteed despite defence budget cuts, Modise said the demands on the country's military would be considerable in the future

"Peace and security in our region is obviously a very high priority," Modise said.



UN ROLE: Joe Modise

"It is my hope that (regional) co-operation will develop into a joint defence concept and capability, in which we equitably share the security burden of our region

"South Africa is also committed to participation in UN

peace operations, and we have a direct responsibility in this regard following their cancellation of our debt"

The UN general assembly last year agreed to write-off South Africa's R360-million debt, accumulated over the years when the country was suspended from membership due to its apartheid policies

No timetable has been set for South Africa to join UN peace-keeping operations, but it is believed South African forces will be requested to assist peace enforcement operations on the African continent

In recent years South Africa has donated humanitarian aid to Angola, Rwanda and Mozambique

Corvettes: Row coming to a head

(25L)
ARLT 3/2/96

WITHOUT new corvettes, at least, the navy will go down the tubes in the first years of the new century

In less than a decade, its existing patrol and strike fleet will not merely be out of date, but un-serviceable

And, if new corvettes aren't ordered now, they won't be ready in time, since it takes between eight and 10 years to build them, put them through sea trials and man them with trained crews

That, in a nutshell, is the navy's argument

That, and the fact that corvettes are capable of carrying out all the peacetime roles of a non-armed patrol vessel — combating smuggling, protecting fishing resources, containing pollution and mounting search-and-rescue missions — while the less-expensive patrol vessels are militarily impotent

But, detractors in the marine industry are putting the case for a fresh look at South Africa's maritime needs

There are questions about the necessity for warships at a time when their high cost is hard to justify against vital reconstruction and development spending.

And, there are calls for a cheaper, full-time fleet to protect and patrol South Africa's 900 000 sq km coastal economic exclusion zone

"This is not a naval task," said one source "Corvettes are warships and they come with a price-tag to match — about R425 million

"But, we could spend a fraction of that — a medium-sized vessel for as little as R40 million, and larger vessels for between R60 million and R80 million — on patrol vessels that were ideally suited to protecting our maritime resources"

At the core of this call is the 1993 Floor Report on formulating a national maritime policy

On maritime policing and law enforcement, it calls for the formation of a "coastal patrol service" to be controlled by an inter-departmental board

Presently, fleets of different kinds — and for different purposes — are run by the SA police services, Sea Fisheries, Department of Environment, Department of Transport and the Department of Trade and Industry (customs and excise)

The Floor Report suggests that a single fleet should patrol and guard South Africa's maritime zones "for the purpose of policing, fishing inspection and detection of pollution"

One option that has been raised is a 75-metre off-shore patrol vessel designed by the Vancouver-based Western Canada Marine Group (WCMG)

WCMG, which has established an office in South Africa, is soon to deliver one of these vessels to the Mauritian coast guard

It is capable of long patrols without replenishment, has a top speed of 22 knots and has a helicopter deck

■ THE tabling of South Africa's new defence White Paper in the wake of the Budget in March is not the only thing re-kindling the corvette debate. Fresh questions are being asked about the advisability of spending so much on warships when other constant, and arguably more burdensome, maritime needs are essentially non-military. **MICHAEL MORRIS** reports.

The same vessel could be built in South Africa with Canadian expertise — and between 50 and 70 percent local content — for about R70 million, says WCMG's southern Africa representative Terry McCulloch

However, he notes with "regret", the impending closure of key South African shipyard Dorbyl, in Durban, as a yard ideally suited to the local manufacture of patrol craft

Dorbyl is closing down after the government's disinclination to give tax concessions to a potential foreign partner

Mr McCulloch believes "there is perhaps a need for the government to re-evaluate its position in the longer-term interest of the ship building industry and South Africa as a whole"

He also notes that South Africa could avoid high capital costs by getting a supplier such as WCMG to provide or arrange off-shore finance, or simply by leasing new vessels

"Our group could provide the whole package, including financing the vessels and leasing them to the government," he said

The navy, however, is committed to vessels with a military capability

Naval spokesman Stan Slogrove acknowledges the role of patrol craft in peacetime functions, but questions their capacity to meet offensive threats

"While the corvette debate goes on, our ships are getting older and we are losing deep-sea capability"

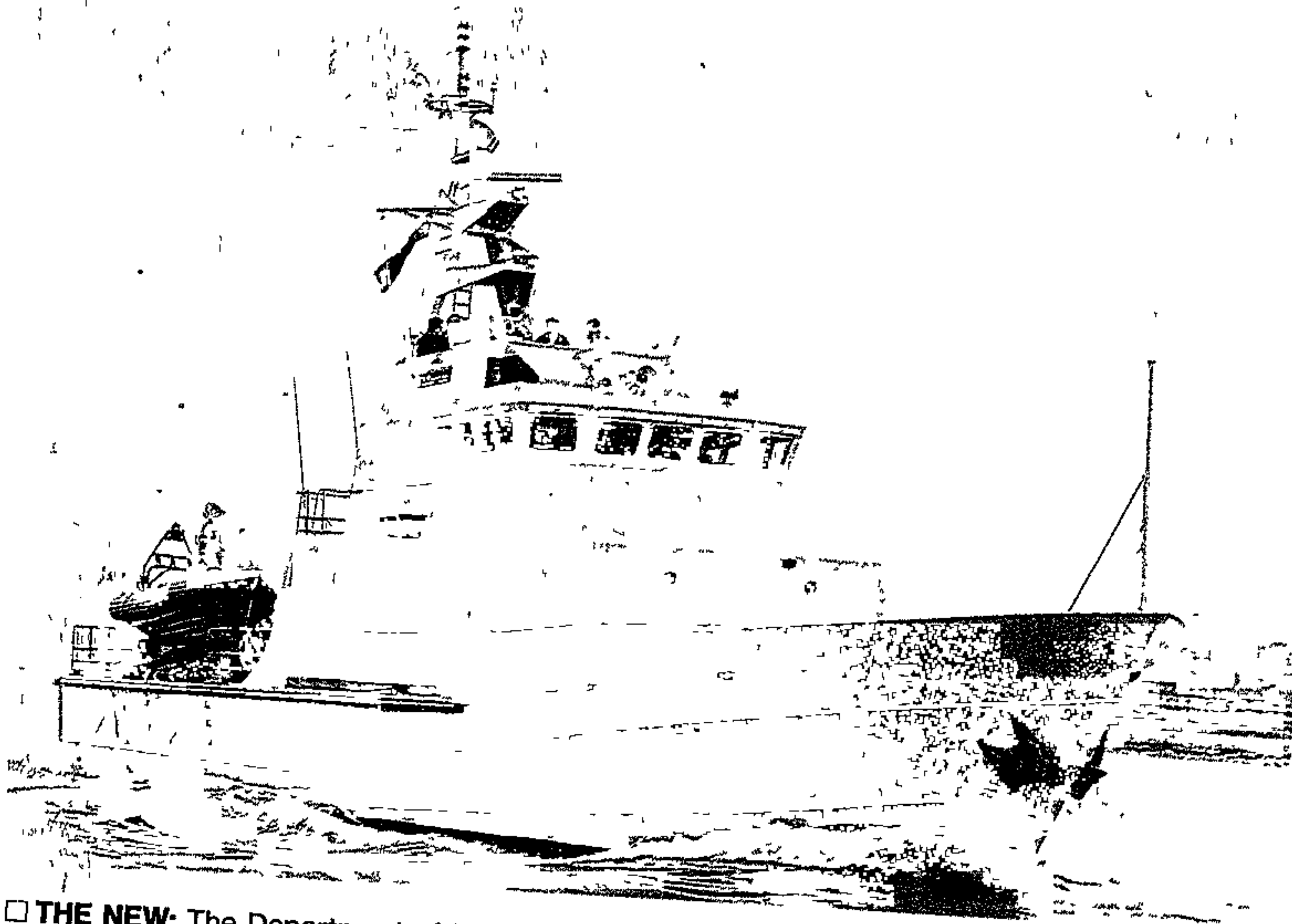
Defence standing committee chairperson Tony Yengem would not be drawn on his sentiments about patrol craft, but made it clear that if the defence White Paper was approved, its recommendation that a minimum "core force" should include a naval component meant the navy "should be properly equipped"

He added "Without doubt, there are very good reasons for ensuring that our waters are patrolled regularly and are secured and the decision on what to buy or what not to buy must happen as soon as possible"

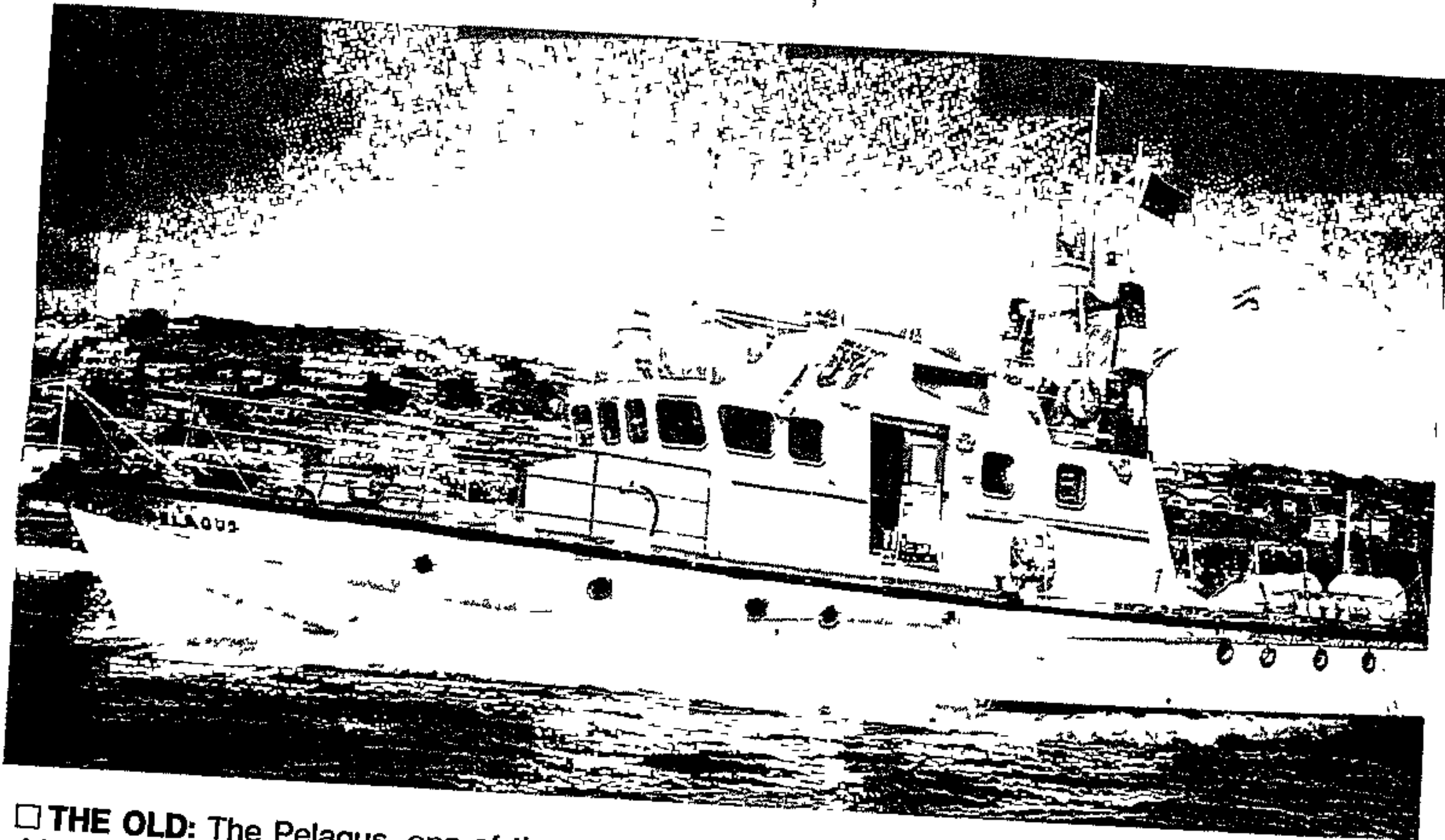
(254)

Arquest 3/2/96

Page 2



□ **THE NEW:** The Department of Environmental Affairs is keen to replace its fleet of aged vessels with five 35-metre patrol boats similar to this. A spokesman said the boats could be built locally under licence

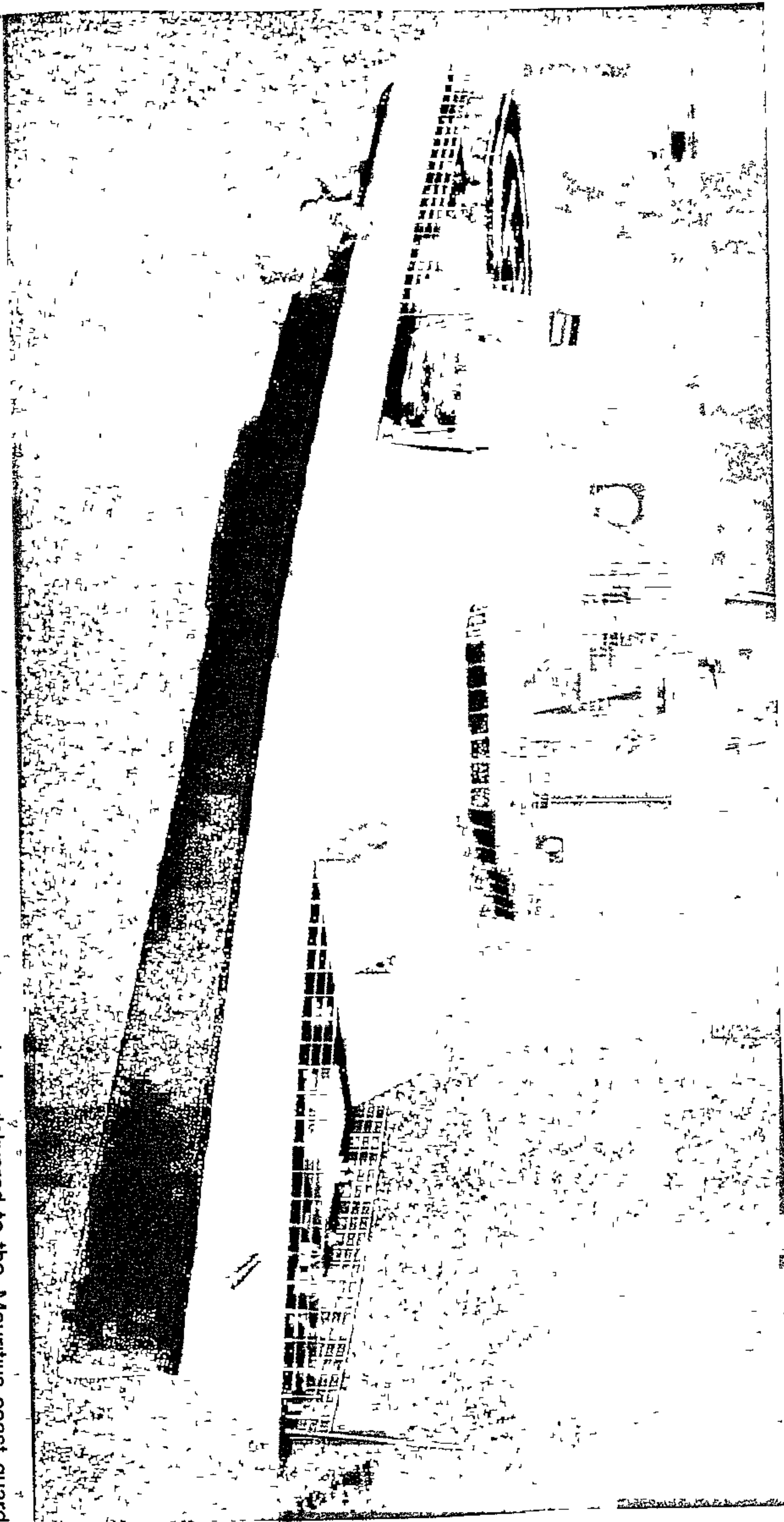


□ **THE OLD:** The Pelagus, one of the seven patrol vessels of the Department of Environmental Affairs. Of the seven boats used to patrol South Africa's 3 000km coast, only two are deployed. The fleet needs to be replaced at a cost of about R175 million

ARCUST

(254)
3/2/96 Page 3

ANOTHER OPTION: The 75-metre Canadian-designed "Guardian" off-shore patrol vessel soon to be delivered to the Mauritius coast guard



Navy urged to consider cheaper options

MICHAEL MORRIS
Staff Reporter

ARC 3/2/96

THE South African Navy's very existence hinges on a decision to spend R1,7 billion on four new corvettes, but pressure is mounting on the government to consider cheaper options

Questions are being raised in the maritime industry about whether four costly corvettes will best match the extensive responsibilities South Africa has in protecting and patrolling its 900 000 square kilometre coastal exclusive economic zone

Deep-sea patrol vessels like the 75-metre Canadian-designed ship soon to be delivered to Mauritius could be bought for about R70 million, or even leased, to tackle all non-military functions

They could be built in South African shipyards, creating jobs and stimulating a slumped maritime industry, sources say

(254)
The navy insists that patrol boats won't solve its problem of out-of-date ships

Navy spokesman Stan Slogrove says that while corvettes could meet the country's peace-time patrolling needs, patrol boats cannot match the warships' military function.

Meanwhile a report on the fairness of the tendering process — which narrowed the corvette choice to two shipyards, Yarrow of Britain and Bazan of Spain — is still pending. The matter has been probed by a four-man board appointed by deputy presidents Thabo Mbeki and F W de Klerk — but it's not yet clear if the investigation has found any evidence of irregularities

Defence standing committee chairperson Tony Yengeni said the defence White Paper made the case for a navy. "If we have a navy, it is clear it must be properly equipped."

■ More reports, pictures on page 6

First operational woman commander in SANDF

CT 5/2/96

(254)

STAFF WRITER

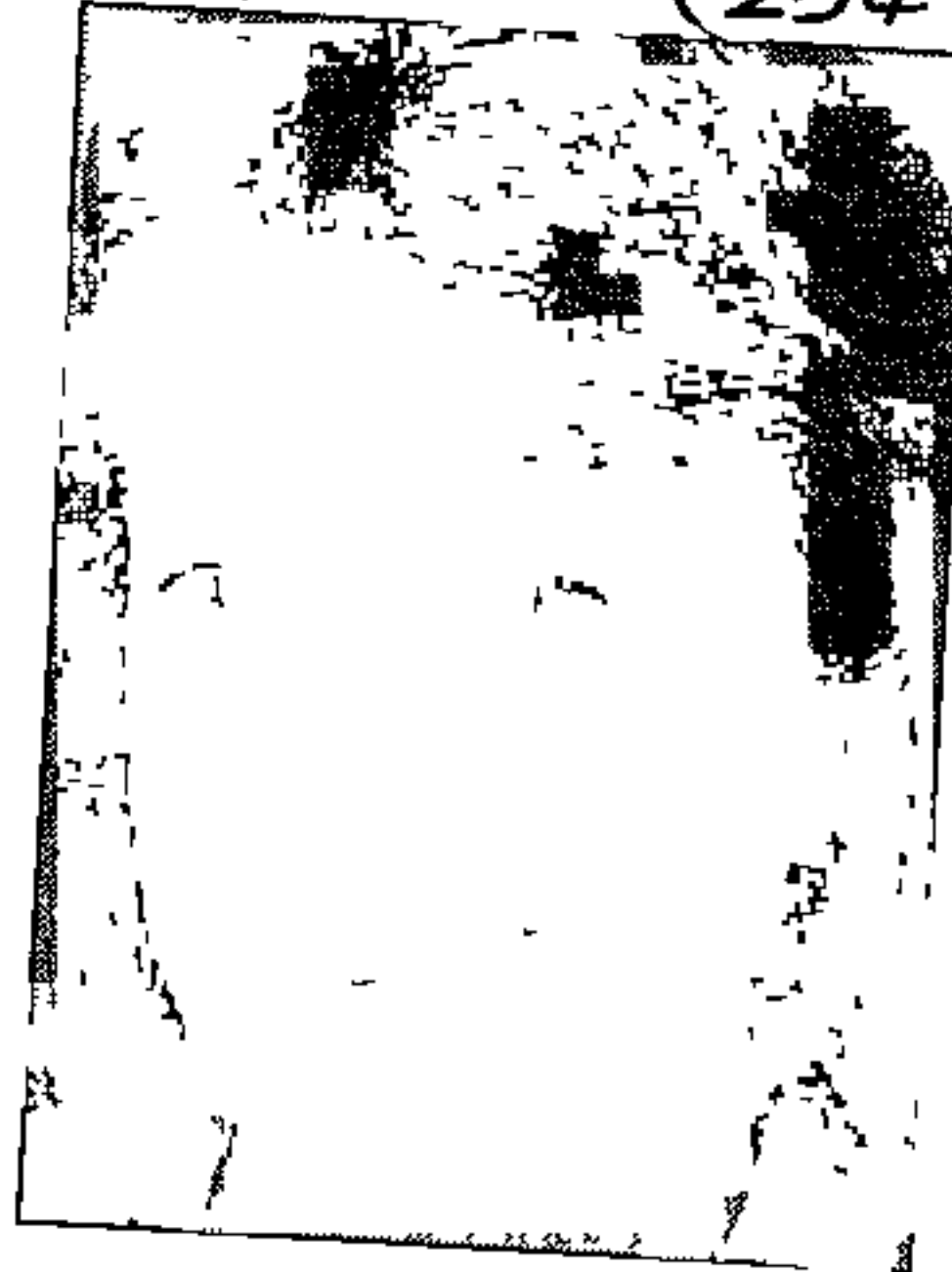
COMMANDER Trunell Morom has been appointed the first woman commanding officer of an operational South African National Defence Force unit.

From March 11 she will formally take over command of the SA Navy's Citizen Force base in Table Bay harbour, SAS Unitie

"There have been women officers commanding the infantry unit in George," she said, "but they are classified as a training unit rather than an operational one"

Commander Morom, of Tokai, joined the Permanent Force 20 years ago but left after three years to pursue a career in the private sector because there was discrimination against women in housing subsidies and holiday allowances

Although she left the permanent force she remained an active member of the Naval Volunteer Reserve, meeting on Mondays, and her rank now is the equivalent of that of a lieutenant-colonel in the army.



IN CHARGE: Commander Trunell Morom **PICTURE ALAN TAYLOR**

The core of SAS Unitie at present is a group of about 50 volunteers, and concentrates on training aboard three small patrol vessels in Table Bay harbour

Commander Morom said she did not have experience in commanding vessels but it was "never too late to learn"

Spanish trawl for

SA corvette order

(254)
Mar 6/2/96

Far more than just matching investments puts Bazan shipyard in pound seats, writes defence correspondent Norman Chandler

When the Queen of Thailand recently broke a bottle of champagne over the bow to name her country's first aircraft carrier standing high on the stocks of a Spanish shipyard, she figuratively set the seal on Spain's determination to build the South African Navy's proposed new corvettes.

Queen Sirikit was also giving notice to the world that small nations such as Thailand and South Africa can, and have to, afford the money to re-equip their navies to face an uncertain future in their respective regions, both of which could easily become destabilised in the next 10 years or more.

She also gave an eastern monarch's royal seal of approval to Spain's EN Bazan shipbuilding company, just as previous kings and queens of Spain (as well as General Franco) had done so over the past 280 years, and opened the way for more aircraft carriers and warships to slide down the shipways, fitted out with the latest state-of-the-art equipment.

Bazan, with its four shipyards and a podgrree going back to 1711, is in line to build the first of four L100 light frigates for the Light

Frigate Corporation established by Germany, France and Britain to supply ships to Nato, as well as modern 23 000-ton aircraft carriers for the Peoples' Republic of China, and the clutch of South African corvettes - the latter an order they are vigorously pursuing even though the SA Government has temporarily suspended a decision on the R1.4-billion order.

Political manoeuvring as well as claims by the anti-armsament lobby that the money should rather be spent on the Reconstruction and Development Programme (RDP) has brought about the temporary halt, but optimists predict Parliament will approve the project manifold of the demands of regional peace and, above all, protection of the fishing grounds and coasts of South Africa, Angola, Namibia and Mozambique.

The Spanish government also has a long memory about the days when South Africa, both the then-government and the ANC in opposition, had no hesitation in turning to Madrid to ask for help in various matters; the majority of which Spain will not officially talk about.



Monarch of the seas ... Spain's giant E N Bazan shipyard can build any vessel, from a carrier like this which was recently sold to the Peoples' Republic of China, to escort destroyers and the smaller corvettes which they hope will be bought by South Africa who in turn will benefit from massive Spanish investment in our fishing and coal industries, armaments, vocational training and tourism.

While they are not looking for a sort of pay-off for past favours, there is no doubt that the Spanish government will be extremely sad if the navy order goes anywhere else other than to its shipyards.

Spain says that the benefits to the RDP "are obviously the main thrust of the package." More than 100 000 jobs are visualised as being created in terms of the counter-trade programme.

Says Miguel Martinez, communications director of Bazan: "There are some misconceptions about the priorities of housing and education as against the patrol corvette programme. "Since there is no single rand being spent overseas without its

counterpart being spent in South Africa, there will be a flow of long-term work creation.

"Taking into consideration only the renovation project for the fishing fleet, and even the creation of a new and larger fishing fleet, there will be an immediate training programme instituted for semi-skilled, skilled and advanced job creation schemes, as well as grants and concessional loans so that a large number of people benefit."

The cost of the ships will be more than offset by the cost of the counter-trade proposals - R1.4-billion as against R4.7-billion. The Ferrol yard maintained by Bazan on the picturesque north-

west coast appears well-equipped to undertake the order. Modern design tools (including integrated computer systems), management systems, state-of-the-art equipment, a 3 700-strong workforce, and research and design facilities unsurpassed internationally are its mainstays.

The yard has built many naval vessels of various types (ranging from helicopter carriers to replenishment ships) for the Spanish navy as well as for Thailand and Argentina.

Other Bazan yards at San Fernando and Cartagena specialise in the construction of small combat ships, survey vessels, alumini-

um-constructed fast ferries, submarines, patrol boats and mine-hunters for Angola, Mexico, Morocco, Portugal and Venezuela.

Bazan's major opponent in the tendering process for the South African order was the Yarrow yard in Britain, but international military authorities said during a recent visit to Spain to investigate the technological quality of the shipyard that they were "almost 100% certain" that the Spaniards would be favoured, if only for the counter-trade arrangements they have built in to their tender.

Other countries who put in tender documents included Denmark, Italy (believed to be mounting a huge new bid), Russia, Ger-

many and the Netherlands. Spain's tempting counter-trade proposals include the complete renovation of South Africa's ageing fishing fleet, the construction of two more corvettes in a Durban shipyard, the purchase of the annual export fishing catches by the Spanish government, and the creation of 100 000 new jobs as a result of the proposed renovation work.

Spain imports R3.8-billion worth of goods from South Africa each year.

What is being offered over and above that includes a range of technological and technical assistance valued at R320-million, grants and concessional loans for

vocational training (R700-million), purchase of equipment and material (R377-million), coal (R2.2-billion), naval electronics (R16.9-million), tourism grant (R250-million), modernisation by South African engineers of the Spanish Air Force's Mirage aircraft (R70-million), the purchase of G-5 and G-6 artillery pieces (R33-million), and a fish processing factory (R500-million).

Whatever the outcome of the parliamentary debate on the matter, there can only be one winner, and the Bazan yard is working flat out to ensure that they get the nod from Pretoria. It is now over to the politicians to take the key decision on our future naval force.

FORUM

Home-affairs contract puts Denel under the spotlight once again

(254) ST (Cae) 6/2/96

ON THE MARKETS



By PETER GAU

Despite some bad publicity the group's financial performance stands in its favour

The brouhaha surrounding the award of a home-affairs contract to a Denel-linked company after officials from home affairs and Denel vetted a rival bid for the contract, has catapulted the state-owned diversified industrial group into the limelight again.

Denel was formed on April 1, 1992, when the National Party government decided it should follow the commercialisation route, where state-owned companies are run along business lines.

Denel assumed most of the controversial Armscor armaments empire, including Armscor's manufacturing capabilities and facilities — about 23 subsidiaries in all.

That left Armscor only the function of arms procurement for the government. Denel is not connected to Armscor in any way.

At the time of its launch, Denel had assets of R2,8 billion and accounted for 1 percent of gross national product.

The company falls under Public Enterprises Minister Stella Sigenu and a number of its board members are drawn from the private sector.

The group has had its fair share of bad publicity, but its sound financial performance and its attractive dividend payments to the government are in its favour.

Its turnover has grown from R2,85 billion in the 1992/93 financial year, after tax profit of R235 million and a R60 million dividend payment to the government to R3 011 billion in the 1994/95 year, when it posted R260 million in taxed profit and paid R70 million in dividends.

Denel now has total assets of R4 billion, about 14 000 employees and provides employment to a further 25 000 through subcontracting.

Last year also brought its share of problems for the group. Denel spent, and thereby lost, millions of rands securing a weapons contract with Turkey before its fulfilment for the

deal was withdrawn.

And the multiparty national conventional arms control committee moved to run in the local arms industry. The committee announced that it was referring allegations against Denel of illegally exporting Mirage fighter jet parts to Spain to the attorney-general.

Kader Aismal, the committee chairman and water affairs minister, said it had come to the committee's attention that Alaz engine parts had been exported by Atlas, a division of Denel, to Spain's ITP aviation company.

Thus followed the signing of a co-operation agreement between it and Snecca, which manufactures the Alaz engines used by Mirage fighter jets and Denel at the Paris air show last June.

Because the parts are used in fighter aircraft, they are regarded as armaments. Section 4(c) of the Arms and Ammunition Development and Procurement Act specifies that certain

goods regarded as armaments are subject to controls. According to the committee, Atlas contravened this section because it failed to follow the procedures for exporting these parts.

And in 1994, 16 disgruntled South African nuclear and rocket scientists threatened to expose closely guarded secrets about the country's arms programme unless they were paid R4,5 million in retrenchment benefits. A spokesman for the group said that it

had unreleased details about the country's past co-operation with Israel on missile technology.

Some of the information challenged then President F.W. de Klerk's 1993 claim that South Africa's nuclear capability had been destroyed.

The disclosures would prove embarrassing for Armscor. Denel and the National Party government, the spokesman said. The 16 were retrenched with two months' notice from Adrewa, a Denel subsidiary,

on April 15 1993.

This resulted in Denel saying the threats could jeopardise the country's relations with other signatories to the Nuclear Non-proliferation treaty. Armscor said that any person who disclosed information about South Africa's nuclear weapons programme would be liable to charges under legislation preventing the proliferation of weapons of mass destruction and the ANC expressing grave reservations over the possibility of local scientists taking their knowledge elsewhere and the likelihood of sensitive information falling into the wrong hands.

Also in 1994, Denel was included in a ban on Armscor and some of its former subsidiaries, preventing it from trading with the United States.

That move cost the group millions of rands in lost deals. Armscor and its then subsidiary Kentron were indicted in the US in 1991 on charges of breaching arms export regulations.

After the US arms embargo against South Africa was lifted in 1994, a new ban was placed on Armscor and Denel. However, Denel claimed it inherited the embargo because it had by then incorporated Kentron. It said that the Kentron involved in that case was not the Kentron it was using to market its missiles.

Denel has been talking for some time about a possible listing on the JSE. Any such listing would have to have the sanction of the government — given that it amounts to privatisation — which is an issue that is, as yet, far from resolved.

The privatisation of the group is likely to be well received, given that Denel receives no cash assistance from the government and has proved its ability to operate as a commercial company. It had total retained income of about R560 million at the end of last March and its dependence on sales to local security forces is easing as exports, com-

mercial sales to the local market and other income gain ground.

The government has placed the assets it can privatise into three categories. The first consists of assets that are required to fulfill government policy, such as Telkom and Eskom, the second, into which Denel falls, are assets where government policy is not critical, and the third covers assets that are of no concern to the state. The debate continues as to whether the government will privatise its profitable or underperforming assets first.

Meanwhile, the manner in which the passport printing contract and the alleged illegal exporting of fighter aircraft parts to Spain are resolved is of interest to the business community and other state-owned enterprises.

This will indicate the extent to which the government is committed to impartiality, transparency and fairness — particularly regarding the actions of those companies

SANDF to recruit IFP unit members

Farouk Chothia

DURBAN — More than R85m would be spent on integrating 2 200 IFP-aligned self-protection unit members into the SANDF, Natal commanding officer Maj-Gen Chris Le Roux disclosed yesterday

Addressing the KwaZulu-Natal legislature's safety and security committee in Maritzburg, Le Roux said the national Cabinet had approved the integration of 2 200 unit members into the SANDF in November last year. It was hoped that the first 200 would be integrated before the end of next month.

Le Roux said the only criteria used in recruiting self-protection unit members, or Umkhonto weSizwe cadres, into the SANDF was the presence of their names on the official "certified personnel registers" compiled by the SANDF and political parties. No checks were made to see whether recruits had

criminal records.

Le Roux said no extra infrastructure had been created to cope with the integration process. The SANDF urged parties in KwaZulu-Natal to help them simplify the task.

Le Roux also said a rationalisation process was under way with 30 000 personnel to be retrenched over the next few years. Many former soldiers from both the ANC and IFP in KwaZulu-Natal were unhappy about the prospect of retrenchment.

Le Roux said he had raised the matter with Defence Minister Joe Modise, who had replied that nothing could be done. DP KwaZulu-Natal leader Roger Burrows voiced concern about the soldiers being unemployed, and believed that it could be a "recipe for disaster".

Le Roux said about R86m would be spent nationally on gratuities for the voluntary demobilisation of ANC and PAC members in the SANDF.

State tender probe urged

Amanda Vermeulen

HOME Affairs Minister Mangosuthu Buthelezi said yesterday he would recommend to Deputy President Thabo Mbeki that the Office for Serious Economic Offences investigate the allocation of a state tender for SA's new passports.

Buthelezi said he, Finance Minister Chris Liebenberg and Public Enterprises Minister Stella Sigcau decided on Tuesday to make the recommendation to Mbeki "since this matter has received such wide publicity and so many distortions of it have been disseminated in the Press".

The OSEO said last week that it had begun an enquiry into the allocation of the printing technology contract to UK company De La Rue.

Home affairs officials and Denel Informatics had earlier vetted a rival bid by German company Maurer Electronics. At present, the UK company is negotiating subcontracting part of the contract to Denel.

Mbeki asked Buthelezi in December to investigate after complaints by Maurer's SA associate. Mbeki is now considering launching a full investigation into the State Tender Board, partly sparked by the passport saga. Mbeki's office has still to release a formal statement.

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8/2/96

(254)

The last battle for former MK soldiers

(254) M+G 9-15/2/96

**Nicole Fritz
and Rehana Rossouw**

MONGEZI STOFFLE was one of thousands of former MK members who reported this week to the Doornkop military base outside Johannesburg to demobilise from the South African National Defence Force (SANDF)

He no longer wishes to serve in the military, and went to Doornkop to take advantage of a package offered by the SANDF in an attempt to cut down the size of the permanent force. MK personnel are being offered a lump sum payment of between R12 734 and R42 058, depending on their length of service.

Stoffle is pragmatic about the process, admitting that most former MK members wanted to "get the money and run".

He began working underground for MK in 1974, but only officially joined in 1979. He is now working for a cell-phone company. He is fortunate, as being employed, he is not dependent on the payment offered by the SANDF. Many others are

Yasmina Pandey, of Cape Town, is an unemployed former MK member. She discovered, when Western Cape MK members demobilised last week, that despite filling in forms two years ago to be included on MK's Central Personnel Register (CPR), she has not been listed. Pandey is among at least 15 former MK members in Cape Town who are battling to have their names included on the register.

This week she consulted lawyers about bringing legal action against



Last stand. Former MK soldiers wait to demobilise at Doornkop military base this week

PHOTO NAASHON ZALK

Defence Minister Joe Modise, in an attempt to claim what she believes is rightfully hers. "I was recruited into MK in 1986, and although there were no membership forms, there was never any doubt that I was a member. The former regime certainly believed I was one, they charged me with terrorism and held me for a year and three months," she said.

Pandey lost her patience late last

year when her husband's name was included on the register. "He went to a cocktail party where Ronnie Kasrils [deputy minister of defence] was present. He raised his problem, and now his name is on the list. Does it depend whether you go to the right cocktail parties to get on to the list?"

A Western Cape MK spokesman said the organisation realised there were some "genuine cases" surfacing of peo-

ple who were omitted from the CPR list. He said the organisation would try to assist them and did not want to delay the integration process further.

"We can't go on with this process until doomsday. We have to try and stick to deadlines. The onus was on MK members to ensure that their names were on the list. There were no large-scale administrative problems on our side and we are not aware of any

fraud," the spokesman said.

SANDF spokesman Colonel Raan Louw said Pandey's problem had nothing to do with the army as the CPR list was drafted by the ANC and MK.

MK cadres who integrated into the SANDF are also unhappy with the pensions offered to them. "People who joined the SANDF were eligible for pensions from the day they joined the army. I'm only eligible from the time of integration," said Donald Homan, who also reported to Doornkop.

Louw said ANC members who had integrated will receive no extra payment. "They get all the privileges other SANDF members enjoy. They get a monthly salary and a pension plan."

MK members are also dissatisfied with the Service Corps, established by the SANDF to train soldiers in practical skills to help equip them for civilian life.

Johannesburg former MK member Benedict Mokoena said the corps was not well organised. "People who have been there for more than eight months have done nothing."

Tony Yengeni, chairman of Parliament's Joint Standing Committee on Defence, said the corps's problem was a lack of funds. R141-million donated by the Tawaneese government to assist with the re-integration of soldiers into society had been spent on building a vocational training centre, and more money was needed to run the courses.

"To prevent economic, social and political problems, the committee appealed to the executive to allocate money to the Service Corps," Yengeni said. The money has not yet been allocated.

Companies employing mercenaries face ban

(254) Nov 13/2/96

BY NORMAN CHANDLER
Defence Correspondent

Cape Town - The Government is poised to slap an international ban on organisations such as Executive Outcomes from employing former soldiers for mercenary operations in foreign countries

Deputy Defence Minister Ronnie Kasrils said yesterday that relations with various countries were being undermined by these companies and the intention was to close them down

Executive Outcomes, a Pretoria-based organisation run by a former soldier, Eben Barlow, has for several years been recruiting men to work in Angola and Sierra Leone as instructors and security guards. There has been criticism from many quarters about the company's use of well-trained former soldiers, which it says cannot be regarded as mercenaries but rather as "employees"

The Angolan government recently ended its contract with Executive Outcomes following pressure from US President Bill Clinton and the Organisation of African Unity

The company is still active in Sierra Leone where it is assisting

the local government

Kasrils told the Defence Review consultative conference in Cape Town that the Justice Department was working on closing a loophole in the law which allowed companies such as Executive Outcomes the opportunity of establishing offshore companies and employing the men internationally

"The Government has discovered that its powers to prevent South African citizens from working abroad in the security field or sphere has, to date, not been as far-reaching as we thought

"Our Justice Department has discovered that in terms of existing legislation it could not do anything about Executive Outcomes except through warnings in the media and pressure from the OAU. We are closing the loophole in order to close it (the company) down."

In terms of the Defence Act, no member of the SA National Defence Force can resign internationally to take up work of a military nature. Soldiers who have completed their military service are prevented from taking up such employment until they have reached the age of 55

Move to close down 'dogs of war' firms

(254)

POLITICAL STAFF

JOHANNESBURG: The government is poised to ban organisations like Executive Outcomes from employing former soldiers for mercenary operations in foreign countries — and wants to close them down

Relations with various countries were being undermined by these companies and it was intended "to close them down", Deputy Defence Minister Ronnie Kasrils said yesterday.

Executive Outcomes, of Pretoria, is run by a former soldier, Mr Eben Barlow. For several years it has recruited men to work in Angola and Sierra Leone as instructors and security guards.

There has been criticism from

many quarters about the company's use of well-trained former soldiers

Angola's government recently ended its contract with Executive Outcomes after pressure from United States President Bill Clinton and the Organisation for African Unity. The company is still active in Sierra Leone.

Kasrils told the Defence Review consultative conference that the Department of Justice was working to close "a loophole in the law" that allowed companies such as Executive Outcomes — which he named — from establishing offshore companies and employing the men internationally.

"We are closing the loophole in order to close it (the company) down."

ET 13/2/96

Defence review under way

BD 14/2/96 (254)

Stephen Laufer

CAPE TOWN — SA's first fully fledged defence review process since the Second World War was to continue as a twin-track process, delegates to the opening conference learned yesterday

In the conference's closing debate, parliamentary defence committee chairman Tony Yengem said his group would conduct its own investigation of defence issues. The committee's work would parallel the agreed extension of the review process, which would be driven by the defence ministry and involved delegates from the defence establishment and civil society

Welcoming Yengem's intention to involve Parliament more closely, Deputy Defence Minister Ronnie Kasrils said the review had got off to a promising start. The ministry would ensure continuing communication between the defence force, the arms industry, churches, NGOs and other interested parties

Meanwhile, the challenge to the defence force would be to ensure genuine participation by the top brass in the review process, rather than just by technical experts. Without the active ac-

ceptance by SANDF chiefs of Parliament's right to define the spending levels and question force structures, the process could become bogged down

The defence ministry clearly intends to use the broad consultative process started this week to send a clear message to the generals and the arms industry that they must change to survive. Going public with defence planning for the first time will subject the defence force to public pressure as never before

Conference delegates agreed that changes could be made only on the basis of a thorough audit of existing personnel skills and material resources. The review process would then have to define its starting point in designing a new approach to SA's defence

Conference participants said the debate on future defence needs could be based on an analysis of concrete threats to SA's national security, currently as good as non-existent. Alternatively, a risk analysis, which entailed calculating the odds of an aggressive act by an unknown adversary, and a set of defined roles and functions independent of an outside threat, could provide the starting point.

Retrenched navy staff win battle

PROVISION for a pension payout of R71,3 million to 900 former SA Navy employees has been made in the Adjustments Appropriation Bill, which was tabled in Parliament yesterday (254)

Once this is approved by Parliament, the former navy members will be paid out, winning a six-year battle against their retrenchment packets paid out in April 1990

Originally 911 navy members were affected but 11 have died

The 900 surviving former naval staff and dependants of those who have died will be paid out once formalities have been completed —

Political Writer

CT 14/2/96

Tutu is looking for volunteers

Wyndham Hartley

CAPE TOWN — The truth commission would have representatives in every town across the country, chairman Desmond Tutu said yesterday.

It had become increasingly clear it was unreasonable to expect people to contact one of the regional offices when they lived far away from them

"We want volunteers, or if necessary paid people, in each town so that the little people who got the thin end of the wedge can get to tell their story," Tutu said.

Commission vice-chairman Alex Boraine said it had been decided to invite all organisations in the country which might have played a role in the conflict of the past to make submissions to the truth commission. They could apply to give evidence to a sitting of the full commission

Boraine said the decision was aimed at "helping us to fulfil the mandate laid down in the law governing our operations, which is to establish as full a picture as possible of the nature, causes and extent of human rights violations between 1960 and 1993".

He said written submissions could be sent to the commission at PO Box 3162, Cape Town, 8001.

Asked about the meetings between the commission and leaders of political parties, Tutu said they were in the process of setting up a meeting with IFP leader Mangosuthu Buthelezi.

SANDF purchases 'need investigation'

Linda Ensor

CAPE TOWN — Irregularities in the procurement of spares by the SANDF appeared more widespread than originally suspected and further investigations might be necessary, state expenditure director-general Hannes Smit said yesterday

Addressing the parliamentary public accounts committee on the follow-ups to the 1994 auditor-general's report, Smit said it appeared that more firms of suppliers might have been involved in the irregularities

Auditor-general Henri Kluever expressed concern about the long delay by the justice department in taking action against the culprits and the committee agreed to request a report-back from the department

In a letter to Smit in October last year, SANDF chief Gen Georg Meiring said a private audit firm had conducted an independent investigation into alleged irregularities, extended "to include a number of additional firms/suppliers who may also be involved."

"The auditor-general and state attorney have been requested to determine if other government departments have done business with the identified firms," Meiring said

The volume of transactions examined was making the investigation time consuming "However, the investigation has proceeded to the point

where a warrant of attachment in respect of relevant records and books of account of identified firms can be exercised."

The brief given to the state attorney and audit firm specified if irregularities were found, criminal and civil action be brought against firms, individuals and defence force members.

Reuter reports that Kluever also said mine inspections by the mineral and energy affairs department were not scientific and inspectors did not pay attention to some major causes of accidents on SA mines.

A performance audit of the department's mining safety and inspection procedures showed there was no overall strategic plan to achieve objectives or ensure standards were met.

"Aspects which had been identified as some of the biggest reasons for mine accidents — for example poor training of mine workers — did not receive the attention of regional mining engineers during inspections," the report said.

Corrective steps which might have resulted from inspections had limited impact, because they were applied to areas visited by engineers who "could only make a limited contribution towards general upgrading of standards". The report said some corrective steps had already been put into place, including efforts to improve training of mining engineers through practical programmes.

BD 15/2/96

(254) (212)

Plan to outlaw mercenaries in SA

(254)
SOUTH AFRICA'S justice ministry is drafting legislation to "criminalise" mercenary activity, minister Dullah Omar said today

He told a parliamentary news briefing proposed legislation had been put to the defence ministry "to criminalise mercenary activity", but did not elaborate

He said it would be put to relevant ministries and the cabinet, but could not

ARG 15/2/96
say when it would go before parliament

The government has previously said it was embarrassed by the activities of the Pretoria-based security firm Executive Outcomes, which has provided military advisers to Angola and Sierra Leone

Deputy Defence Minister Ronnie Kasrils said earlier this week the government had wanted to ban South African mercenary activity abroad — Reuter

DEPUTY Defence Minister Ronnie Kasrils wore the relieved smile of the tight-rope walker who has safely reached the other side.

Closing this week's defence review conference in Cape Town, he noted happily that 143 delegates had made history by contributing for the first time to an all-embracing democratic process of debate on SA's defence requirements.

Whatever the meanderings of this opening conference, he said, all participants had become aware of the need for, and complexities of, a public probe. Delegates had included representatives of political parties, churches, non-governmental organisations, academics, the SA National Civics Organisation, Cosatu, industry and the defence force.

Kasrils had good reason to be buoyant. Aware of the parliamentary defence committee's demands for public accountability in defence planning and spending, he has been searching for ways in which to impress upon the defence establishment the need to come out of the closet and engage the people of SA.

Critics have said Kasrils and his boss, Defence Minister Joe Modise, have been too protective of the old SADF hierarchy, and that the generals have had an easy ride in terms of their budgets and the closed military culture they represent. They have been shielded from pressures MPs are feeling from voters with pressing developmental needs like water and housing.

However, the two-day Cape Town conference may represent something of a watershed. It seems to have initiated a process which could fundamentally change the way the country sees and manages its defence force and industry, in spite of the belief of Modise, Kasrils and other senior Cabinet members that it is still necessary to tread carefully in moving the defence es-

Watershed defence review paves way for new, open policy

STEPHEN LAUFER

(254) 80 16/2/96

tablishment towards transformation. Despite their demonstrative appearances at President Nelson Mandela's inauguration and the annual opening of Parliament, not enough is known about how genuine the generals' attachment to democracy is.

If managed properly, however, the defence review may represent a turning point in democratic control of the military. By making it public, the defence ministry has left SA's hitherto closed military caste with little choice but to subject itself to the buffeting winds of public opinion and competing demands for the nation's resources — if the generals participate in the rest of the process, that is.

The absence of all of the chiefs of service from the review conference was noted critically by several participants. SANDF chief Georg Meiring and navy chief Robert Simpson-Anderson had excuses for their absence. Critics noted, though, that the conference date had been known for some time, and that the appearance of at least the chiefs of the army, air force, and medical services

would have sent a signal that the generals intended standing four square behind the public process.

A reluctance to make their support crystal clear may be understandable. In the past, military chiefs just needed to say the magic

words "national security" and the nation's chequebook was theirs.

Now they are, in effect, being asked to engage in a zero-budgetting exercise. The politicians, pushed by a population for whom external threats to SA's security are hardly discernible, want to know why next year's budget should be as big as the current one at more than R10bn.

Without a new and open approach to justifying force levels and research and development spending, Kasrils knows, defence will become a budgetary orphan, as it did before the Second World War. In 1939, SA entered the conflict with a force of just 3 000 permanent and 15 000 reserve soldiers.

As never before, military spending requires public understanding of SA's defence needs. Convincing Parliament and the country of the need for navy corvettes or new air force jet trainers means debating and defining the role of the defence force more closely. It means demonstrating efficient delivery of services as never before, be they core tasks like port defence or peripherals like fisheries patrols.

Kasrils may have to find a way of broadening participation even further. That way, parachute manufacturers and military officers will face challenging questions when they agree without much debate on how crucial it is to spend large amounts on research and development, lest SA's parachute technology becomes outdated.

The defence review conference raised many more questions than it answered. If it is to be more than a confirmation of the old saying that the more things change, the more they stay the same, it will need to address and answer some hard questions in the next few months.

SA's security environment will have to be analysed and defined more accurately who could present a threat to the country's external security, and how? By land, sea, or air? How are jobs created and sustained: by massive research and development spending on defence or by a transfer of funds to the civilian economy, which is less dependent on politics for worldwide sales?

How long should the navy be able to keep our key ports open? What should the role of the army be in internal security? Would it not be better to withdraw the SANDF from internal hot spots and force the SAPS to get its act together?

What are balanced forces? How many permanent force soldiers does SA really need and what should be done to attract part-timers?

In diplomatic terms, what should SA's defence capability be? Does the country need the ability to put pressure on neighbouring states to bring them back to democracy, by military means if necessary?

To succeed, the defence review will ultimately have to ask the same question as every householder does: namely, how much can I afford and where does the golden mean lie between the two?



KASRILS

Pensions bill won't discriminate against Askaris

By MXOLISI MGXASHE

Cape Town - The Special Pensions Bill to be passed in Parliament this session does not discriminate against former freedom fighters who defected to the Askari counter-insurgency.

However the fate of scores of former participants in this SADF-created hit-squad group is hanging in the balance.

In the spirit of the national reconciliation policies of the Government of National Unity the struggle Bill aims to provide for former activists who served the public interest in the establishment of a democratic constitutional order." In the case of people who were

either executed by the apartheid government, or killed while in combat with the SADF, or who died in exile in the course of their active involvement in the struggle against apartheid, their dependants will have the right to make claims.

The feeling among people officially connected with this process is that distinction should be made between the time which defectors had spent as genuine participants of the liberation movements, and the time they spent attached to the SADF in its war against "terrorism".

If this distinction is made, former Askari forces would be able to get part of the pension that would have been due to them if they had

remained with the liberation movements.

But the representatives of the former liberation movements in the steering committee appear determined to have "these traitors" excluded from the dole.

Another contentious issue in the Bill is its restrictive requirement that beneficiaries should have been in prison for no less than five years and not more than 15

Keke Nkula, who serves on the steering committee said: "I was among the very first persons to go to prison for political reasons I was sentenced to three and not five years in 1960. I have never been able to work since my release from prison in 1963, when I had to leave

for exile where I worked through-out until I returned in 1992 for the PAC.

"Are you going to tell me I will not qualify for this pension because I did less than five years in jail? These are some of the things the PAC is contending very seriously with the bill as it stands, and we have already submitted our observations and recommendations."

Nkula said the movements had rejected prospects of the former Askaris benefiting from the pension. "We discussed this issue sometime last year and our resolution was unanimous, with the ANC and the other groups, that people who joined enemy ranks and went about the streets assassinating our

comrades could not now turn around and claim benefits meant for the true combatants.

"In any case, the Askaris were paid quite handsomely by the apartheid regime for carrying out its dirty work," Nkula added.

In Cape Town alone, 2 000 former activists or relatives of those who were either slain in combat or executed by the former government have already filled in forms.

They include members of MK and Apla who are now with the SANDF and are lining up in their uniforms to fill in the forms in a spacious office in Cape Town.

In the Eastern Cape, 1 200 applications and in Gauteng more than 4 000 have been received.

(254) Mar 17/2/96

Among relatives and dependants of deceased freedom fighters who made inquiries in the Western Cape office this week was a 29-year-old woman, Hombisa, who was 3 years old when her father, Nkosana Rosebury Maseti, was hanged on September 26 1967 for "terrorism" activities connected with Fogo, the then militant wing of the PAC.

"We are four in the family. Our mother, who was a schoolteacher in Port Elizabeth, raised us single-handedly."

"She managed to put away some money and her employee's benefits continued to see us through school long after she died in 1974," Hombisa said.

Defence wants R1,2bn rolled over to next year

Tim Cohen

(254)
DD 19/2/96

CAPE TOWN — The defence department is to ask Parliament to ratify the roll-over from the 1994/95 financial year of about R1,2bn, primarily because of the slow pace of integration of former MK and Apla members

The request was made in documents tabled in Parliament at the weekend to explain unforeseen and rolled over expenditure and function changes in government not announced in the Budget last year

In a breakdown of expenditure, the defence department indicated it intended to allocate R854m of the rolled over amount to continue the integration of former MK and Apla members

The largest part of the remaining amount, about R214m, would go toward unpaid commitments rolled over from the 1994/95 financial year, which is not explained in

the documentation. A further R71m was required for ex-gratia payments to former members of the navy.

The result is that the defence budget announced in the Budget of R10,5bn will increase to a total of R11,7bn

The water affairs department will be asking for an extra R961m, which will result in the budget for the department more than doubling, primarily because the department took over during the year the water functions of the former independent states and self governing territories

This increase was the largest of all government departments resulting from function shifts, while the roll-over requested by the defence department was second only to the RDP which requested a roll-over of R1,86bn

A breakdown of this proposed expenditure by the RDP department is due to be released soon

Navy's corvette fleet may cost more than expected

Stephen Laufer

THE SA navy's corvette fleet could cost R860m more than the R1,69bn upper limit of the international tender which is likely to be reopened soon.

Navy chief Vice-Adm Robert Simpson-Anderson says the additional costs relate to maritime helicopters and the transfer of weapons systems and electronics from the existing strike craft fleet to the new ships.

The navy has said it will cut costs by using the strike craft hardware on the new corvettes. The R1,69bn is to be spent on the ships' hulls, which are to be built by a foreign shipyard.

Simpson-Anderson said the transfer of missile launchers, electronic warfare suites, radar and other advanced detection systems would cost "between R400m and R500m over six years".

But weapons experts indicate the bill for the transfer of the systems from the strike craft to the

corvettes could be significantly higher. Moving the complex systems from one environment to another will require more than simply unbolting them from one deck and affixing them to the next.

Systems integration is a complex task which will be made more difficult by having to fit decades old technology into a highly modern ship.

But the transfer of the old strike craft technology is likely to be a stopgap measure. Simpson-Anderson said the navy was prepared to deploy them on the corvettes because it had no choice.

New weapons could include "fire and forget" intelligent missiles which guided themselves to the target once launched. State of the art technology such as the US-made Harpoon currently costs R7m a missile — six to seven times the unit cost of the Skerpien currently on the strike craft.

Each corvette would carry eight missiles on deck, with several reloads below. This number

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could be reduced in peacetime to save costs. The strike-craft flotilla has no helicopters, and a complete fleet will have to be bought. The navy says it will require six if it is to ensure the constant operational availability of four — one a corvette.

Helicopters with specific maritime warfare capabilities could cost as much as R60m each, the current price of the top of the range British Lynx.

The helicopters are an integral part of the navy's capability upgrade centred on the corvette. Most modern maritime forces use the aircraft as forward-looking "eyes in the sky" and for search and rescue work.

Depending on which model the navy decides on, the bill for the helicopters could be lower than the R360 for six Lynxes. Maintenance and pilot-training costs could be further cut if a helicopter can be found which is compatible with the air force's Oryx helicopters.

Union questions govt's inconsistency

Renee Grawitzky

THE SA Clothing and Textile Workers' Union (Sactwu) has questioned government's inconsistency in policy implementation where parastatals such as the non-labour intensive SABC had been granted extended time in which to

face competition. The union has also accused government of failing to disclose whether its intention was to allow the labour intensive clothing and textile industry to die.

Sactwu general secretary Jabu Ngcobo said yesterday government "has its own agenda

which is not being disclosed to us". He said there was a growing realisation that government had decided to "get rid" of the clothing and textile industry.

Throughout the week, countrywide demonstrations would continue to highlight union concerns over the lack of response

from government, Ngcobo said.

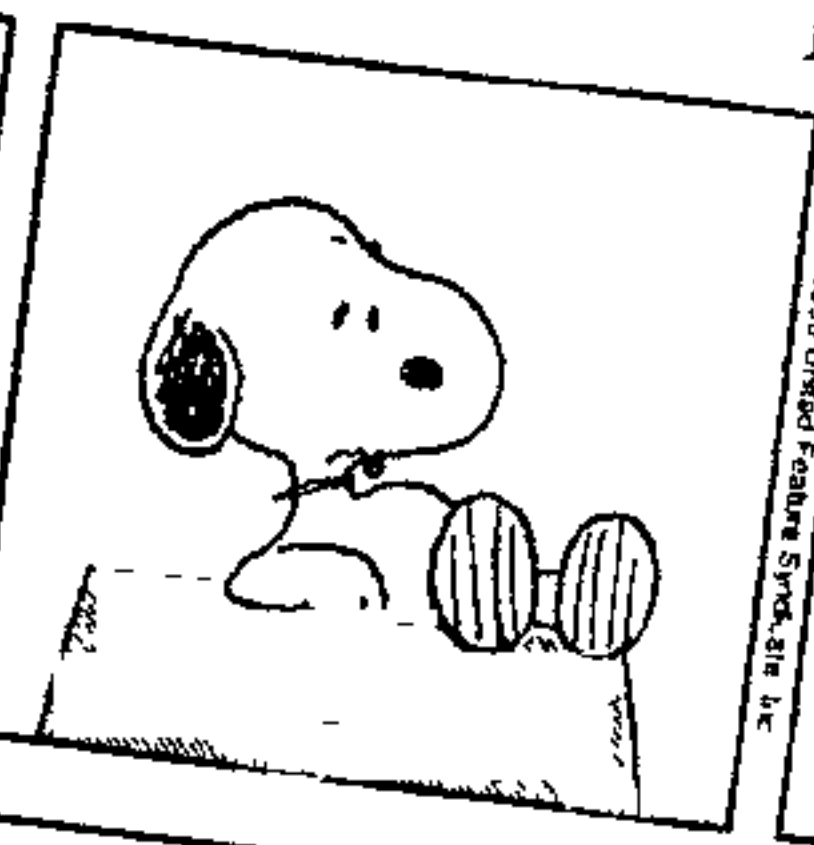
During the country-wide action last week, the union highlighted government's failure to implement supply-side measures to assist the industry in the wake of tariff reductions.

Ngcobo said the union's national executive committee would meet this week to re-evaluate its commitment in terms of its support of tariff reductions.

Meetings were also being planned with KwaZulu-Natal economic affairs MEC Jacob Zuma and representatives in the Eastern Cape to discuss the consequences of the implementation of national strategies on the ground.

BD 19/2/96

PEANUTS



By Charles Schulz

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The day the generals didn't turn up for duty

Not one of South Africa's military chiefs attended the hotly debated defence review conference held in Cape Town recently

By **NORMAN CHANDLER**
Defence Correspondent

None is prepared to go on the record, but the term "adapt or die" coined by former prime minister John Vorster during the apartheid era is as relevant to the new South Africa's Department of Defence as ever before.

It is also the message that Defence Minister Joe Modise and his deputy, Ronnie Kasrils, are quietly sending to mandarins at defence headquarters because of their apparent failure to appreciate the importance of the "defence review" consultative conference held in Cape Town.

More than 100 delegates from all sectors of the defence world – industry specialists, analysts, part-time military officers and the like – were taken aback in parliament's old assembly chamber, the same place where former prime minister Hendrik Verwoerd was labelled to death 30 years ago, when it was discovered that not one of the country's military chiefs was present at the recent conference.

The meeting marked the first occasion in South African military history that civilians could openly

contribute to the debate on defence issues and be listened to by the defence establishment and the Department of Defence.

It came as a shock to find that the very people who should have been there were not. Some were not mollified by the disclosure, and in answer to a pertinent question, said that "some quite senior people are here and they will report back."

That Gen Georg Meiring, chief of the SA National Defence Force, was in Angola preparing the way for South African assistance in the rehabilitation of Angola – a country which our defence forces helped to run since 1977 – was lauded, but no one could understand the reasoning behind the absence of the chiefs of the army, air force and navy, nor, for that matter, of Brig Roy Anderson, the man in charge of part-time forces (PTF), the units which hold the key to this country's military endeavours in the future.

Their collective absence had moved Modise to remark that there had to be a change in attitudes in the defence force, not only by his top brass, but also by the average white South African officer and soldier, and particularly those who, to this day, made no

secret of the fact that they continued to regard the Umkhonto weSizwe and Apla non-statutory forces as the "enemy".

Lobby talk was that there could be a huge shake-up coming because of what one seasoned observer described as "the continuous ambushing of the new minister and his deputy" – a reference

to put the defence ministry's stamp of authority on the defence force as a whole.

The conference was an eye-opener in many ways.

Tough debating of issues such as language, religion, sexual preferences, the PTF, the lack of maritime capabilities (both in the air and at sea), the question of bases,

It was the first time in SAs military history that civilians could openly contribute to debate on defence issues

to lack of information being passed on to them and leaked media reports that they were not doing enough.

While no one has been prepared to say that a "midnight ride" – the term for the culling of senior officers in the 1950s by one-time defence minister F C Erasmus (he used despatch riders to deliver letters at midnight to the unsuspecting officers telling them of their dismissals) – could be in the offing, there is a distinct feeling in some quarters that something similar may have to be used

by Modise – and already the ripples are being felt. There is huge debate going on in mess halls of regiments around the country over the disclosure by Tony Yengeni, the firebrand chairman of the parliamentary joint standing committee on defence, that he too is looking into the part-time forces, and in particular into the commando set-up which he obviously doesn't like because, during the plenary session, he branded the system as not being part of the new South African scene.

Delegates were also jolted by the news that some units faced disbanding or disestablishment because they were virtually officers-only corps, as the ordinary soldier had, to all intents and purposes, lost the will to continue the military traditions instilled in him during the years of conscription and during the destabilisation of southern Africa by the old SA Defence Force.

That this deeply concerns Modise is not common knowledge, but it is known that he intends to back the PTF to the hilt, and this includes visiting regiments in cities and on the plateau to show his support for the hard work that some of the commando units carry out.

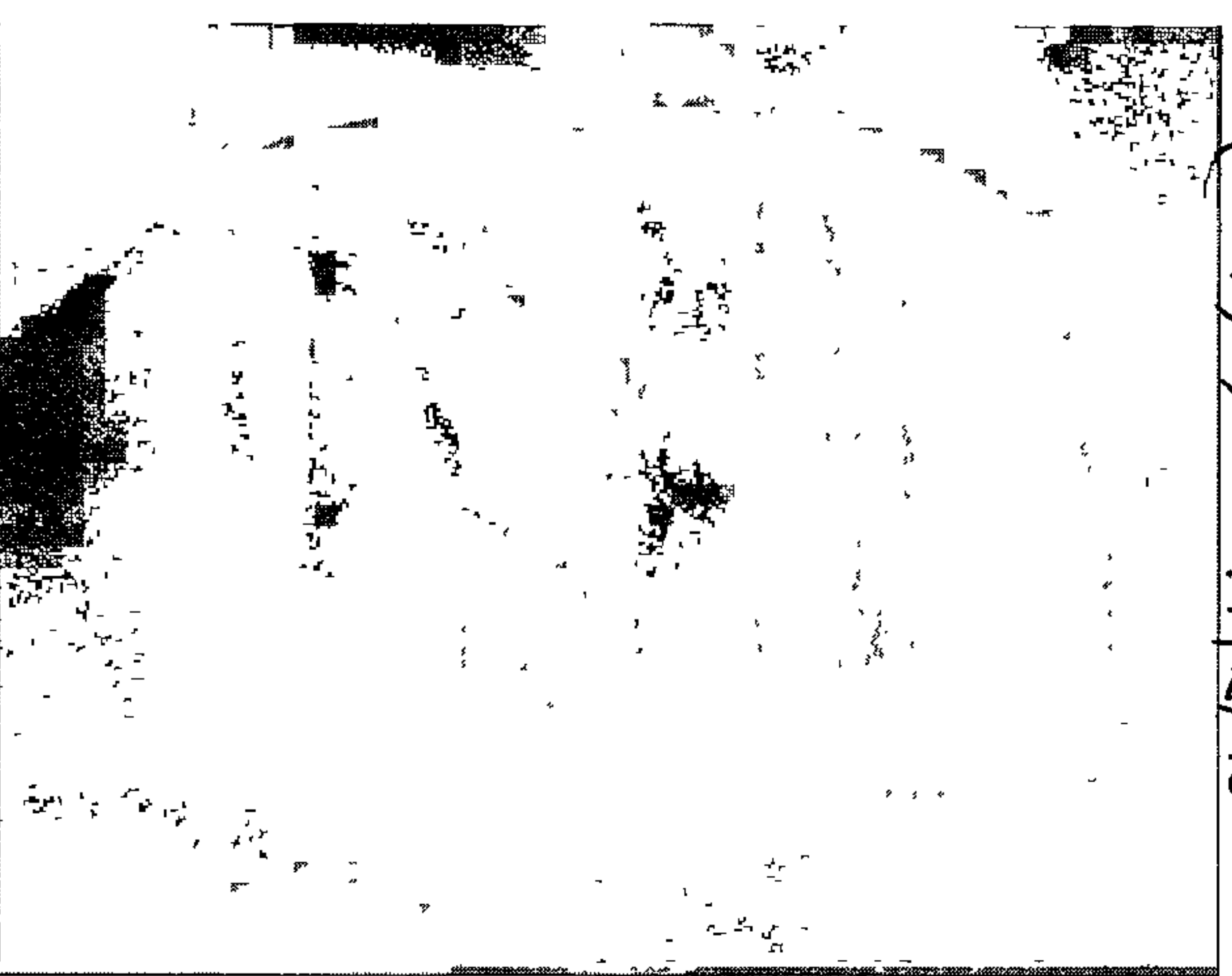
In sometimes fiery debates, pertinent questions were asked about the Government's approach to national security, what dangers were foreseen in the next five to 10 years, cost-effective strategies, and improving the capability of the defence force in general (which got many delegates hot under the collar because they believed the SANDF was still the finest fighting machine on the continent).

Also discussed was how resources could be committed for the development and maintenance of capabilities, how to help achieve defence objectives, and the most appropriate and effective way to manage the challenges of transformation now under way in the SANDF.

The way forward for South Africa's future defence programmes, which will, to all intents and purposes, also take care of the defence of most of the other regional states, is being mapped out in a far more orderly manner than has probably been the case on previous occasions.

A second consultative conference is now being planned, and it is a good bet that everyone who did not attend the first will be at the second.

Not amused... Defence Minister Joe Modise, who has said that there must be a change in attitude within the defence force



(254) Stan 19/2/96

NEWS FOCUS

Navy's case for corvettes is sailing in stormy waters

Stephen Laufer

WITH corvettes apparently back on the national shopping list, the time has come to pose the question Defence Minister Joe Modise should have answered at the beginning of the debate does SA need a navy?

A commitment to a maritime force has logical and expensive consequences, not least the requirement to equip it adequately and to ensure its ability to remain highly specialised personnel skills. Maritime experts argue that having lost its frigates by 1987, the navy needs ships of sufficient size to allow it to operate in the heavy seas found around SA's coast.

At 2 500 to 3 000 tons each, corvettes would be weapons platforms — as modern warships are known — big enough to provide stability for missile and gun systems and the carrying of helicopters. They would give sailors a working environment tolerable for more than a couple of days.

By contrast, the navy's current workhorse, the strike craft, rock and roll in the swell. Crews are forced to "hot bunk", sharing cramped sleeping berths as they come off watch.

But the need for the corvettes at R1,69bn for the hulls, plus perhaps R500m for a weapons refit, could disappear if SA were to give up its maritime military capability in favour, for example, of a civilian coast

guard. Run by the transport department, the coast guard could be tailored to many of the functions the navy currently performs in a secondary role.

The coast guard versus navy debate is sent to test the military planners. They face a population and a Parliament more interested in butter than guns. They must convince the decision makers that their threat scenarios justify spending the money on defence rather than on houses or clinics.

With regional and transcontinental co-operation through the SADC and the OAU replacing the Argentinian and Namibian adventures of the past, the argument for a high defence profile and big military spending is becoming harder to justify. In the minds of many, a peace dividend to boost national reconstruction and development is overdue.

Thus is perhaps why the defence establishment's more public arguments for their new warships revolve around essentially civilian tasks. Fisheries patrols and the policing of the 200 sea mile exclusive economic zone proclaimed in late 1994 are the current favourites when it comes to justifying the need for a modern navy.

Cmdr Yeghan Moodley, commander of the strike craft SAS Jan Smuts based in Durban, says SA has 3 000km of coastline to look after. Multiplied by the roughly 400km-wide exclusive zone, there is a lot of ocean to patrol. Besides fish stocks, SA needs to worry about controlling access to natural gas reserves, underwater diamond fields, and other mineral resources as yet undiscovered.

So why not recognise that SA will never be a maritime power, and give up the navy in favour of a cheaper, highly-armed coastguard?

Even a coastguard using corvette-sized ships to give it a deep-water capability could save the country hundreds of millions of rands because it would not require the sophisticated missile and electronic warfare systems integral to modern navies. A coastguard corvette would require perhaps 20% less manpower

than the naval version.

The environment department already has a coastal patrol service responsible for fisheries inspection, including protection of peninsulas and crayfish stock, a task shared with SADS inshore patrol vessels. The police also target weapons and drugs smuggling and illegal immigrants.

The navy should stick to what it does best, says maritime economist Bernal Floor, even though the coastal patrol service is moribund. As the chairman of a 1993 government commission into maritime policy, he argued for a rejuvenated coastal patrol service under the aegis of the transport department and separate from the navy.

Fishing stock

Figures released last week indicate that fisheries patrols are, indeed, peripheral to the navy's activities and that the threat to fishing stock is not as great as commonly thought. Only 53 patrols were mounted in the two years between January 1994 and January 1996. The navy inspected 173 ships, and fined or arrested just six. Unfavourable weather and sea excursions, the bulletin said, prevented further patrols.

"In reality the navy is not the least bit interested in fisheries," says Floor. "They went for it to justify the corvettes. But as a supporter of the navy, I believe they should argue the need for a trained force more strongly and leave out non-core tasks."

A tradition of discipline and high levels of training officer gained over years of training is gone forever in fisheries, says Floor. "They went for it to justify the corvettes. But as a supporter of the navy, I believe they should argue the need for a trained force more strongly and leave out non-core tasks."

coast guard functions, a coast guard cannot become a navy overnight, he says. The Japanese and German navies sank or damaged 163 ships in SA waters, 139 through submarine action.

With 90% of SA imports and exports by tonnage and 80% by value transported by sea, says Adam Simpson-Anderson, the country requires a credible naval deterrent.

Scenarios ask where the maritime threat could come from today. The Nigerian and Kenyan navies are among the only sub-Saharan African navies that are among the only potentially capable of sealing as far south as Cape Town or Durban.

The world's bigger navies, on the other hand, are in a different league to the SA fleet, with its 6 000 personnel and nine strike craft, which could be replaced by the corvettes.

But even a small navy makes a difference to a bigger navy, according to Cmdr Ed Krusemark, second-in-command of the US frigate Underwood which exercised off the coast of Durban two weeks ago with Moodley's SAS Jan Smuts. The mere existence makes the cost of blockading or taking a port that much higher.

Anyone contemplating a naval attack on SA would have to take the existence of its deterrent force into account and might think twice before risking lives and ships. That was demonstrated during the Durban night exercise, in which the SAS Jan Smuts and its sister ship the USS Underwood and the US destroyer Caron from entering Durban harbour. The destroyer kept each other in check for most of the night, with the SA navy inflicting heavy simulated damage to the US fighting potential early in the morning with a simulated shootdown of two helicopters, the "ward eyes" of the US force. Although both forces "sank" a Greek merchant ship in the heat of battle, Krusemark's point about the naval David holding a maritime Goliath at bay was made.

But outside the defence establishment, arguing the case for a navy as part of SA's fighting force is harder. Most South Africans find it difficult to imagine warships playing a role in internal security, currently the defence force's high profile task. Whether they are involved in anti-bribe roadblocks in Gauteng or weapons searches in KwaZulu-Natal, the army appears by virtue of its visibility to have the edge over the navy in winning the battle for the public's support.

And the air force has somehow also managed to keep the money flowing, entirely re-equipping its



Strike craft of the SA Navy on an exercise off SA's coast. Picture: SA Navy

training squadrons with state-of-the-art Pilatus aircraft. The SAAR is currently also making a pitch for new helicopters and jets, at three to four times the cost of the corvettes.

There, according to the navy, lies the rub. The maritime service has long been the Cinderella when those fighting SA's African wars on land and in the air were given an "open cheque book". In the late 1980s, Magnus Mahan cancelled plans for new navy frigates of a size similar to the planned corvettes.

Now the strike craft, which were bought as a stop-gap until the delivery of the new frigates could be completed in the 1990s are "into inquiry time", according to Moodley. All too often, they have to turn back to port if the seas get rough. Ultimately it will be up to the defence review process which kicked off in Cape Town last week to decide the SA's maritime defence requirements. Simpson-Anderson will be making a pitch for a balanced force. "If we are to have defence — then it must be of everything — our airspace, land borders, and sea lines of communication."

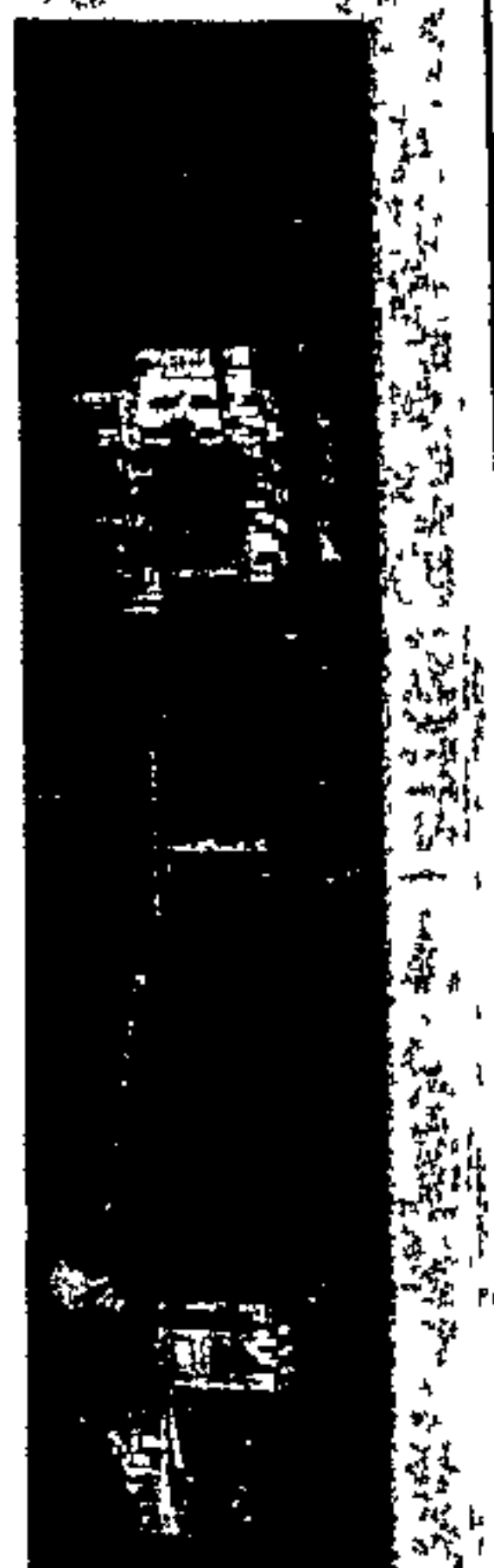
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'Conscription vital in dire conditions'

(254)

BY NORMAN CHANDLER

Defence Correspondent

Star 20/2/96

A leading defence organisation says military conscription should be enshrined in the new constitution for use "in justifiable circumstances".

The Institute for Defence Policy (IDP) says in a submission to the Constitutional Assembly. "It would be unwise for the writers of the constitution to deny the state the right to conscription when unforeseen circumstances may so require (it) in the defence of the state".

Conscription was abolished on January 1, 1994 in anticipation of a major overhaul of the defence force, including integration of members of Umkhonto weSizwe and Apla into the former South African Defence Force.

South Africa first introduced compulsory registration for military service for all white males aged 17 or over in 1913 and conscription began in 1953.

According to the IDP, the new constitution should provide not only for a state of emergency but also for a state of national defence. It adds that a state of national defence would cover the whole country and not only a proportion as can be declared in terms of a state of emergency.

The IDP is also calling for a separate service commission from the existing Public Service Commission in order to allow the security departments to run their own training and promotion services.

It says this would prevent defence personnel, policemen, prisons staff, and intelligence personnel from striking or demonstrating.

Star to replace Castle as SANDF insignia

(254) Star 20/2/96

The Castle insignia of the SA National Defence Force is to be replaced by a 9-point star from May 1. Wearing of the new insignia becomes compulsory from May 31.

According to an SANDF statement, the new insignia "symbolises unity and change in the SANDF and depicts the nine provinces of South Africa".

In the centre of the star is the South African coat of arms with the motto "Ex Unitate Vires".

Other details regarding the star and its issuing to SANDF personnel is to be provided later - Defence Correspondent

How Military Intelligence tried to recruit Modise

⌘ MTC 23-29/2/96 (254)

Louise Flanagan exposes an attempt by Military Intelligence to recruit top MK operatives — including Joe Modise — in the early 1990s

MILITARY Intelligence (MI) tried to recruit present Minister of Defence Joe Modise nearly two years before the 1994 elections, relying on a belief that Modise was willing to smash the ANC-SACP alliance in order to secure his own position under a future government.

The plan is outlined in a top-secret memo, one of only four official copies, which was drafted in September 1992 and sent to the head of MI's Directorate of Covert Collection (DCC). There is no indication of what happened in the recruitment attempt.

The three-page memo discusses the conflict within the African National Congress (ANC) between the militants, headed by Chris Hani, and the moderates, headed by Modise.

The memo, which was drafted by senior DCC officer Commandant Anton Nieuwoudt, suggests strengthening the government of the day's position by discrediting South African Communist Party (SACP) and militant ANC members, by "recruiting ANC agents of influence", and by "exploiting the conflict within MK [Umkhonto weSizwe]"

The memo then immediately goes on to discuss how "Agent 241/222 is prepared to have a secret meeting with the defence force, along with J Modise (MK commander), L Molo (chief of operations, MK), MK Zakes (regional commander PWV), MK Maincheck (commander of MK outside South Africa) and J Mnisi (commander Pretoria)"

Elsewhere in the document, "Agent 241/222" is referred to as an MK regional commander.

Modise this week denied that he had ever attended such a meeting, but declined to answer any further questions.

Nieuwoudt notes that Modise and his four colleagues were targeted because they could be used against Hani. They were regarded as open to recruitment due to their own self-interest.

"This discussion is also with people

who want to promote their own agenda (assuring own positions), but who are also prepared to break the back of the ANC/SACP backbone," he states in the memo in his motivation for the meeting.

The memo notes that Modise had key support within MK.

"This meeting could be instrumental in beginning to neutralise the SACP/Hani/[Ronnie] Kasrils faction. It could also be used to win votes in an upcoming election if the SACP participants could be neutralised," says the memo.

"The MK (old trained leaders) with their decision-makers such as those named in paragraph 5 [Modise and company] do not wish to fight with the SADF. Hani and his young militant guard want to fight."

"The options which could come out of such a meeting are legion, for example, the incorporation of moderate MKs, the empowerment of compromised witnesses against the militants, the utilisation of own ANC members as instruments at street level."

"This meeting can take place completely anonymously, it is however our feeling that a powerful delegation has to talk to such members to ensure exploitation, shock action, mobility and good communication in the final phase of this objective."

Although there is no indication whether any of the group approached were indeed recruited, at least two now hold senior positions. Modise is the minister of defence and in June 1994 Lambert Molo was promoted to major-general and made chief of the Service Brigade.

The memo is from a bundle of military documents used in Nieuwoudt's civil claim against the South African Defence Force for a payout after he lost his job following the Goldstone raid on DCC offices in November 1992.

The claim went to court in early April 1994 and was settled out of

court just after the elections. The case was initially heard in camera, but it has now emerged that that ruling was lifted.

At the time the memo was written, Nieuwoudt was MI's Staff Officer First Class, Internal Sub-Theatre Western Front. He wrote the memo under a colleague's name (for "security reasons") and signed it with his pseudonym "Fox", but gave his real position in MI. He sent the memo to his DCC boss, Colonel At Nel, and DCC director Brigadier Tollejle Botha.

All three officers were among those fired by then president FW de Klerk following the Goldstone raid just two months after the memo was drafted.

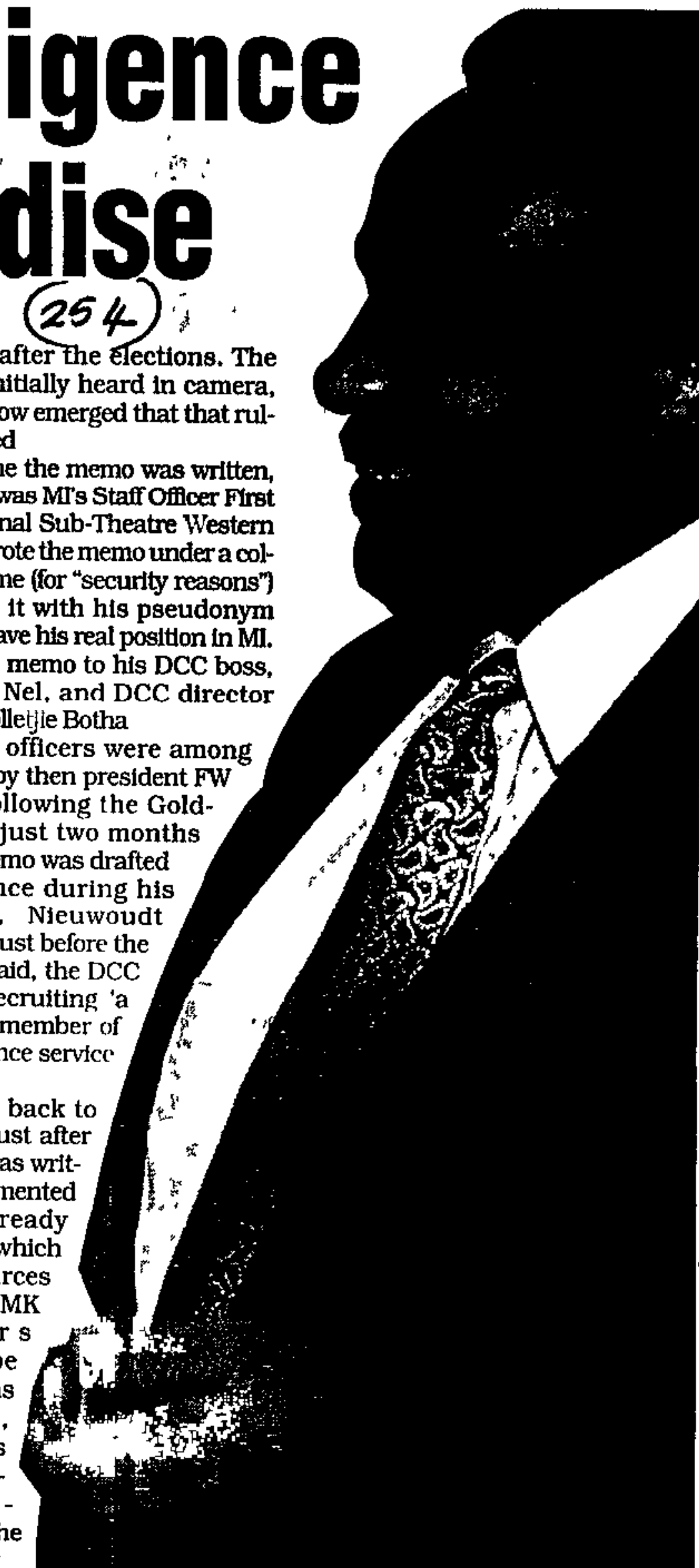
In evidence during his civil case, Nieuwoudt stated that just before the Goldstone raid, the DCC was busy recruiting "a very senior member of the intelligence service of the ANC."

Referring back to the period just after the memo was written, he commented that MI already knew then which of their sources among the MK members would be appointed as generals, brigadiers and lieutenant-colonels in the new military.

In a second top-secret memo from September 1992, of which only one official copy existed, Nieuwoudt outlines to Nel plans to close down some sources and to go ahead with others. One of those sources, described as "in place (ANC) and going ahead", was Agent 241/222.

Other well-placed sources within the Pan Africanist Congress were also maintained.

A third top-secret document, again the sole official copy in existence, was sent on December 9 1992. This document noted how "Fox" had "efficiently executed his duty as a principal agent controlling eight handlers and their respective source networks in the Witwater-



Chris Hani. The real target

Joe Modise: Would have been used to counter the militants

PHOTOGRAPH HENNER FRANKENFELD

rand area" and had produced 431 intelligence reports. The memo urged retaining "Fox's" services into 1993.

In an attempt to silence Nieuwoudt and prevent public access to these documents, the then SADF chief General Kat Liebenberg wrote to the minister of defence in March and again in April 1993, asking for authority to pay out Nieuwoudt.

Liebenberg suggested paying out Nieuwoudt the difference between what the supreme court ruled the military should pay him, and Nieuwoudt's own minimum demand, which amounted to R400 000.

Armcor row still bugs US-SA relations

Star 23/2/96

(254)

**THE WASHINGTON POST
NEWS SERVICE**

The glow of harmony that suffused Washington when Nelson Mandela made a first triumphant state visit as South African president in 1994 has been clouded by a long, nasty dispute over the Clinton administration's refusal to drop a criminal case from South Africa's apartheid past.

The United States is insisting that the state-owned Armaments Corporation of South Africa, Armcor, faces trial or pleads guilty to charges listed in an indictment returned in Philadelphia in 1991.

The US position is that Armcor broke arms export laws and an international boycott on arms traffic with South Africa — and the fact that the government in Pretoria has changed does not affect the charges.

South Africa contends that Mandela and his government should not be held responsible for acts committed by their discredited predecessors when the country was under a United Nations trade embargo.

In addition, South Africa argues that a state-owned company is not legally subject to prosecution in the United States.

Washington's refusal to heed the pleas of a friendly and much-admired government to drop the case has caused considerable bafflement about the reasons.

Mandela asked Clinton personally to drop the case when they met last year at the United Nations, US and South African sources said Clinton declined, saying the matter was in the justice department's hands.

One senior administration official acknowledged that Washington has no evidence that Armcor is still dealing with outlaw regimes, as it is believed to have done in white-rule days, and said that Mandela's government has gone to considerable lengths to sanitise Armcor's client list. The official acknowledged that this made the refusal to drop the case all the more puzzling, but refused to explain the reasons.

Another US official, however, said that Armcor may still be selling to "some very shady characters", possibly including Iran and Libya.

Some South Africans have suggested that Washington is leaning on Armcor in an effort to stifle com-

petition for the US weapons industry, a charge which was denied last year by US ambassador Princeton Lyman.

Washington has slapped an embargo on Armcor, cutting into the global marketing opportunities of one of South Africa's major industries.

South Africans have blamed the US for Armcor's loss of a major contract to sell combat helicopters to Britain, a deal that died when Washington refused to waive the embargo to allow guns for the choppers to be exported.

But the door to a settlement may have been opened last week when a South African team met US justice and state department officials.

The US side offered a plea-bargain agreement, which the South African Government agreed to consider but has not decided to accept, officials said. The two sides agreed not to discuss details of the offer, officials said. Previously, Washington has insisted that any settlement include a guilty plea and millions of dollars in fines.

This would amount to penalising Mandela for crimes allegedly committed by the previous government, which jailed him for 27 years.

Navy 'will collapse without corvettes'

(254)

POLITICAL WRITER

ET 23/2/96

THE South African Navy would "fall to pieces" if the proposed purchase of four corvettes did not take place, Defence Minister Joe Modise said last night

"Naturally, I would like to have had the corvettes yesterday if I had my way," he said in response to a question by Senator Mark Wily (NP) during debate on the Adjustments Appropriation Bill

Modise admitted that opposition to the corvettes was "rather strong" but added that "people will have to understand this question of defence"

The people would have to choose between houses, bread and jobs, which could only be created if there was stability. No country would invest billions in South Africa unless it was assured investments were protected, he said

"I want to believe that we will reach agreement from our people that these ships must be purchased. If we don't, the navy will fall to pieces"

Pledge on 900 pensions

POLITICAL WRITER

CT 23/2/96

(200)

(254)

THE payment of R71,3 million in additional retrenchment packages to more than 900 naval personnel would be speeded up, Defence Minister Joe Modise yesterday told the senate during debate on the Adjustments Appropriation Bill

He was responding to pleas by senators James Selfe (DP) and Mark Wiley (NP) for the packages to be paid to the naval personnel, who have been fighting for their retrenchment packages for more than six years

Modise said that the matter had been approved by Parliament and permission had been granted by the courts and the treasury for the money to be paid over

Study makes a case for the purchase of corvettes

BD 26/2/96 (254)

Stephané Bothma

PATROL corvettes would bolster SA's contribution to peace support and collective security efforts in the region and should also enhance investor perceptions of the country, a study by the SA Institute of International Affairs and the Centre for Defence and International Security Studies of Lancaster University, in the UK, has found.

The study, to be released next month, showed a good case could be made for the purchase of new corvettes for the SA Navy if the vessels were used to police SA's maritime interests and displayed national commitment to regional and international obligations.

The study argued that attention should also be paid to the procurement of modern, second-hand submarines and air surveillance aircraft.

The purpose of the study, conducted by Lancaster University's Martin Edmonds and SA Institute of International Affairs director Greg Mills, was to examine the possible purchase of corvettes by the navy in the light of the country's defence and security interests and maritime responsibilities.

The study had to take into account

the broader social context of the transformation of South African society and the economy.

A proposal to procure patrol corvettes for the navy was withdrawn in May last year for, among other reasons, a lack of overall foreign and defence policy against which the value of the corvette requirement could be judged. Sensitive competing socioeconomic demands also played a role in the decision.

"The nature of SA's coastline and sea state implies that a surface capability is a blue-water capability. For this, 2 500-plus ton vessels with a minimum waterline length of 100m and 14m in the beam, with a speed of 25-plus knots and ability to operate for a period of 28 days without replenishment from home bases, are necessary," the study found.

In assessing the value of counter-trade packages, the study said SA should favour those which offered to purchase value-added goods rather than commodities in return for the sale of ships.

Financial penalties should also be high enough to deter the non-fulfilment of countertrade offers.

'Govt will not write off unpaid fees'

Stephané Bothma

GOVERNMENT would assist tertiary students to find non-state resources to cover outstanding tuition fees but would not consider writing off last year's debt at mainly black institutions of about R100m, Education Minister Sibusiso Bengu said at the weekend.

Bengu told a conference on transformation in higher education in Pretoria that the decision not to write off debts was not negotiable. Government funds could not be taken from other vital projects.

He said his position on the student debt was also that of government, saying that it appeared students had no appreciation for the R1,2bn already provided by government for

higher education.

The conference was attended by heads of technikons and universities, government representatives as well as student organisations.

Education ministry spokesman Lincoln Mali said yesterday the purpose of the conference was "to start a process of dialogue between all the interested parties".

A resolution was taken to establish a national higher education forum. It was also decided that follow-up meetings would be held to devise a framework for the democratic transformation of tertiary institutions.

Bengu said some students were able to pay their tuition fees, but were not doing so. He warned that protest actions such as hostage-taking would not be allowed to continue.

Mandela delight as Legion takes

'struggle' vets

(254) ART 26/2/96
CLIVE SAWYER, Political Correspondent

THE decision by the South African Legion, an organisation for war veterans, to accept former Umkhonto weSizwe and Apla fighters was a sign of the new patriotism, President Mandela said today.

He was speaking at Cape Town City Hall at the 75th anniversary of the British Commonwealth Ex-Servicemen's League.

The league, founded in South Africa, is holding its quadrennial conference in this country for the first time since its founding.

Mr Mandela, patron-in-chief of the SA Legion, said the ideals for which the legion and the league were founded had been reflected in the struggle of millions of South Africans against apartheid.

Duke of Edinburgh Prince Philip said the league had been delighted to accept the invitation to hold its congress in South Africa after he removal of apartheid.

He said the league faced the challenge that even the youngest World War 2 veterans were dying out.

SA Legion president Tony Chemaly, responding to criticism of the decision to accept MK and Apla veterans, pointed to the example after the South African War of the Guild of Loyal Women which had located and tended Boer graves.



Picture HANNES THIAART, The Argus

SWORD OF PEACE: President Nelson Mandela, patron of the SA Legion, hands Prince Philip, grand president of the British Commonwealth Ex-Servicemen's League, a sword inscribed with the words, "To celebrate 75 years of caring for ex-servicemen of the Crown by the League".

Commando units in fight for survival

Part-time soldiers account for 90% of SA's military needs,

but their future is uncertain.

(254) Star 27/2/96
BY NORMAN CHANDLER
Defence Correspondent

Part-time soldiers accounted for 90% of the country's military needs and disbanding the commandos would strike a body blow at the South African Army.

Officers commanding units on border protection and farm protection duties say that the Part-time Forces (PTF) are rapidly being integrated, with specific instructions issued to commando units to train at least one platoon of 50

non-white troops in order to speed up integration in the defence force

Too few regulars to police SA's borders

The issue of the PTF came to a head at the recent defence review consultative conference in Cape Town, where it was disclosed by the chairman of the parliamentary joint standing committee on defence, Tony Yengeni, that he did not believe the commando system was in keeping with the new South Africa, and the Director of PTF, Brigadier Roy Anderson, was not present to argue his organisation's case.

Yengeni has disclosed his committee is to investigate the PTF system.

Anderson, who is also executive president of the Johannesburg Stock Exchange, told The Star yesterday "I very much regret that I did not attend the conference. I would have done so, but unfortunately I was neither involved nor informed about it."

"I would have appreciated the opportunity to contribute to the discussion on the future of the PTF and to describe the progress which we have made to date."

Anderson is now to

address an army seminar on part-time forces to be held on March 28. The seminar will be opened by Defence Minister Joe Modise.

No formal statement has as yet been released by the Department of Defence as to why neither Anderson nor the chiefs of the Army, Navy and Air Force were present at the conference, organised by the Defence Secretariat as part of the process which will determine South Africa's future defence requirements.

A White Paper on Defence is to be tabled in Parliament in May.

Why the PTF and in particular the com-

mandos, are so important to the military, has been spelled out to The Star by the Officer Commanding Group 36 in the Free State, Colonel Mike Odendaal.

He says the army, with only 225 men in the area, has to patrol a 450km border with Lesotho to prevent cattle rustling, drug smuggling, vehicle theft and illegal crossings.

Despite regular meetings on the subject with Lesotho military officers "nothing appears to be done", Odendaal said.

"We cannot do without the commandos," Odendaal said.

The southern Free State, including Bloemfontein, relied on 1,965 commando members, of whom 95% are farmers, according to Colonel Dreyer du Plessis, commander of Group 35, which covers an area north of Bloemfontein to the Orange River.

At least 280 commandos are blacks and these numbers are increasing in terms of an order issued recently to make the commandos multiracial.

Mandela pays tribute to the SA Legion

It has put itself at the heart of reconciliation by accepting Apla and Umkhonto weSizwe veterans, says president

(254) Stan 27/2/96

SAPA
Cape Town

The South African Legion's acceptance of former liberation force veterans as members put the organisation at the heart of South Africa's reconciliation process, President Nelson Mandela said in Cape Town yesterday.

Mandela, who is also the SAL's patron-in-chief, was speaking at the opening of the 26th triennial conference of the British Commonwealth Ex-Service League (BCEL) attended by the Duke of Edinburgh, Prince Philip, and war veterans from more than 50 Commonwealth countries.

The conference hosted by the SAL coincides with the founding of the BCEL's predecessor, the British Empire Service League, in Cape Town in 1921.

The same ideals that had moved those who founded the league 75 years ago had inspired millions of South Africans to resist and fight any form of oppression and deprivation they encountered, Mandela said.

When the league was founded, only whites in South Africa were honoured as war veterans, he said.

"However, the changes that are sweeping across our country have closed that chapter. Last year the names of those who died in the Mendi, the heroes of Square Hill, and the thousands other African, coloured, and Indian servicemen who served in both wars were added to the scroll of honour."

The irony of South African and colonialist history was that even when the oppressed were prepared to set aside their grievances

and to support the war effort of the Crown, colonial governments would often allow only whites to bear arms, Mandela said.

Challenged by Nazism, oppressed South Africans were again prepared to join in the war against Hitler, only to be spurned again and confined to unarmed and non-combat roles.

The SAL's acceptance of Umkhonto weSizwe and Apla veterans as members meant that not only was he patron-in-chief, but "my membership of the then MK qualifies me as a legionnaire", Mandela said.

The Duke of Edinburgh, the grand president of the BCEL, said the organisation was facing its greatest challenge.

Before the opening ceremony, Mandela and the duke inspected a guard of honour provided by 9 South African Infantry Division.

SA liberation force veterans honoured

BD 27/2/96 (254)

CAPE TOWN — The SA Legion's acceptance of former liberation force veterans as members put the organisation at the heart of SA's reconciliation process, President Nelson Mandela said in Cape Town yesterday.

Mandela, the legion's patron-in-chief, was speaking at the opening of the 26th triennial conference of the British Commonwealth Ex-Service League which was attended by the Duke of Edinburgh, Prince Philip, and war veterans from more than 50 Commonwealth countries.

The conference coincides with the founding of the league's predecessor, the British Empire Service League, in Cape Town in 1921. The same ideals that had moved those who founded the league 75 years ago had inspired millions of South Africans to resist any form of oppression they encountered, Mandela said. When

the league was founded, only whites in SA were fully honoured as war veterans, he said.

Black soldiers who lost their lives in Square Hill in 1918 and those buried at sea with the Mendi had been deprived of that honour. "However, the changes that are sweeping across our country have closed that chapter. Last year the names of those who died in the Mendi, the heroes of Square Hill; and the thousands of other African, coloured, and Indian servicemen who served in both wars were added to the scroll of honour," Mandela said.

The irony of South African and colonial history was that even when the oppressed were prepared to support the war effort of the Crown, colonial governments would often allow only whites to bear arms. Challenged by Nazism, oppressed South Africans were again prepared to join in the war

against Hitler, only to be spurned once more and confined to unarmed and non-combat roles.

But the attitude of the government was not universal among those it claimed to represent, Mandela said.

Some of the veterans who served the Crown during the Second World War, like the late Joe Slovo and Jack Hodgson, were among those who joined in the fight against apartheid.

The legion's acceptance of Umkhonto we Sizwe and Apla veterans as members, meant that not only was he patron-in-chief, but "my membership of the then MK qualifies me as a legionnaire", Mandela said. Before the opening ceremony Mandela and the duke inspected a guard of honour provided by 9 SA Infantry Division.

Mandela also presented Prince Philip with the Wilkinson Sword of Peace. — Sapa

...who's ever picked up a Nokia 2110

the JSE, telling will

company's

BUSINESS DAY, Tuesday, February 27 1996

...the real cost of motoring more affordable. No hidden discounts, no tricks - just straightforward value for money.

it communications deputy director Mongezi Mnyani; and support services director Theo Burgers. Pictures: ROBERT BOTHA

'Plot thickens' over Sarafina 2

Ingrid Salgado

BD 28/2/96

GAUTENG health MEC Amos Masondo denied yesterday the national health department had consulted his provincial ministry on expenditure for the controversial R14,27m AIDS play Sarafina 2 by playwright Mbongeni Ngema.

Masondo was responding to a question by DP MP Jack Bloom. Bloom said later that Masondo's admission directly contradicted Health Minister Nkosazana Zuma's recent statement that all provinces were consulted about the play and had not lodged objections to it.

"The plot is thickening as the national health ministry dries for cover in offering contradictory explanations in a vain attempt to cover for this massive blunder by the minister," he said.

Zuma had been "less than truthful" on the matter. She should "come clean on this scandalous expenditure on a venture that will have little real impact in stemming the rampant AIDS menace", Bloom said.

Zuma is due to meet the national health parliamentary committee today to answer questions on the allocation of R14m to Ngema and the tender process in which Ngema won the contract for the play unchallenged

New charge against Malan and Khumalo

Farouk Chothia

BD 28/2/96

DURBAN — KwaZulu-Natal attorney-general Tim McNally filed an alternative count of conspiracy to murder yesterday against former defence minister Gen Magnus Malan and IFP deputy secretary-general Zakehe Khumalo in the run-up to the resumption of their hit squad trial in the Durban Supreme Court on Monday.

In a supplement to the original indictment, McNally said the 20 accused, including Malan and Khumalo, had unlawfully conspired to kill United Democratic Front (UDF) and ANC members in the period between December 1985 and June 1989.

In the original indictment, the 20 were charged on 13 counts of murder, four counts of attempted murder and one count of conspiracy to murder UDF activist Victor Ntuli. The trial relates to the massacre of ANC supporters in Kwa-Makhutha on the KwaZulu-Natal south coast.

McNally said the conspiracy had involved the establishment of a paramilitary capability for the IFP. Two hundred men had been covertly trained by the SA Defence

Force and a "small full-time offensive element" was established for deployment against UDF and ANC members.

McNally claimed that, at a meeting on March 21 1988, Malan "cautioned (IFP leader Mangosuthu) Buthelezi as to the sensitivity of their relationship". He informed Buthelezi that the IFP "should not be linked" to the SA government, and that Buthelezi should not "identify" himself with the government during overseas visits. The payment of certain special constables, who had been trained in the Caprivi Strip, was also discussed at the meeting.

McNally said that in March 1988 Khumalo expressed dissatisfaction to Malan that the SADF did not have "its heart and soul" in Operation Marion, the code name for the covert activities that were agreed to. Malan gave an assurance that "urgent attention" would be paid to Khumalo's concerns "to eliminate bottlenecks".

McNally said sites identified for use by the "offensive group" included one in the Louis Trichardt area in Northern Province and one in the Port Durnford area in KwaZulu-Natal.

determine the capital, spokesman, Theminkosi said yesterday. Mdalose had sought to determine whether he could "bow to" from IFP supporters to decapitate the capital. Attorneys Meyer & Partners and as

Unions pay for damages

Deborah Fine

BD 28/2/96

THE SA National Metal Workers' Union and the SA Municipal Workers' Union had settled a claim for R90 000 in damages lodged against them by the greater Johannesburg metropolitan council, a legal representative for the council said yesterday.

The council was suing the unions for damage caused during a joint protest march in Johannesburg in March 1993.

The claim included costs for the cleaning of streets which amounted to 3 759 man hours.

The matter was struck off the roll in the Rand Supreme Court yesterday as the unions agreed to settle the matter last week with a payment of R82 000, the representative said.

Gencor

MCNALLY ADDS NEW CHARGES

Malan accused of plot to kill

(254) CT 28/2/96

DURBAN: A conspiracy to murder charge is to be added to the indictment against former defence minister Magnus Malan and other former senior military officers.

FORMER defence minister General Magnus Malan and other former senior military officers charged with the murder of 13 people at KwaMakutha in KwaZulu-Natal in 1987 have been accused of a far-reaching conspiracy to murder members of political organisations in the 1980s.

New evidence was revealed in a court notice yesterday by KwaZulu-Natal attorney-general Mr Tim McNally.

The massacre at KwaMakutha near Umbumbulu south of Durban on January 21, 1987, was allegedly carried out by members of a trained murder squad instructed to kill United Democratic Front activist Mr Victor Ntuli.

Malan and his co-accused face charges of murder, attempted murder and conspiring to murder, all arising from this incident. Their trial begins in the Durban Supreme Court on Monday.

In an official notice to lawyers for the accused yesterday, McNally gave notice of his intention to supplement the indictment against the accused with another charge of conspiracy to commit murder which is "alternative" to existing charges against them.

The supplementary charge introduces evidence, including the names of more alleged co-conspirators, implicating the accused in a far-reaching plot to murder members of the ANC, the

UDF and other political organisations long after the KwaMakutha massacre.

McNally's supplementary charge alleges "various acts were performed in the furtherance of the (anti-ANC/UDF and related organisations) conspiracy" subsequent to the KwaMakutha massacre and not mentioned in the initial indictment.

It is alleged members of a murder squad who received training in the Caprivi Strip in the former South-West Africa received further training at Entabeni near Louis Trichardt in 1987.

Security force personnel later allegedly identified a site for a base camp for the trainees after a request by one of the accused, IFP deputy secretary-general Zakhele Khumalo.

The alleged covert operation, dubbed Operation Marion, was abandoned only some time after June 1989, the supplementary document said.

Yesterday's document also mentioned an alleged meeting between Malan, senior military officers and IFP leader Chief Mangosuthu Buthelezi in March 1988.

"At this meeting, (Malan) cautioned Buthelezi as to the sensitivity of their relationship. Inkatha should not be linked to the South African government and (Buthelezi) should not identify himself with the South African government during overseas visits," the document said. — Sapa

The 'third force' beast goes belly-up

Next week sees the beginning of the end of one of the most sordid chapters in South Africa's history
Ann Eveleth previews the Malan trial

HISTORY will also be in the dock when the multiple murder trial of former defence minister Magnus Malan and 19 other security force officers gets under way next week.

As it starts under the grey stone pillars of Durban's Supreme Court on Monday morning, the legal floodlights will turn on to the murky genesis of the "third force" and how the security forces helped create the myth of "black-on-black" political violence.

A new charge added to the indictment this week suggests a conspiracy far beyond the gruesome 1987 murder of 13 innocent civilians in Kwamakhutha with which they were originally charged.

The alternative count of conspiracy "to wrongfully and intentionally kill members of the ANC, UDF, United Democratic Front and related organisations" broadens the initial charges of murder attempted murder and conspiracy to murder to the murder of UDF activist Victor Ntuli.

It places back-room schemes of the shadowy State Security Council squarely on the centre stage of the carnage which has by now claimed at least 20 000 lives.

The foul winds of the "ethnic" brew the security forces allegedly stirred still blow in the province more than a decade after Inkatha Freedom Party



Magnus Malan: New murder charge added to indictment this week PHOTO AP

leader Mangosuthu Buthelezi allegedly detailed his security "requirements" to then Military Intelligence head Thiem Groenewald.

But, as the men who allegedly responded to that request for security stand trial in a courtroom that will probably be packed with many of the "terrorists" they once targeted the opportunity is there for them to finally clear the air.

Ironically, the trial is likely to

increase tensions in the province as allegedly detailed his security "requirements" to then Military Intelligence head Thiem Groenewald. But, as the men who allegedly responded to that request for security stand trial in a courtroom that will probably be packed with many of the "terrorists" they once targeted the opportunity is there for them to finally clear the air. Ironically, the trial is likely to

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Battle of legal giants Between prosecutor Tim McNally (above) and defence advocate Klaus von Lieres (below)

The short walk to the Durban Supreme Court down Salmon Grove's single block in the old section of Durban adjacent to the bay is a stark contrast to the long road Durban and his team have travelled to get there.

From the constant condemnation of the IFP to the indignant outcry of the right wing when Malan and others were arrested, the IFU has battled on, gradually piecing together one of the most astonishing chapters of South Africa's sordid past.

Monday morning will be the beginning of the end of that chapter. The trial will feature a battle of legal giants as the prosecution advocate Kwazulu-Natal Attorney General Jim McNally squares off against the chief defence advocate, former Whitwater-stand attorney general Klaus von Lieres and six other advocates. It is set down for three months, but could take more than a year.

The case will cost the taxpayer millions of rands as the Defence Minister has said it will pay the costs of former and serving members who are on trial. It is still unclear who will foot the bill for the affairs and accommodation for the accused, most of whom live outside Kwazulu-Natal.

The *Mail & Guardian* disclosed last November that key witness Major JP Opperman has been under witness protection in Europe with his family. He will have to be flown in for the trial. Opperman will tell the court that he was at the heart of Operation Marton, the covert state plan to train a paramilitary unit for the IFP.



He will be giving evidence against his former defence force bosses and may say he decided to own up after reading a press interview with former political commissioner for Inkatha's paramilitary forces, Daluxolo Luthuli. At the time Luthuli told a reporter from the *M&G* that he had personally been in charge of a 300-strong hit squad which operated out of Uthundl.

Andre Cloete, another former permanent force member will also give evidence against his former leaders.

Their testimony, together with that of Luthuli and dozens of other witnesses, as well as stacks of documentation seized from Military Intelligence, is expected to put pressure on a number of other politicians also believed to have facilitated the birth of the "third force".

Mangosuthu Buthelezi's name—which featured in the original indictment and again in this week's supplementary indictment—will resonate throughout the trial.

Call for Public Comment on Retirement Provision in South Africa

The Report of the Committee on Strategy and Policy Review of Retirement Provision in South Africa (the Smith Report) was recently released and has been available to the public since mid-January 1996. The report contains recommendations affecting the whole spectrum of society - those who depend on Government support in their old age, those who are members of occupational pensions plans, those who are not members of a pension arrangement, those self employed who, through private saving arrangements, provide for their retirement.

(254) M+G 1-7/3/96

Where's the truth in the Modise recruiting row?

Last week's article by Louise Flanagan on Military Intelligence attempts to recruit future Minister of Defence Joe Modise in the early 1990s has provoked a furious row. Here, Deputy Defence Minister **Ronnie Kasrils** responds — as does the reporter

HAVING distinguished itself as a bastion of the free press, and for many years under siege by the apartheid regime, will the *Mail & Guardian* continue to be a vigilant gatekeeper for the truth? Recent form calls this into question.

Louise Flanagan's article "How Military Intelligence tried to recruit Modise" (February 23 to 29 1996) is an example of sloppy journalism and is a discredit to your paper.

Not only does she give undue prominence to the extremely questionable views of a disgraced member of a discredited intelligence section of the old South African Defence Force, but she also does nothing to challenge the substance of those allegations.

Instead, she allows the specious and potentially libellous allegations, emanating from a Military Intelligence (MI) officer's memorandum (drafted by Commandant Anton Nieuwoudt) in September 1992 to pass as if they amounted to fact.

For example, her statement that Nieuwoudt's "three-page memo discusses the conflict within the ANC between the militants, headed by Chris Hani, and the moderates, headed by Modise", blithely accepts there was "conflict" within the ANC between "militants" and "moderates".

Terms such as "militants" and "moderates" falsely seek to polarise and negatively stereotype the debates within the ANC, which have always been commendably civil and disciplined, and entirely normal to a popular organisation.

This also applies to her statement that "MI tried to recruit Modise nearly two years before the 1994 elections, relying on the belief that Modise was willing to smash the ANC-South African Communist Party alliance in order to secure his own position under a future government". Nowhere does she challenge the basis of the "belief", and neither does she question the nefarious allegation that Modise "was willing to smash the ANC-SACP

alliance in order to secure his own position under a future government".

The record is clear. Modise has no prejudice against communists. On the contrary, he appointed the late Joe Slovo as his deputy in 1976, and in 1983 as chief of staff, Chris Hani as commissar in 1983, and as Slovo's successor in 1986 when Slovo resigned to take up his post as general secretary of the SACP, and myself as MI chief in 1983.

This is the same man who chose an alleged member of the so-called "SACP faction" as his deputy minister of defence in June 1994.

Accusations of a split between the ANC and SACP had long been the stock-in-trade of apartheid's "divide and rule" rumour mongers, and again the enduring solidarity of the liberation alliance hoists that lie on its own petard.

Instead, and without flagging the

How Military Intelligence tried to recruit Modise

Louise Flanagan exposes an inc. Joe Modise in the early 1990s.

Modise nearly two years before the 1994 elections, relying on the belief that Modise was willing to smash the ANC-South African Communist Party alliance in order to secure his own position under a future government. Nowhere does she challenge the basis of the "belief", and neither does she question the nefarious allegation that Modise "was willing to smash the ANC-SACP

Hot spot: The article that caused all the trouble

reader's attention to the insidiousness of the aspersions in the memo, Flanagan goes on to write that Nieuwoudt noted that the so-called "moderates", allegedly headed by Modise, "were targeted because they could be used against Hani" and that "they were regarded as open to recruitment due to their own self-interest". She far too uncritically accepts the smear that "they could be used against Hani", and appears to compound it by adding, without question, that they were allegedly "open to recruitment due to their own self-interest".

These apparent slurs are allowed to develop further in her statement "Referring back to the period just after

(254) MFG 1-7/3/96
the memo was written, he [Nieuwoudt] commented that MI already knew then which of their sources among the MK members would be appointed as generals, brigadiers and lieutenant-colonels in the new military." This claim is simply preposterous, and easily verifiable as such, since MK at the time of that memo (September 1992) had no ranks. MK only began its bilateral negotiations with the SADF in 1993 and only began the process of ranking its members in early 1994.

The character of distinguished MK commanders is possibly further impugned by her bald statement that "Although there is no indication whether any of the group approached were indeed recruited, at least two now hold senior positions. Modise is the minister of defence and in June 1994 Lambert Moloi [one of the so-called 'Modise moderates'] was promoted to major-general and made chief of the Service Brigade".

The use of the word "although" implies that *in spite of* the fact that there is *absolutely no evidence* to support the claim that any senior MK members were actually "approached" or "were indeed recruited", her subsequent statement that "at least two now hold senior positions" could be easily construed as casting doubt over the integrity of the minister and Moloi, not to mention the other "Modise moderates".

The effect of Flanagan's reasoning is perverse. By conflating an alleged split in the ranks of MK with Nieuwoudt's devious scheme to compromise the minister, she appears to pin the blame for the conspiracy on one of its intended targets, Joe Modise. Instead of attacking the conspirators, Flanagan attacks their target. This is, at best, muddle-headed and, at worst, outrageous.

It therefore ill behoves the *M&G*, with its fine record of fighting for the truth, to amplify the lies and smears of the apartheid regime by such seemingly ill-judged and uncritical reporting of a document that is so clearly self-serving on the part of Nieuwoudt, who, at that stage of his career, was desperate to impress his superiors.

For Flanagan to state that Modise denied he had ever attended such a



Ronnie Kasrils: 'This is, at best, muddle-headed' PHOTO HENNER FRANKENFELD

meeting, "but declined to answer any further questions" is a travesty of the truth and, as such, creates the false impression that he was being evasive.

The truth is that he answered the *M&G* as follows: "I want to state clearly that I never attended a meeting that you referred to in your questions. It follows from that, that I have no information relating to the other questions you have raised".

It is a sad but true reflection that a journalist who identifies uncritically with a dubious source may compromise the objectivity of his or her reporting, and may thereby run the attendant risk of losing credibility.

In this circumstance, Flanagan has lost credibility with the ANC which, in its press statement in defence of Modise, has stated "It is strange also that the *M&G* would have chosen to overlook the close personal relationship between the author of the article, Louise Flanagan, and the source of the (Nieuwoudt) documents, Colonel Gerrie Hugo (former chief of MI in the Ciskei, who was charged with stealing covert funds and pleaded guilty), and the dispute Hugo has been having with the South African National Defence Force and the Ministry of Defence".

A responsible newspaper must exercise reasonable editorial judgment in terms of its journalists' reports. My view is the *M&G* failed in its responsibility in this respect. My earnest hope is the *M&G* will maintain the integrity it built up during the anti-apartheid period and continue to be worthy of our respect. For me that is the challenge facing your paper in our new democratic era.

● Louise Flanagan replies:

The article was not "giving prominence to the extremely questionable views of a disgraced member of a discredited intelligence section of the old SADF". It was based on court papers and illustrated the MI cam-

paings which were being run against the ANC in the run-up to the elections. On the basis of these papers, the SADF settled the claim.

The sections that were used from the documents were clearly indicated as such and were not the reporter's personal opinion. Kasrils should rather direct his criticisms towards the senior officers of the old SADF who drafted the documents and ran the campaign. Instead, in his response, Kasrils has relied on a method frequently used by MI: if you don't like the message, attack the messenger.

I find it hard to believe Kasrils misread this article so badly that he construed it as support for MI's dirty tricks campaigns. I have written several articles trying to track down the elusive Steyn Commission report and calling for it to be made public. This government has declined to release it.

Why does the present government wish to protect officers from the old SADF who were involved in illegal campaigns against legal political organisations in the run-up to the elections?

Regarding the ANC's statement: The military, the ANC, the *M&G* and the newspaper which employs me full-time (*Daily Dispatch*) are all fully aware of the relationship between Hugo and me, as there has been no attempt to hide this. As a result of this relationship I have not covered Hugo's recent court case (at my own request). The stories resulting from the Nieuwoudt court documents were published the day after Hugo's case was finalised and thus could not have had any bearing on that matter.

● Modise's terse response to our question arrived many hours after deadline. In the hurry to include it, it was accidentally said that he had declined to answer further questions, rather than he had no information relating to these questions. The difference may be obscure to readers but we apologise to him for the change in meaning. — The Editor

Forgotten old soldiers get raw deal on war pensions

Star 2/3/96
By MXOLISI MGXASHE

Cape Town - Disabled veterans who had not passed the junior certificate or matric when they joined up during World War 2 have asked the Government to remove all forms of discrimination in the allocation of pensions to war veterans, including those based on academic background.

D A Biden, founding member of the Disabled Soldiers' Association (DSA), a loose body of disabled ex-servicemen, said that now that apartheid no longer existed it was about time "this injustice" was also redressed.

In an interview, Biden, who said he was speaking on behalf of almost 7 000 "victims of this discrimination", said that in 1992 - 47 years after the war - a revised military pension scheme came into effect in the country which "blatantly" favoured all those who had been "financially strong and fortunate enough to attend university".

University degree holders, even those who graduated after reintegration into civilian life at the end of the war, were - according to the DSA - grouped as "A" pensioners, and those with matric as "B" pensioners, while those below Std 10, including those with Std 6 and lower, were grouped "C" and received the lowest benefits.

"When we volunteered for active service on the declaration of war, many of us had left school during the Depression after passing Std 8 or 9. No questions were asked about our level of education. In those days a soldier was a soldier," said Biden. All disabled vet-

erans are apparently paid the same basic allowances

The differences come in with the academic grading which gives the "Bs" a 25% advantage over the "Cs" and the "As" a 66% difference over the "C" category, to which most black veterans belong.

Biden said this arrangement left differences in the pension scheme between the "A" and "C" groups ranging between R231 and R1 155 a month for soldiers who had lost both feet.

He cited the case of disabled veteran Lucas Majaji, who had not gone above Std 6 at school and served in the war as a stretcher bearer.

"This man, who died last year at the age of 75 or so, saved many lives in that war, including mine. Lucas was wounded while carrying a wounded soldier.

"He went back for another injured soldier and was hit by enemy fire for the second time.

"But he went back for another man and was wounded for the third time. That's how he got the DSM, which is next to the Victoria Cross, the highest military honour.

"Lucas died a victim of this discrimination I am talking about. Was it his fault he could not in the period of the Depression afford to go higher in his education?

"These are some of the things we have raised with the previous government but without success, and we hope now that we have a democratic government that listens to poor people things will be different," said Biden.

Malan trial and truth commission will

By JULIETTE SAUNDERS

Durban - Former defence minister Magnus Malan goes on trial on Monday, accused of complicity in the killings of 13 blacks during the apartheid era, a painful chapter now being reopened by investigators.

The trial of Malan and 10 other former officers begins a month before President Mandela's Truth Commission starts hearings into politically motivated crimes under apartheid.

"My concern is that this court case and the Truth Commission have all the elements of antagonising the moderate mainstream citizens of the country," Malan told reporters last year after his arrest. "Polarisation is the last thing I would like to see."

Malan (65) could be sentenced to life in prison if convicted.

The former general, who has refused to go before the Truth Commission because he said he had nothing to confess, at the time warned Mandela that if the trial went ahead it would inflame racial tensions.

While Malan and the others stand trial, at least 2 000 more, including former officers in the security forces, plan to ask for amnesty in return for revealing all to the Truth and Reconciliation Commission headed by Archbishop Desmond Tutu.

Sparked in part by state prosecutions against senior police officers for actions committed during the militant 1980s, the rash of applications for a reprieve will be heard from next

month, starting in the Eastern Cape.

"Many of them (old security force officers) still believe that they had a moral obligation (to quell black opposition). I think Malan would rather go down as a hero and a martyr than as a repentant soul," political analyst Sipho Maseko speculated this week.

"If he goes to the Truth Commission he will have to say 'I was wrong and want to seek rehabilitation'. I don't think he'll do that."

Malan's assertion that his trial could harm race relations was endorsed by his successor as defence force chief, Constand Viljoen, who petitioned Mandela to intervene in the interests of furthering reconciliation.

An annoyed Mandela turned down the appeal, saying he would never

interfere with an independent judiciary. Maseko said Mandela knew the value of having the trial proceed.

"We are not going to see any political interference with the legal process. Part of his (Mandela's) strategy is that court cases tend to reveal a lot of things, unlike a Truth Commission."

"I think the Truth Commission has its value but it is limited. It runs out of steam if someone begins to confess, unlike a court where you have an extended cross-examination," said Maseko.

Political analysts have rejected as empty threats warnings of a right-wing backlash against Malan's trial by conservative whites.

"For 40 years in this country we have said people deserve a fair trial. I

don't think that's changed," political analyst Steven Friedman said.

"Whatever the court finds in the Malan case, it will be the result of a very thorough police investigation."

"The point is that this is not a purge of the armed forces. All of the accused are retired generals. They haven't been relieved of their command or anything like that. The current hierarchy hasn't been touched."

Friedman said Malan's case did not belong in the commission hearings, despite arguments that Malan carried out orders for a government fighting a war against communism.

"Our Truth Commission is a fairly peculiar animal. It's a messy compromise between finding out what the military was up to, and people apply-

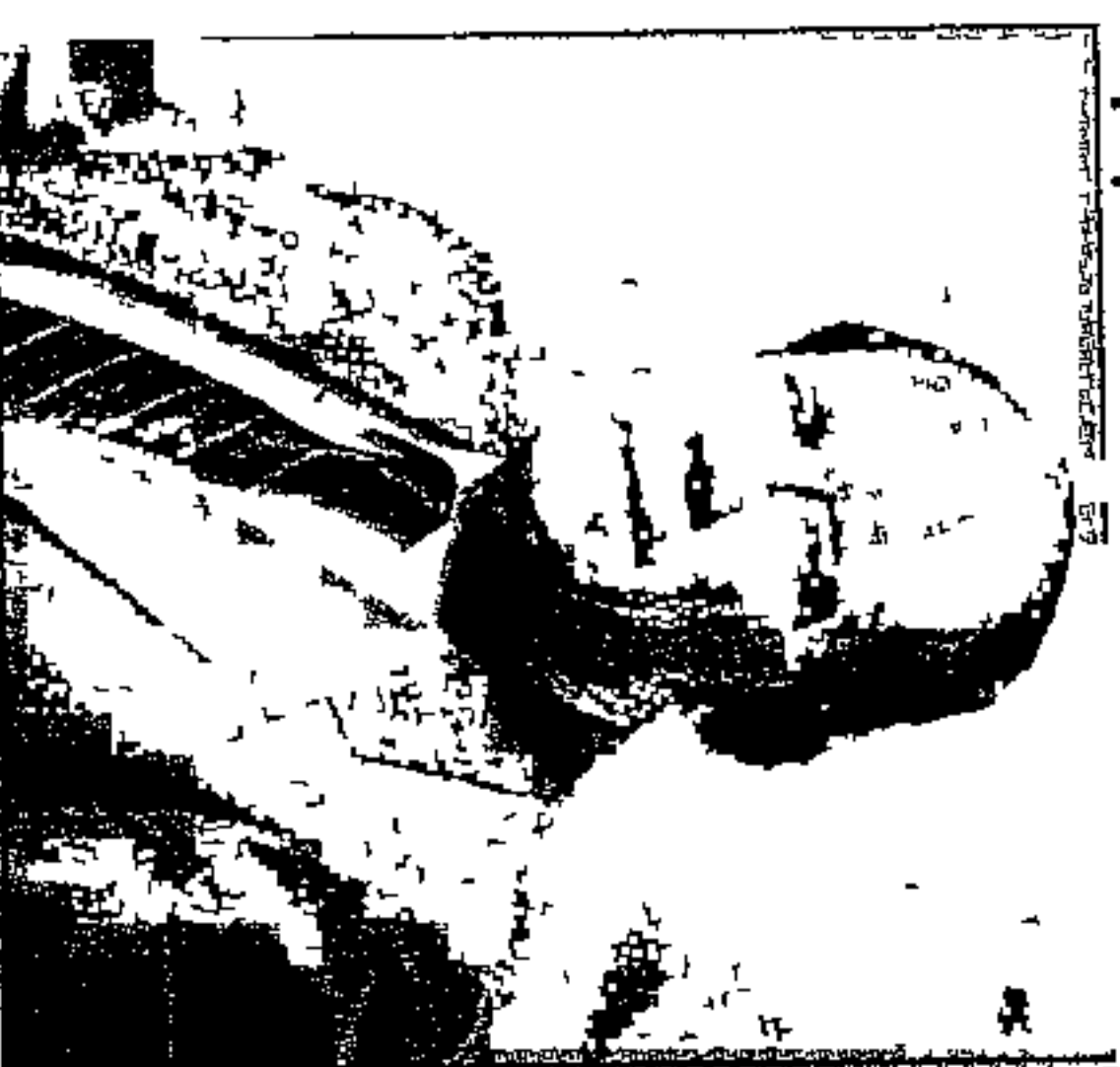
open old wounds

(254) Star 2/3/96
ing for amnesty after making a clean break with the past.

"If Malan and his colleagues wanted amnesty they could have applied for it. They haven't because they say they did nothing wrong and that's for a court to decide," said Friedman.

Safety and Security Minister Sydney Mufamadi, battling to transform the police into a community-friendly service, said last month that the force would pay the legal fees of officers who confessed to crimes committed in the course of their duties.

"We want to put our past behind us," Mufamadi said, announcing that police who confessed would also be offered legal advice and psychological counselling - Reuters.



CATALYST: There are concerns that Magnus Malan's trial will contribute towards polarisation in society

defence minister Magnus Malan and top security force officers accused of involvement in the apartheid-era murders of 13 blacks was postponed for a week today.

The trial of General Malan and 19 others, over the 1987 massacre linked to secret plans to crush black opposition, was postponed after defence lawyers said they had not had enough time to study the charges and needed further consultations with the accused.

"The case has been postponed until Monday (March 11)," Supreme Court Judge Jan Hugo told the court. "There are a lot of details in these documents."

General Malan, defence minister from 1980 to 1991, and the other accused all wore suits and crowded into the dock when the trial opened in Durban.

Reporters and members of the public who had queued in the rain packed the room for the start of the trial of the men accused of 13 murders and four attempted murders in an attack on Kwazulu-Natal in KwaZulu-Natal.

The courtroom was modified to allow more space in the dock and extra microphones were installed for the defence lawyers.

Outside the court, about 40 ANC supporters held a demonstration, chanting "Away with killers, away".

Nearby, a larger group of rival Inkatha Freedom Party members demonstrated their support for the party's deputy secretary-general, Zakhela "M.Z." Khumalo and six other supporters of the IFP on trial with the generals.

Strict instructions to the media to keep well away from General Malan as he left the court went unheeded as scores of cameramen scrambled to get his picture as he left the court building.

Police maintained a tight cordon around General Malan and shouted at reporters to clear the way as they escorted him through a heavy iron gate.

The six Inkatha supporters were members of the defunct Kwazulu homeland police and are alleged to have been part of a group which carried out the killings on January 21, 1987.

Senior prosecutor Tim McNally was to lead the state's case and has also filed papers saying he wants to charge General Malan and the others with a conspiracy to murder supporters of the ANC and its allied United Democratic Front (UDF).

The charges relate to secret plans for offensive actions against the then-banned ANC and the UDF, rivals of Mangosuthu Buthelezi's IFP.

The indictment says General Malan, four ex-military generals, a vice-admiral, six senior army officers, a police colonel and Mr Khumalo were involved in a covert operation which led to the massacre.

Chief Buthelezi told supporters at a rally this weekend the trial was a ploy by the ruling ANC to brand his party as the source of political violence.

"The violence started when the ANC established the UDF in this country as their front, which unleashed violence against all those who were not in their fold whom they called collaborators," he said.

— Reuter



UP FOR MURDER: Magnus Malan and his aides leave the Supreme Court, Durban, today after he and 19 others appeared to face hit-squad murder charges

Generals' battle With court begins

Malan and co-accused due in court today

Stephané Bothma

DURBAN — Former defence minister Gen Magnus Malan and 19 co-accused will appear in the dock in the Supreme Court today to face 18 counts of murder and attempted murder relating to the 1987 Kwamakutha massacre

Last week KwaZulu-Natal attorney-general Tim McNally — who will lead the prosecution — added a wider alternative charge to the indictment, claiming that the accused were guilty of a conspiracy to murder ANC and United Democratic Front members between December 1985 and June 1989

The supplementary indictment of-

fers fresh evidence gleaned from top secret SA Defence Force documents of Malan's close involvement in Operation Marion and outlining a "chain of events" along the length of which the conspirators became associated with the conspiracy

Operation Marion involved the training of IFP members by the SADF in Caprivi. The "offensive training" was allegedly sanctioned by Malan and other military chiefs. Some of those trained were allegedly responsible for the massacre

The alternative charge added last week cites a 1988 meeting in Durban between Malan and IFP leader Chief

Mangosuthu Buthelezi at which Malan cautioned Buthelezi about the sensitivity of the relationship between him and the defence force

The indictment said Buthelezi was warned at the meeting that Inkatha "should not be linked to the SA government"

Payment of salaries by the SADF of certain special constables trained in Operation Marion was also discussed at the meeting

Also in 1988, duty sheets issued to SADF officers said the following orders regarding "offensive actions" were is-

Continued on Page 2

Malan

Continued from Page 1

sued, all operations had to be authorised in advance by Military Intelligence and targets had to be approved by military officers and the police's security branch

Throughout the period high-level warnings about the possibility of criminal prosecution were included in SADF documents.

Facing charges with Malan are former SADF head Gen Kat Liebenberg, former army chief Gen Janne Geldenhuys, several former high-ranking military chiefs, a former security policeman, IFP deputy secretary-general Za-

khele Khumalo and six alleged hit squad operatives trained as part of Operation Marion.

They will appear before Judge Jan Hugo and two assessors in a trial expected to last more than six months.

Malan will be defended by Transvaal advocate Sam Maritz SC, while former Witwatersrand attorney-general Klaus von Lieres und Wilkau will defend the six alleged hit squad members. There are seven defence teams to cross-examine more than 100 witnesses on the State's list.

The Sunday Times yesterday reported that taxpayers will have to pay out about R10m to pay for the defence of Malan and his co-accused.

At least five of the defence teams will be paid from state coffers

Eyes of the world riveted on Court A for trial

Gen Magnus Malan and 19 co-accused enter the dock today for an intensive – and expensive – legal battle over the murder

OWN CORRESPONDENT
Durban

This morning the eyes of the country and the world will be focused on Court A in the Durban Supreme Court building, where Gen Magnus Malan and 19 co-accused will face 13 counts of murder.

The case, billed as the trial of the decade, is likely to spark a media frenzy rivaled only by the first appearance of Malan and his

former army colleagues late last year. At issue is the murder of 13 people at KwaMakhutha in 1987 which the State alleges was carried out by a group of men trained in the Caprivi for "offensive" operations against the ANC and the United Democratic Front in KwaZulu Natal.

Preparations for the trial have seen KwaZulu Natal Attorney-General Jim McNally locked away in intensive battle plans. The court-

room has been modified to accommodate the large contingent of accused, and extra microphones, tables and chairs have been added to give the strong legal team a place to sit.

Seven legal teams will do battle with the State from today and the cost of the trial has been estimated at close to R10-million. Most of this will be paid by the taxpayers because, under treasury regulations, most of the accused (as former civil

servants) are entitled to State assistance in legal action arising from their official duties.

It is highly unlikely this morning's appearance will last very long as a new charge was added to the original charges late last week. Malan's defence counsel, Sam Maritz SC, said he had not received particulars arising from the original charge sheet and he did not think he would be able to proceed because it was not in his

client's interest.

Although Malan and his co-accused have so far refused to take their story to the Truth and Reconciliation Commission, saying they wanted to be proved innocent in a court of law, rumours in legal circles last week suggested that the additional charge of conspiracy to murder might sway their decision. McNally has not revealed details about the additional charge, but it does focus on a meeting be-

tween Malan and Chief Mangosuthu Buthelezi where the general warned the IFP leader of the sensitivity of their relationship.

Although not directly linked to the case, Buthelezi's name crops up regularly in the charge sheet. On Saturday, Buthelezi said the trial was a ruse by the ANC to rewrite history by attempting to fool the world that the IFP had started the violence. He said the violence had started when the

ANC formed the UDF as its front NIP spokesman Dame Schutte said the trial did not augur well for the process of reconciliation.

■ The 20 accused: Peter Mसानe (32), from Ulundi; Caprivi trainee Nicholas Ndlovu (32), Elandskop; Caprivi trainee Martin Khanyile (31), Ulundi; Caprivi trainee Prince Mkhize (33), Mahlabahtni; Caprivi trainee Hloni Mbuyazi (32), Empangeni; Caprivi trainee Alex Bivela (31), KwaMbonambi; Caprivi trainee M.Z. Khumalo (52), Ulundi; IFP deputy secretary-general Gert Griesel (33), Pretoria; former Military Intelligence operative Gerhardus Jacobs (39), Vryburg; former special operations instructor Jacobus Victor

(50), Glen Aml, Durban, former intelligence officer Jan Hendrick van der Merwe (45), Verwoerdburg; former Military Intelligence security officer Brig John More (51), Pretoria; Military Intelligence Brig Cornelius van Niekerk (52), Pretoria; former director, special tasks Gen Tienie Groenewald (59), Pretoria; former chief director Military Intelligence Gen Cornelius van Tonder (54), Sandton; former chief director intelligence operations Vice-Adm Andries Putter (59), Verwoerdburg; former chief of staff, intelligence Gen Kat Liebenberg (57), Pretoria; former chief of the army Gen Johannes Geldenhuys (60), Pretoria; former defence force chief Gen Magnus Malan (65), Waterkloof; former defence minister Maj Louis Botha (49), PE; former security policeman

of 13 people in 1987

of the decade
Start 4/3/96 (254)

Malan court battle begins

OWN CORRESPONDENT

DURBAN A media frenzy is likely when General Magnus Malan and 19 co-accused appear before the Supreme Court this morning on 13 counts of murder

The hearing arises from the murder of 13 people at Kwa-Makutha in 1987

Seven legal teams will do battle with the state in a trial expected to cost close to R10 million

It is unlikely this morning's hearing will last long as a new charge was added late last week. Malan's defence counsel, Mr Sam Mantz, SC, said he had not received particulars arising from the original charge sheet and did not think he could proceed

● See Page 8

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SA IS preparing to downgrade relations with the US over Armscor's 1991 arms smuggling indictment. Ambassador Franklin Sonn is telling audiences in Washington that unless the US retreats from its demands, Pretoria will pull out of the US-SA binational commission chaired by Vice-President Al Gore and Deputy President Thabo Mbeki, and suspend high-level visits by government officials.

Such actions, apparently, will coincide with the lodging of an application in the federal court to litigate the question of whether Armscor and Denel, as corporations "wholly owned" by the SA government, enjoy sovereign immunity from prosecution in the US. The application is said to be imminent.

To judge from the ambassador's remarks, the latest US settlement offer, given to a delegation including Mbeki's legal adviser Mojanku Gumbi and foreign affairs deputy director-general Tebogo Mafole in talks in Washington last month, has been rejected.

The two sides officially agreed not to disclose the terms. Leaks suggest the offer did not go much beyond the reasonable agreement negotiated last July by foreign affairs' Washington attorney Philip Hare, and promptly rejected by Armscor and its supporters in government.

Under that agreement, Armscor and Denel would have pleaded guilty to charges of arms smuggling, paid criminal and civil fines, and, as a condition of having their access to US arms technology restored, submitted to a "compliance programme" to reassure the state department they were willing and technically competent to comply with US export controls in future.

They would also have co-operated, if required, in the prosecution of US defendant Robert Ivy, whose legal bills Armscor had been paying, and with whose lawyers Armscor's lawyers still seem to be discussing legal strategy.

The souring of ties between SA and the world's dominant economic and political power comes at a dangerous time. There are growing indications that SA is about to undergo its second major transition in less

than three years with the retirement, possibly as early as six months from now, of President Nelson Mandela.

Managing this transition in a manner that sustains international confidence in SA is going to be difficult enough. It will be made no easier if Mandela's likely successor, Mbeki, is revealed as the kind of leader willing to pick a fight with Washington over what, in the greater scheme of things, should be a trivial matter.

Trivial? Indeed. Unless there is something really fishy going on here, the deal Hare negotiated last year would have cost Armscor/Denel a few million dollars in fines and perhaps a few embarrassing disclosures about the past at the Ivy trial. Fine, so a few of the old guard would have had to walk the plank. That is no big deal.

The fuss over a compliance programme is overblown. The state department does not want to conduct an inquisition into old history. It merely wants to know whether the indicted parties have the procedures in place to ensure that if they are licensed to receive an item on the US "munitions list", that item will be used solely for the purpose stated on the licence and will not be transferred to a third party — either by itself or as a component of a larger system — without the department's approval.

This is standard stuff. Even if

Armscor/Denel had not been indicted, the state department's office of defence trade controls would still need to be satisfied that Armscor and Denel were ready and able to comply with US regulations. A federal grand jury did, after all, find plenty of evidence that they had been bad boys. Even if the indictment were found invalid on sovereignty grounds, that evidence (not to mention what the Cameron commission has dug up) could scarcely be ignored from a regulatory standpoint.

The SA government says a compliance programme would violate the country's sovereignty, yet it accepts that the US may carry out end-user checks to verify that licences — \$30m worth of which were issued to unindicted SA firms last year — are being honoured. It is hard to see how inspections by US officials after the fact impinge on SA sovereignty vastly more than pre-licensing checks.

As for the fines, Armscor's and Denel's obduracy looks likely to cost the SA economy many times the amount they are refusing to pay. If they had settled this thing — as they had every opportunity to do — two, three or even four years ago, they would probably have already been cleared to receive licences.

Instead, they have insisted on

continuing to deny themselves access to US technology and partnerships that could even today be helping the Denel group win big orders. Granted, the orders could not come from customers of which the US government disapproves, but if that is how Armscor and Denel want to play, why are they wasting time and money fighting the indictment in the first place?

Has anyone in Pretoria stopped to ask themselves what is to be gained from litigating sovereignty immunity? A favourable ruling gets Armscor and Denel off the hook as far as fines are concerned, but by no means guarantees licences being granted. An adverse ruling puts them back to square one, still facing fines. Either way the legal costs are substantial. How many squatters could be placed in decent housing for what government's current Washington lawyer Hank Schuelke is being paid?

Just as troubling, there will be a lot of bilateral blood on the floor, especially if the diplomatic posturing ambassador Sonn keeps talking about goes ahead. Is it really such a smart move to get into a wrangle with the superpower at the very moment the only SA leader in whom international capital has confidence, Mandela, is about to step aside. What does this say about the next generation of leaders?

Any reasonable observer looking at the way the SA government has

handled this case could be forgiven for wondering what on earth is motivating it. The matter has been close to resolution several times, but on each occasion Armscor and Denel have persuaded their putative masters to baulk.

A year ago, Mbeki instructed counsel to get the best plea bargain possible. He acknowledged there would have to be guilty pleas and fines and co-operation against Ivy. What he wanted was "finality" — the closing of the book on Armscor's past misdeeds.

By mid-year, such a deal had to all intents been constructed, only to be tossed out when it did not pass muster with Armscor lawyer Nico Stockenström.

Hare was replaced by Schuelke, who notified the justice department in a letter made public by the embassy. "The SA government insists that, as a full and equal partner of the US, it will not waive its sovereignty by permitting these two wholly owned corporations (Armscor and Denel) to plead guilty. Additionally, the SA government refuses to assign huge sums of money from its dwindling national revenues for the payment of fines to the US."

To be fair, the Americans have not acquitted themselves altogether gloriously. The SA government's desire not to be penalised for the sins of the past is understandable, the problem did not receive sufficient high-level attention in the US before it began to spin out of control.

Mandela and Mbeki have been between them raised the issue often enough with President Bill Clinton and Gore, who in turn should perhaps have instructed their best lawyer, secretary of state Warren Christopher, to devote a little time to the matter.

Unfortunately, that does not alter the fact that if Pretoria announces a diplomatic breach, SA will suffer, not the US.

The US does not have to worry much about international capital deeming its political leadership inept. SA does. As for that business in the Schuelke letter about SA being "a full and equal partner of the US" grow up. The US does not have full and equal partners.

Armscor and Denel's obduracy looks likely to cost SA

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SIMON BARBER in Washington

05/96

Armcor charges:

SA-US relations

hit all-time low

ARTS/3/96

(254)

PETER FABRICIUS

The Argus Foreign Service

WASHINGTON — Relations between the new South Africa and United States have sunk to an all-time low as the US refuses to drop 1991 arms smuggling charges against Armcor.

South Africa has warned the US that the high-level US-SA Binational Commission — centrepiece of relations between the two countries — and other bilateral contacts could be suspended if the US does not withdraw the indictment.

And the Armcor row has been aggravated by a squabble over the Cuban government's shooting down of two Cuban-American civilian aircraft last week.

The South African department of foreign affairs issued a statement last week which did not criticise Cuba but urged "both sides to exercise maximum restraint".

The US objected to the implication that it bore equal guilt in the incident.

Malan trial alleges army helped Zionists

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CT 5/3/94

OWN CORRESPONDENT

DURBAN Startling new evidence, presented yesterday at the start of the Kwa-Makutha murder trial involving General Magnus Malan and 19 others, has thrown the net wider to include allegations of military support for the Zionist Christian Church of Bishop Barnabas Lekganyane

The evidence, contained in volume two of the indictment, includes copies of top secret documents to Malan regarding the strategic advantages to the former government if it assisted the IFP and the Zionists

However, no evidence was formally given yesterday as the trial was postponed until next week to allow the defence teams time to study the new documentation and to consult their clients

At the start of the trial in front of a packed courtroom, all the defence lawyers asked for an adjournment of the trial because they had not received the documentation in time. Many of the lawyers accused KwaZulu-Natal attorney-general Tim McNally of submitting "vague and confusing" documentation

However, McNally said the documentation was "perfectly clear" and would be made clearer in further particulars furnished to the court

McNally said the additional or supplementary charge of conspiracy to murder, which was added to the charge sheet late last month, did not have any bearing on the KwaMakutha incident. He said if the main charge of murder or attempted murder against any of the accused could not be proven, the state would have the conspiracy charge to fall back on

In the new evidence presented by McNally, one of the top secret documents, headed "SADF assistance to chief minister Buthelezi and Bishop Lekganyane" stated that Bishop Lekganyane wanted some sort of immunity for his followers in case "they acted against the UDF"

In terms of strategic planning all the documents refer to the so-called "moderate" black organisations as being vital to stop the rising influence of the ANC and the UDF among the black middle class

"It must be accepted that if the SADF assistance to chief minister Buthelezi and Bishop Lekganyane appears to be a success, it will pave the way for similar projects with leaders of other national states and even the TBVC countries," one of the documents stated

In another, sent from Major-General Tienie Groenewald to Malan, it was noted that a certain Dr Barnard from National Intelligence had objected to the creation of a para-military unit for Kwazulu

However, the recommendation was that the creation of the para-military force should be clarified at the "highest political level" and cleared with Buthelezi

Further documents estimated the cost of establishing a para-military force, training its members and starting up a KwaZulu battalion at around R19,5m for the year from March 1986 to March 1987. It was also noted that the money, from whichever source it was gained, should be channelled through a fund called "Comfort"

The case against Malan and the former military officers, which resumes on Monday, will focus on the murder of 13 people at the home of UDF activist Victor Ntuli

Malan trial alleges army helped Zionists

(254)

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In another, sent from Major-General Tienie Groenewald to Malan, it was noted that a certain Dr Barnard from National Intelligence had objected to the creation of a para-military unit for Kwazulu.

However, the recommendation was that the creation of the para-military force should be clarified at the "highest political level" and cleared with Buthelezi

Further documents estimated the cost of establishing a para-military force, training its members and starting up a KwaZulu battalion at around R19,5m for the year from March 1986 to March 1987. It was also noted that the money, from whichever source it was gained, should be channelled through a fund called "Comfort"

The case against Malan and the former military officers, which resumes on Monday, will focus on the murder of 13 people at the home of UDF activist Victor Ntuli

Diplomatic debacle looms over Armscor indictment

Simon Barber

WASHINGTON—SA and the US were on the brink of a major diplomatic debacle over the 1991 indictment of Armscor, ambassador Franklin Sonn said yesterday

It was almost certain SA would reject Washington's latest proposal that Armscor plead no contest in the case because that would still mean SA having to pay more than R100m in civil and criminal fines. Government, Sonn said, was studying a last-minute appeal from Vice-President Al Gore to Deputy President Thabo Mbeki

The ambassador expected government to file an application in federal court asking that the original indictment against Armscor be thrown out on the grounds that Armscor, as a government-owned entity, had sovereign immunity from prosecution

Sonn disclosed that at high-level talks on the issue in Washington last month, Mbeki's legal adviser, Mojanku

(254) BD 5/3/96
Mgumbi, warned the state department that if SA went to court, there would probably be repercussions for the relationship between the two countries. High-level official visits and SA's participation in the US-SA Binational Commission, chaired by Gore and Mbeki, might have to be suspended

Sonn stressed that Mgumbi had not been conveying this message "in a threatening way", but said it might be interpreted in that way.

By offering to let Armscor plead no contest rather than guilty, the US side hoped to address Pretoria's worries about sovereignty. However, it was felt that a no-contest plea would mean "submitting" to the jurisdiction of a US court. Even if SA took this route, the US was offering "very little relief" in terms of the penalties Armscor would have to pay and did not guarantee that its successor, Denel, would be cleared to buy US military technology

See Page 10

Chaos reigns at start of Malan trial

Stephané Bothma

(254)

BD 5/3/96
DURBAN — An eleventh-hour decision to add an alternate charge caused a costly delay in the trial of former defence minister Magnus Malan and 19 co-accused in the Durban Supreme Court yesterday.

KwaZulu-Natal attorney-general Tim McNally, leading the State team, filed an alternate charge last Tuesday. The charge claimed that a broad conspiracy to eliminate ANC and United Democratic Front members had been forged between December 1985 and June 1989 by top former SADF officers and the IFP.

McNally told Judge Jan Hugo yesterday the charge had been added "to ensure that in the event of any or all of the accused being found not guilty on the original 18 charges, they could still be convicted".

The charges against Malan, 11 former and serving SADF officers including Gen Janne Geldenhuys and Gen Kat Liebenberg, IFP deputy secretary-general, Zakhelo Khumalo, six ex-KwaZulu policemen and former security policeman Col Louis Botha, arose from the January 1987 massacre of 13 people, including six children, at Kwamakhutha on Natal's south coast. The attack was allegedly carried out by IFP members covertly trained by the SADF in Caprivi in mid-1986.

Documents filed with the court include minutes of state security council meetings at which paramilitary aid was approved for the IFP and allegations by the state that the Kwamakhutha attack "fell within the general mandate of the conspiracy to train groups and deploy them to identify and attack targets".

The trial was postponed to Monday

Continued on Page 2

Trial

(254)

Continued from Page 1

BD 5/3/96
— without charges being put to the accused — after the seven defence teams objected to receiving further particulars relating to the new charge only hours before they were due in court.

In addition, the indictment was "vague and confusing" and did not allow preparation of a proper defence, legal representatives claimed.

Following Malan's allegations in the media last week that his telephone was bugged, the court also heard that McNally had not responded to inquiries by one of the defence teams about suspicions that the telephone calls of the accused were being monitored by investigators. McNally denied the bugging, saying he had no evidence to this effect.

The postponement, a mere 60 minutes after the start of proceedings, ended a media circus which began before

dawn when journalists had to queue to obtain admission tickets.

Once inside chaos reigned, with several lawyers being evicted so that the defence team, led by former Witwatersrand attorney-general Klaus von Lieres und Wilkau, could have their seats. Liebenberg, wearing a neck brace and looking ill, sat in a padded armchair instead of the specially extended dock.

So great was the confusion that one of the accused, Martin Khanyile, was initially refused access to the courtroom by an armed policeman when he was unable to produce one of the passes issued by the registrar.

Many journalists were not able to gain access to the court, including internationally acclaimed CNN journalist Peter Arnett, who managed to get into Baghdad during the Gulf war.

IFP supporters ululated outside the court while ANC supporters sang freedom songs inside the building.

Picture: Page 3

New Malan trial evidence points to military support for Zionist church

Star 5/3/96

(254)

OWN CORRESPONDENT

Durban - Startling new evidence presented at the start of the Kwa-Makutha murder trial involving Gen Magnus Malan and 19 others threw the net wider yesterday to include allegations that the SADF supported the Zionist Christian Church (ZCC) of Bishop Barnabas Lekganyane during the apartheid years.

The evidence is contained in the second volume of the indictment which was produced in a packed Supreme Court yesterday. The trial was postponed until next week to allow the defence teams time to study the new documents.

The indictment includes copies of top secret documents addressed to Malan regarding the strategic advantages to the then government if it assisted the IFP and the Zionists. In asking for time to study the new documents,

defence lawyers accused Kwa-Zulu Natal Attorney-General Tim McNally of submitting "vague and confusing" documentation.

McNally replied that the charges and documents were "perfectly clear" and would be made clearer in further particulars furnished to the court. He also explained the additional or supplementary charge of conspiracy to murder which was added to the charge sheet only late last month.

He said the conspiracy charge did not have any bearing on the KwaMakutha incident itself and if the main charge of murder or attempted murder against any of the accused could not be proven, the State would have the conspiracy charge to fall back on.

In the new evidence presented by McNally, a top secret document headed "SADF assistance to chief minister Buthelezi and Bishop Lekganyane" states that

Lekganyane wanted some sort of immunity for his followers in case "they acted against the UDF"

The documents refer to the so-called "moderate" black organisations as vital to stop the rising influence of the ANC and the UDF among the black middle class.

"It must be accepted that if the SADF assistance to chief minister Buthelezi and Bishop Lekganyane appears to be a success, it will pave the way for similar projects with leaders of other national states and even the TBVC countries," one document states.

The case against Malan and several former military officers, which resumes on Monday in the Supreme Court, will focus on the murder of 13 people at the home of UDF activist Victor Ntuli and the involvement of the 20 accused in the massacre.

► More reports Page 2

The accused — and the charges they're facing

(254)

Allegations are that the SADF provided Mangosuthu

Buthelezi's IFP with an 'offensive' paramilitary unit

Strom 5/3/96

SAPA

Durban

The following is a list of accused in the Malan trial and the allegations against them.

■ Former Defence Minister Gen Magnus Malan was allegedly mandated to assist IFP leader Mangosuthu Buthelezi in the creation of a paramilitary unit for the former KwaZulu homeland

Malan was allegedly directly involved in setting up an SADF military training programme, dubbed Operation Marion, for about 800 IFP members in order to combat the perceived threat to the South African government and the IFP posed by the ANC and its allies

It is alleged that he specifically requested army officers to provide Buthelezi with an "offensive" paramilitary unit following consultation with junior officers

■ Gen Johannes Geldenhuys, former SADF chief, allegedly collaborated with Malan in the various stages of establishing the "offensive unit" or hit squad

■ Vice-Adm Andries Putter, former chief of staff, SADF Intelligence, allegedly initiated regular contact between Buthelezi and top military officers after receiving a report that Buthelezi was "in a conciliatory mood towards the SADF"

The meetings allegedly led to the planning of Operation Marion

■ Gen Tienie Groenewald, former Chief of Military Intelligence, allegedly made contact with Buthelezi on November 25 1985 and presented Buthelezi's requests to Putter

Groenewald allegedly had further meetings with Buthelezi and was one of the military officers who recommended the creation of the offensive unit for Buthelezi

■ Maj Louis Botha, former security policeman appointed liaison officer with the police, allegedly diverted police patrols away from the KwaMakutha area on January 21 1987, when 13 people were killed in a hit-squad attack.

■ Gen Kat Liebenberg, former chief of the army, was allegedly appointed chairman of a special task group that drafted a comprehensive report (the Liebenberg report) on the financial implications and other details of paramilitary aid to Buthelezi

■ Gen Cornelius van Tonder, former chief director of intelligence operations, allegedly took charge of planning and executing all "hit squad" operations

■ Brig Cornelius van Niekerk, former director of special tasks, was allegedly directly involved in organising the military camp, Camp Hippo, in the Caprivi strip where the IFP recruits were

trained

■ Brig John More, former military intelligence officer, allegedly took control of Camp Hippo and granted permission for hit squad trainees to perform an attack

■ Jan van der Merwe, former intelligence officer, was allegedly the security officer for Operation Marion

He allegedly fetched the ten AK-47 rifles used in the KwaMakutha attack and disposed of them afterwards

■ Gerrit Griesel, former military intelligence operative, allegedly supplied the weapons for the KwaMakutha attack

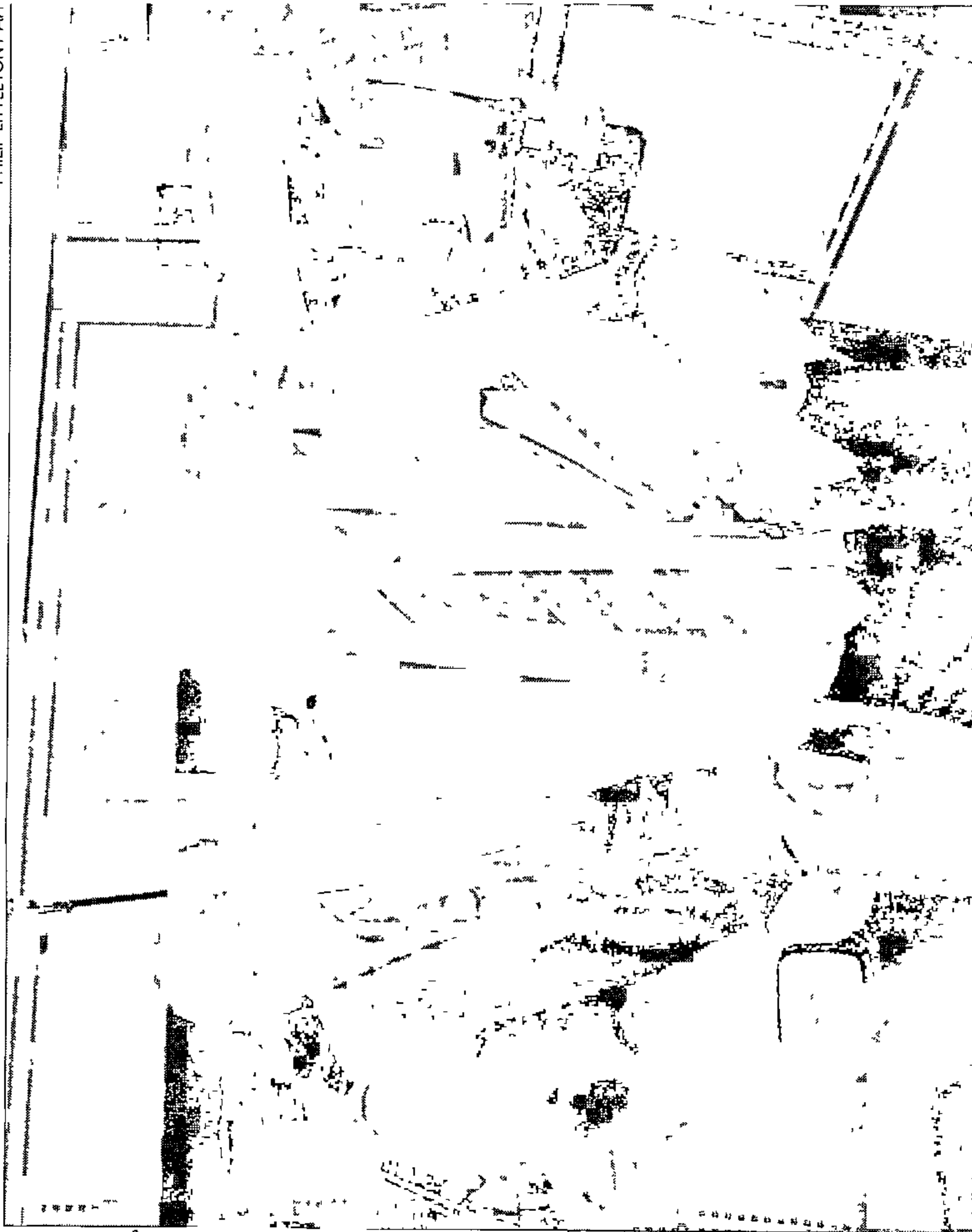
■ Jacobus Victor, former intelligence officer, allegedly ensured that potential hit squad targets were not military informers

■ Genhardus Jacobs, former special operations instructor, was allegedly commanding officer at Camp Hippo

■ M Z Khumalo, IFP deputy secretary-general, was allegedly selected to be the official liaison person between the IFP and Operation Marion

He was allegedly also responsible for the payment of the IFP trainees in the Caprivi and on their return to KwaZulu-Natal

■ Caprivi trainees Peter Msane, Nicholas Ndlovu, Martin Khanyile, Prince Mkhuze, Hloni Mbuyazi and Alex Biyela allegedly carried out the KwaMakutha attack



Brief appearance former defence minister Gen Magnus Malan leaves the Durban Supreme Court where he and 19 other defendants have been charged with the murder of 13 people, mostly women and children, in the KwaMakutha massacre in 1987. The case was yesterday postponed for a week for the defence to prepare its case

Durban trial will lead to revenge and violence, Viljoen warns

By JOVIAL RANTAO
Political Reporter

The trial of former defence minister Magnus Malan, 10 other former army officials and a senior Inkatha Freedom Party official

would lead to violence and revenge attacks, Freedom Front leader Gen Constand Viljoen said yesterday

"The Freedom Front does not want to involve itself in South Africa's legal process and cannot

speak on behalf of the accused, but there is no doubt the officers accused are men of integrity who served South Africa and its people with commitment. It is sad that, as part of a psychological undermining, there are now attempts to mar the image of the defence force and the integrity of its officer corps," Viljoen said.

He requested FF supporters to support the accused and to stand by them in the difficult times that lay ahead, and to pray for them

Pretoria backs Sonn's warning

Stephen Laufer
and Wyndham Hartley

AS THE US and SA governments moved yesterday to defuse a diplomatic row over negotiations to resolve the 1991 Armscor smuggling charges, it emerged that Ambassador Franklin Sonn had acted with Pretoria's backing when he warned of an impending cooling of relations over the issue.

The ambassador's statement had been a bit of brinkmanship, a government source said. The aim had been to signal the depth of feeling on the issue in SA, and that government was serious in wanting the US to find an amicable resolution to the issue.

Sonn had sought to convey that there could be negative consequences for bilateral ties, a foreign affairs statement seeking to "put in perspective media reports quoting the SA ambassador" said. He had not intended to link the resolution of the Armscor case to the Binational Commission headed by Deputy President Thabo Mbeki and US Vice-President Al Gore.

At the heart of the row was a US prosecutor's demand that Armscor reveal the names of its US suppliers during the sanctions era and provide documents relating to illicit arms deals, another source said. US prosecutors were primarily interested in nailing US sanctions busters.

Armscor was on the horns of a dilemma. Revealing the names of its US partners could rob it of any future business credibility in an area which prized confidentiality above all else. The two governments had been close to resolving the Armscor case on more than one occasion, particularly as SA had agreed to comply with certain limitations imposed by the US on future arms sales.

But different arms of the US government had taken contrary positions. The Philadelphia prosecutor's office, responsible for the case, had taken a hard line in pushing for the names of the US suppliers and for a substantial fine to be paid by Armscor.

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Meanwhile, both governments moved officially to demonstrate their determination to find an amicable solution to the case.

The US embassy in Pretoria said Washington remained committed to US-SA ties and the Binational Commission's importance in developing them. It had no comment on the Armscor case other than to confirm that both governments were in talks.

SA had received a written communication from Gore, foreign affairs said, to which a detailed response would be made. It had been agreed with the US government that the contents of further talks would not be divulged at this time.

In Cape Town, foreign affairs deputy director-general for the Americas Tebogo Mafole told the Senate foreign affairs committee yesterday that at the last meeting between the parties in the US it was decided not to talk to the media. Mafole was last in the US about 10 days ago.

He said the charges levelled against Armscor for smuggling by a US court had been the "problem child" of US-SA ties and "we are keen to get it behind us". He said he was unable to put a time frame on the talks but said the parties were consulting their principals after the latest round of talks.

Mafole said, in response to questions from DP Senator James Selfe, that it would be highly prejudicial to US-SA relations and "a breach of faith" to say more about the continuing negotiations.

Cape Town diplomatic sources said one of the reasons for secrecy was that if a deal was struck it would mean imposing a political solution over US courts and this could not be done publicly. It would be the political death knell of any US politician to be seen to be tampering with the judiciary.

The Philadelphia prosecutor in charge of the case appeared to have political ambitions, another source said. The fact that he was a Republican made it very difficult for a Democratic White House or state department to seek a political rather than judicial solution.

'Racism still rife' at Lenasia military base

(254) Sowetan 8/3/96

By Lulama Luti

ALLEGATIONS of continued racism at the Lenasia military base, south of Johannesburg, were made this week — exactly a year after clashes between soldiers and army authorities.

A former Umkhonto we Sizwe cadre who now works in the army base's maintenance unit told *Sowetan* how Afrikaner superiors hurled insults at the soldiers while they shouted out instructions to them.

The soldier alleged that the base was run like a concentration camp with personnel, mostly black, locked up inside the base all day.

Only service contracts of former MK and Apla cadres and not those of

formerly SADF members, were terminated in accordance with the defence force's move to cut down on personnel.

The military camp was in the news in February last year, when soldiers attached to the 21 Battalion submitted a memorandum to President Nelson Mandela's office in Pretoria. They demanded the removal of white officers, the renewal of contracts and the reinstatement of colleagues retrenched allegedly because they were older than 27.

Army spokeswoman Lieut-Col Mel Meyer said no complaints of racism and verbal abuse had been received by the Officer Commanding. She said contracts were all reviewed on an equal basis and were renewed depending on the army's personnel requirements.

has exposed the methods of the previous government's State Security Council during the turbulent 1980s

on the Buthelezi marionette

given to Buthelezi

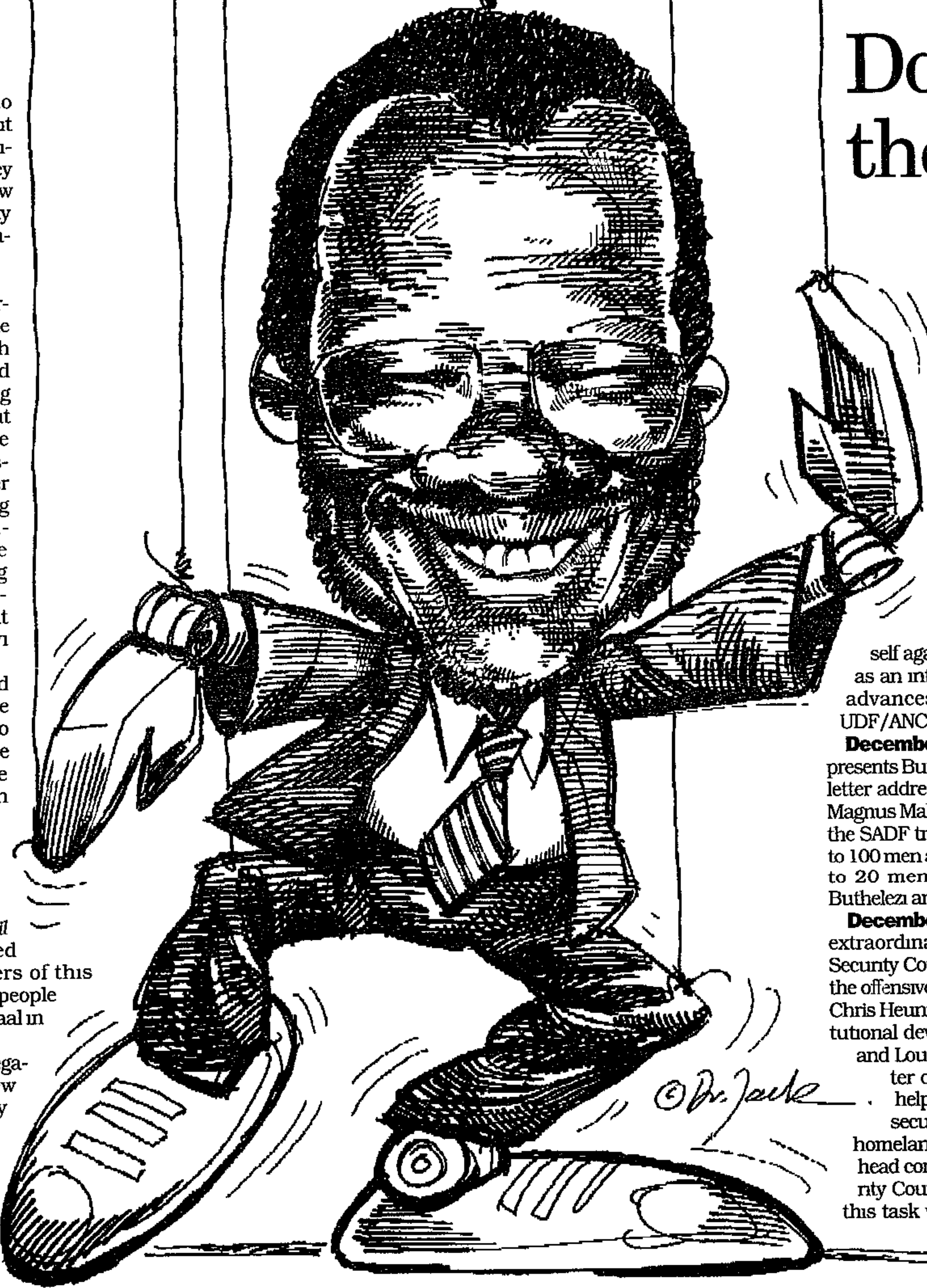
De Klerk declined to comment on queries about whether he and his cabinet colleagues knew they were breaking the law when the State Security Council approved Operation Marion

McNally put new particulars before the court — in which Malan and 19 co-accused are charged with setting up the paramilitary unit which carried out the 1987 Kwamakhuta massacre — accusing former army chief Kat Liebenberg of providing "false evidence to the Goldstone Commission during 1992" about his knowledge of the Inkatha unit trained in the Caprivi Strip

McNally accused Liebenberg of lying to the commission "in order to conceal his personal role and the role of the Defence Force in relation to the Caprivi trainees" Goldstone's probe into the activities of the Caprivi 200, as the unit came to be known, was set up after the *Mail & Guardian* published evidence that members of this band were murdering people in Natal and the Transvaal in the early 1990s

Another startling allegation contained in new details presented by McNally this week is that military officers involved in Operation Marion discussed murdering the leader of the Caprivi 200, Daluxolo Luthuli, because they feared he was leaking information about the operation

Luthuli defected from Inkatha last year and provided the KZN based Investigative Task Unit with critical information which led to the arrest of Malan and the co-accused



McNally said former Durban security policeman Major Louis Botha "intimated" to Caprivi instructor JP Opperman that Luthuli had "become a security risk in that he was disclosing details of Operation Marion to parties outside those who had become involved in such operation"

McNally alleges Botha "recommended" (to Opperman) Luthuli be killed but this advice was never carried out.

Documents reveal the conspiracy

(254) (115)
M+CT 8-14/3/96

THE most important documents in the collection, presented to back the allegation that the accused were involved in a conspiracy to commit murder, are

Minutes of a meeting on **November 25 1985**

between Buthelezi and General Thiem Groenewald, then Chief of Military Intelligence. Buthelezi is recorded as saying he needs a paramilitary force to protect himself

against UDF attacks as well as an intelligence unit to counter advances being made by the UDF/ANC alliance in Natal

December 19 1985: Groenewald presents Buthelezi's requirements in a letter addressed to Defence Minister Magnus Malan and recommends that the SADF train a defensive unit of 50 to 100 men and an offensive unit of 10 to 20 men on a covert basis for Buthelezi and Inkatha.

December 20 1985: Minutes of an extraordinary meeting of the State Security Council make no mention of the offensive unit but do indicate that Chris Heunis, then minister of constitutional development and planning, and Louis Le Grange, then minister of law and order, were to help Buthelezi in setting up a security force for the KwaZulu homeland

An interdepartmental head committee of the State Security Council was set up to oversee this task which, in turn, created a subcommittee to help it.

January 14 1986: The State

Security Council's sub-committee meets on this date and compiles a report for the interdepartmental head committee. It says provision must be made for Buthelezi's personal protection, the protection of other KwaZulu officials, an offensive paramilitary unit, expansion of the KwaZulu Police Force, a ceremonial military unit, and an intelligence unit for KwaZulu. This report recommends that the impression be created these forces were established according to the law governing homeland activities — a point which is disputed by McNally

January 16 1986: The report is presented to the interdepartmental head committee and accepted subject to a few changes. However the record of this meeting, dated January 17 1986, notes that Neil Barnard, then head of the National Intelligence Service, was strongly opposed to aspects of the plan especially the plot to establish an offensive unit for Buthelezi. "Problems were encountered with the paramilitary element," says this report. "Dr Barnard from the National Intelligence Service made major objections to the creation of such a force and indicated that the political risks associated with it were so great that he could not support it."

February 3 1986: The State Security Council meets and decides that Malan and Heunis should meet Buthelezi to discuss his requirements

February 12 1986: Groenewald has preparatory discussions with

Buthelezi. It is agreed in this meeting that the SADF provide the chief minister with an offensive paramilitary force (described as an element capable of resisting attacks by ANC and UDF members) and an intelligence capability. It was provisionally agreed that Buthelezi would personally select 200 candidates for the force

February 17 1986: Groenewald meets Malan in Cape Town and a progress report on the conspiracy is handed to the latter. Malan orders the establishment of a task group to prepare detailed plans for the paramilitary aid to Inkatha. This task group is made up of General Kat Liebenberg, Groenewald and a number of other military officers. The task group completes a document — referred to as the Liebenberg Report — which contains most of the details about the alleged conspiracy

April 7 1986: Malan sends a letter to Chris Heunis summarising the Liebenberg Report. However Malan omits details about the offensive unit and the letter explains that certain clandestine plans have been left out because of their highly sensitive nature — probably also because the State Security Council operated on a need-to-know basis

April 8 1986: Malan requests Chief of Staff Intelligence Admiral Andries Putter to sell the covert programme in its entirety to Buthelezi. At about this time the project is code-named Operation Marion, while the documents state repeatedly that Buthelezi should never be perceived as a "marionette" because of his links to the SADF

April 16 1986: Putter informs Geldenhuys by letter that the SADF was, by verbal authority proceeding urgently with the recruitment of Inkatha paramilitary trainees and the creation of a base for them in the Caprivi Strip. This letter suggests that MZ Khumalo be the liaison officer between the SADF and Inkatha. This letter also states Buthelezi had given Khumalo instructions about the paramilitary force and notes that Buthelezi was aware of the offensive unit and wanted it to be trained and deployed with the rest of the force.

October 16 1986: Colonel Cor van Niekerk and Brigadier John More visit Buthelezi in Ulundi and report that the first 200 graduates had been trained and were back in KwaZulu ready to be deployed and that money had been deposited into the Inkatha account via Armscor channels to pay for their salaries

● The funding of the entire operation came from a secret military intelligence fund called Comfort. The Liebenberg Report notes that the Department of Military Intelligence had R3 5-million available for the project. Putter's letter of April 16 1986 to Geldenhuys suggests R2 050 000 be paid through Armscor into an Inkatha account and made to appear as if it came from an overseas donor. This transfer was duly carried out and confirmed in a letter from More to Colonel Van Tonder dated October 26 1986

Armscor's public relations head Abba Omar this week declined to comment on evidence that the armaments corporation was used to launder clandestine military funds. Omar claimed his office was unable to provide these details because the case is *sub judice*

ARG 9/3/78

Denel quashes allegations of Nisec link to Williams

PRETORIA. — The Office for Serious Economic Offences (Oseo) has said that an affiliate of arms manufacturer Denel was not responsible for an alleged irregular payment to former Welfare Minister Abe Williams, Denel said.

In a statement issued here it said managing director Johan Alberts had received a letter to this effect from Oseo earlier in the day. (254)

"The purpose of the letter was to clarify the matter and to eliminate any incorrect perceptions which may have arisen," the statement said.

Mr Williams resigned on February 21 after Oseo had searched his offices and homes.

It declined to reveal the charges being investigated.

At the time African National Congress Western Cape MEC Ebrahim Rasool claimed to have initiated the probe, alleging it concerned the award of a R149-million five-year contract to distribute social pensions.

The contract to pay about R1,5 billion a year using fingerprint identification was awarded to Nisec, a Denel affiliate.

Denel yesterday released the letter from Oseo on the matter. It said in part: "The company which ... made a payment into an account controlled by Mr A Williams was not Nisec."

Mr Alberts said he was happy the matter had been cleared up. — Sapa.

THE South African government is headed for perilous territory if it decides to argue in a US court that Armscor, as a wholly owned state entity, should enjoy sovereign immunity from prosecution in the US

Although the Clinton administration is offering a deal that could solve the problem at relatively little cost to the new government's honour and purse, Ambassador Franklin Sonn said his government would try for immunity

Dr Sonn said on Monday that this was decided in light of the US's refusal to drop Armscor's 1991 indictment for violating US export controls

Dr Sonn wounded himself mortally in Washington's eyes when he rejected a written offer from Vice President Al Gore under which Armscor would be permitted to plead *nolo contendere* — no contest — to the charges

Although he cited the authority of "the presidency", it was unclear whether the ambassador was reflecting official policy. At the time he spoke, Mr Gore's letter had not been delivered to its addressee, Deputy President Thabo Mbeki.

By entering a no-contest plea, Armscor would effectively agree that the acts alleged in the indictment — mainly the illegal acquisition of millions of dollars worth of US military technology — did occur, and South Africa would then be able to seek leniency from the presiding judge, Mr Justice Jan Dubois.

Its lawyers would presumably argue that heavy fines would amount to punishing the new South African government for the sins of its predecessor

This, in the administration's view, is not an unconvincing position

According to the standard handbook of US law, *American Jurisprudence*, a no-contest plea — which, in Armscor's case, would be fully backed by the US Justice Department — commonly serves the following purposes

- "To avoid trial with its attendant expense and adverse publicity in the event of a conviction", and

- "To protect in certain cases the respectable citizen who may sometimes become technically guilty of a violation of law, but who should not be subjected to certain penalties intended to apply only to those who wilfully or maliciously violate the law"

The difference between a plea of no contest and a plea of guilty is that while the latter is "a confession that binds the defendant in other proceedings", the former "cannot be used against the defendant in any civil suit for the same act, and it cannot be used against the defendant as an admission of guilt in any other criminal case"

Judge Dubois would be given the latitude to differentiate between Armscor



South Africa must take the cheap and honourable way out offered by the US government, writes SIMON BARBER

Escaping from the Armscor mess

(254)

ST 10/3/96

under past and present dispensations

The preclusion of civil action could even stay the State Department's hand in levying the administrative fines for arms export control convictions — an especially bothersome bone in Pretoria's throat

In sum, by agreeing to let Armscor plead no contest, the US Justice Department has offered a concession that could, if accepted, enable the corporation to settle the punitive aspects of the case quickly and, depending on Judge Dubois, relatively painlessly

That is all the more true given that, according to Dr Sonn, the South African side has already conceded it is prepared to turn over witnesses and documents to assist the prosecution of American defendant Robert Ivy. Mr Ivy is widely held to have been the godfather of Armscor's embargo-busting programme in the 70s and 80s

It is also understood that Mr Mbeki has agreed in principle that the US State Department should be permitted to satisfy itself that Armscor and the Denel Group are willing and able to abide by US export controls in future

That is a key precondition if the 23 Armscor-related companies embargoed as a result of the indictment are to

be granted licences to obtain items on the US "munitions list" — items essential to their being able to compete on world markets

However, in Dr Sonn's view, to accept a *nolo* plea is still to "submit" to the jurisdiction of the US courts. That, he believes, would be an intolerable invasion of South Africa's sovereignty

To make an immunity claim, Armscor's US lawyer, Hank Schuelke, would have to persuade Judge Dubois to entertain a "limited appearance" by his client — limited, that is, to arguing the question of jurisdiction without formally acknowledging that such jurisdiction exists

Such a request would likely be granted. There would then be a full hearing of the claim, resulting in evermore splendid fees for Mr Schuelke

The central issue would be whether Armscor was protected by the Foreign Sovereign Immunities Act, which, awkwardly, is silent on the question, critical in this instance, of whether foreign sovereigns — governments — are immune from criminal, as opposed to civil, prosecution in the US

US courts have also given conflicting opinions on this issue

However, the Act explicitly permits civil suits against foreign parastatals in cases involving activities that are "commercial", even if they serve a state "purpose". This doctrine fits what Armscor was up to, like a glove

Armscor was not simply procuring an arsenal for defence, according to the indictment. It was indistinguishable from the commercial enterprises with which it was indicted

Armscor might still seek refuge under the "Act of State" doctrine, which holds that "the courts of one country will not sit in judgment on the acts of the government done within its own territory"

To sustain an argument for immunity on this ground, Armscor would have to prove that it was ordered by its government to carry out the activities that got it indicted in the US. No doubt it was, but are members of former State President P W Botha's cabinet ready to testify to that effect?

Finally, the South African government protests that the Armscor case is unique. It isn't. The Irish airline, Aer Lingus, recently pleaded guilty to violating the US Arms Export Control Act by shipping aircraft parts to Iran

There are also outstanding criminal charges against Iraq's Rafandan bank and two Libyan oil companies

They, also, have refused to answer the indictments. Does South Africa want to be in such company, especially when the US government is now offering a cheap and honourable way out?

Malan's 'terrific'

By DESMOND BLOW

254 10/3/96

Two black lea

EXPLOSIVE documents marked "top secret" included in a 250-page dossier supplied to the seven defence teams appearing for former defence minister Magnus Malan and 19 others in the Durban Supreme Court tomorrow, tell a story of cloak-and-dagger intrigue to foment a civil war between black South Africans in the turbulent eighties

The secret documents intimate that some members of the State Security Council seized on the paranoia of then Chief Minister of KwaZulu Mangosuthu Buthelezi and Bishop Barnabas Lekganyane of the Zionist Christian Church (ZCC) - who allegedly feared they might be killed by UDF-ANC Charterists - to foist a private army on KwaZulu

The documents repeatedly warn that Buthelezi and Lekganyane must not be perceived as "puppets" because of their links with the SADF

One secret document says Lekganyane had repeatedly warned the UDF to stop its actions against the ZCC - "or else the ZCC will be forced to take counter-action to protect its members and interests"

The 1985 document says, "It is clear that a large part of the black population at present are not prepared to accept the Charterists' expansion of their power base and are prepared to actively oppose it. Should the Charterists, however, succeed in neutralising Inkatha, it is improbable that the other moderate groupings would be able to resist the pressure against them. The end result would be that the government would only have the whites as a power base to defeat the revolutionary onslaught against the RSA."

The appearance of Malan, several former



'ASKED FOR PROTECTION' ... Mangosuthu Buthelezi.

top SADF officers, and six members of an alleged Inkatha "hit squad" on 13 counts of murder, four of attempted murder, and one of conspiring to commit a murder, has been postponed until tomorrow.

Judge Jan Hugo postponed the "trial of the decade" to allow the defence teams to study the thick dossier of their requests for further particulars and the State's replies to them.

The "top secret" documents were confiscated when Colonel Frank Dutton's Investigative Task Unit raided Military Intelligence archives in Pretoria last year. The file they sought had disappeared - but a week later the then head of counter-intelligence handed it to Dutton.

It is not known if important documents had been removed from the

file - but McNally obviously believes there is sufficient evidence in the "top secret" documents recovered to connect all 20 accused to the murder of the 13 civilians, including women and children, in the Kwamakhuta massacre in 1987

None of the documents show that Malan and most of the top offices charged with him knew of the planned massacre

However, Natal Attorney General Tim McNally alleges in papers before the court that the conspiracy was a "chain conspiracy" in which the various accused became associated in a chain of events that led to the murders

The alleged conspirators obviously knew there could be legal problems in their actions - for a secret staff document of 1985 warns about the legal sensitiv-

ity of any support given to Buthelezi and Lekganyane. It says "This aspect is seen as so delicate that liaisons and inquiring on this level might draw reaction which could cause disaster to the matter"

Evidence in the "top secret" documents alleges that Malan and top SADF officers used the SADF to create a private army for Inkatha to take the offensive against the ANC and the UDF within the country

Senior counsel told City Press: "A defence force is to fight the enemy from outside your country - not to kill civilians inside it"

"It is against the law for an army to kill its own civilian citizens - and those perpetrating such a crime can be found guilty of murder"

One document warned that the SADF should keep control of any security force it created for Buthelezi - lest it became "a monster" that might be used against the apartheid regime one day.

In their replies to requests for further particulars the Natal attorney-general and his deputy, Karl Koeng, have set out clearly the evidence they expect to put before the court to show the conspiracy of total onslaught against opponents of the apartheid government

More than a 100 witnesses have been subpoenaed, including former Major JP Opperman, who helped plan the Kwamakhuta massacre and who has turned State witness. For his protection, he has been kept out of the country until now

According to the dossier there is apparently no evidence to show that all the conspirators knew each other's identities - but McNally maintains

they knew there were co-conspirators

And although Malan and others may not have been aware of the specific target of the Kwamakhuta massacre - UDF activist Victor Ntuli - a conspiracy is alleged on the basis that the attack was part of a general mandate to train and deploy groups to identify targets and attack them

This, the State alleges, was contrary to the laws of the country.

The documents trace the full story of intrigue that involved Buthelezi and the conservative Lekganyane

A "top secret" memo of November 27 1985 says that since September 1984 it had become apparent that internal unrest could not be seen just as a white against black struggle but that part of the unrest was a black power struggle.

The memo says that "besides their opposition to the existing white dispensation, the so-called Charterists - with the ANC and UDF as the main exponents - in their statements and actions are also showing an ideological animosity towards the leaders of the national and TBVC states, the Azanian People's Organisation, Inkatha and other moderate black groupings such as the ZCC."

"The Charterists are also making deliberate attempts to increase their influence among the black middle class"

In a document dated November 1995 Buthelezi is said by one of the accused, Tienie Groenewald (then Chief of Military Intelligence), to have requested a force to protect himself against UDF attacks, as well as an intelligence unit to counter advances being made by the UDF/ANC alliance in KwaZulu

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(254) CP 10/3/96

Doing justice in a tight squeeze

It alleged that accused number 17 (Liebenberg) gave false evidence to the Goldstone Commission in 1992 to conceal his role and the SADF's.

It is also alleged that accused number 20 (Botha) told Opperman after the massacre that one of the unit members, Daluxolo Luthuli, was disclosing details of Operation Marion and should be killed

The State alleges that after Opperman and a Cloete received instructions from More in Pretoria to kill four "targets" they returned to Natal and asked Khumalo (accused no 7) to send Luthuli to them

Luthuli was told to pick four victims. He gave them four names - including Ntuli's.

The State alleges that Opperman approached Botha (accused 20), a SAP Security Branch member, to check whether Ntuli was not a Security Branch informer

Opperman and Cloete returned to Pretoria and reported to More. He instructed them to fetch AK-47s from a military base.

Before the massacre Opperman and Cloete stole the number plates from a car parked at the Malibu Hotel in Durban and swapped them with the original plates on the kombi used by the murderers

They handed the AK-47s to the "hit squad"

Opperman and Cloete met the kombi after the massacre and changed the number plates. They also took possession of the murder weapons

They then all drove to Khumalo's home, where a goat was slaughtered to celebrate the massacre, it is alleged

The murder weapons were later turned over to accused no 11 (Van der Merwe) in Durban

More took Opperman to see accused 15, Van Tonder, who congratulated him on the mission's success.

"MY CONSCIENCE is clear," says General Magnus Malan - but fireworks are expected when the trial of the first South African Cabinet Minister ever to be charged with murder and his 19 co-accused finally gets under way tomorrow in the Durban Supreme Court after a week's postponement.

Former defence minister Malan and his alleged co-conspirators in the Kwamakutha massacre will occupy two rows in a specially built dock.

Malan (accused no 19) will sit second from the end in the first row, with the seven black accused (1-7) in the first seven seats in the back row.

Last Monday Malan was dressed in a sombre dark suit - needing only his black Homburg hat to be the unsmiling Minister of Defence at a grand parade.

His former fellow officers were also dressed in dark suits. Former SADF head General "Kat" Liebenberg (accused no 17), who wore a neck brace, was allowed to sit outside the dock.

Judge Jan Hugo, sitting with two assessors - one black and one white - apologised for the cramped court.

The seven teams of advocates for the defendants find themselves in the unusual position of being crammed against the prosecution team.

The gallery can seat about 80 spectators - including the press, relatives of the deceased and accused and members of political parties.

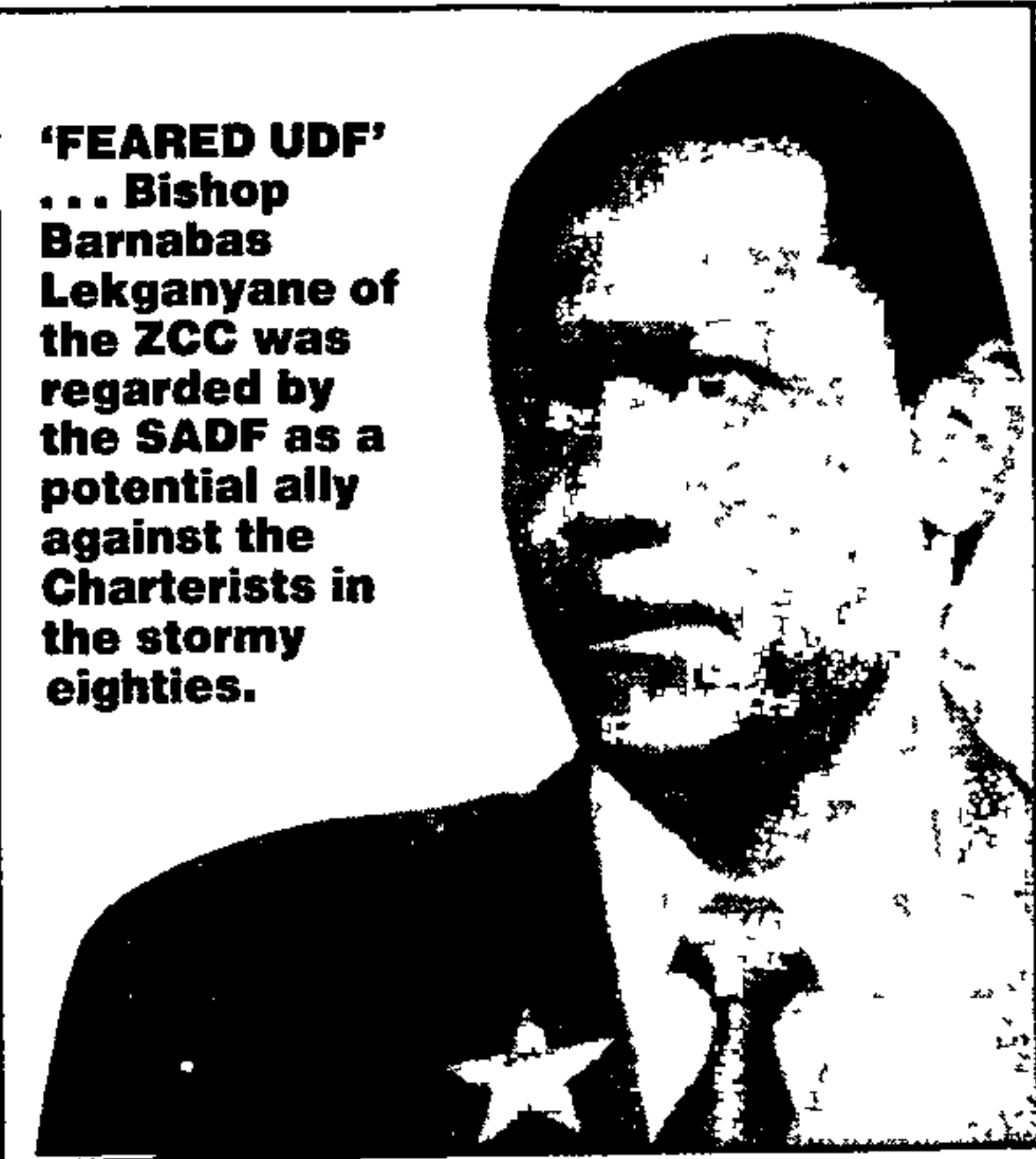
Members of the press will have to queue from 6 am to secure one of 20 seats available to them when the court opens at 10 am. On the first day there were about 80 local and overseas journalists - and famed CNN journalist Peter Arnett was among those who could not gain admission.

will personally pick 200 men for it

Five days later Groenewald reports to Malan in Cape Town - and Malan orders the establishment of a task force to prepare details of the

in Ulundi that the first 200 men have been trained and are back in KwaZulu, ready to be deployed, and that money has been deposited in the Inkatha channels to pay their salaries

'FEARED UDF' ... Bishop Barnabas Lekganyane of the ZCC was regarded by the SADF as a potential ally against the Charterists in the stormy eighties.



paramilitary force

The task force includes several top military officers - such as Groenewald and General Kat Liebenberg, then head of the SADF

In April Malan sends a letter to Heunis about the task force - but omits details about the offensive unit

The next day Malan selects Chief of Staff Intelligence Admiral Andries Putter to sell the covert plan, code-named Marion, to Buthelezi

Eight days later Putter informs Geldenhuys the SADF is urgently recruiting Inkatha paramilitary trainees and is creating a base for them in the Caprivi strip

The letter suggests that MZ Khumalo be appointed liaison officer between the SADF and Inkatha. It also reveals that Buthelezi knows of the offensive unit

In October 1986 Colonel Cor van Niekerk and Brigadier John More report to Buthelezi

A month later Groenewald recommends to the then minister of defence, Malan, that the SADF covertly train a defensive unit of a maximum of 100 men and a defensive unit of a maximum of 20 men for Buthelezi and Inkatha

At a State Security Council meeting at the State President's residence in Cape Town, Chris Heunis (then minister of constitutional development and planning) and the late Louis le Grange (then minister of law and order) are chosen to help Buthelezi set up a security force.

No mention is made of an offensive unit - probably in keeping with the policy of only informing those who need to know

A sub-committee is created to help

In January 1996 the sub-committee submits a report calling for provision to protect Buthelezi and KwaZulu officials, an offensive paramilitary unit, expansion of the KwaZulu police and the provision of an intelligence unit for KwaZulu

This report is approved, with a few changes, by the interdepartmental head committee of the State Security Council.

However, it is recorded that Neil Barnard (then head of the National Intelligence Service) strongly opposes the plan to create an "offensive" unit - as he believes the political risks are too great.

In February 1986 the State Security Council instructs Heunis and Malan to discuss Buthelezi's requirements with him. However, nine days later it is Military Intelligence chief Tienie Groenewald who meets with Buthelezi

It is agreed that the SADF will provide Buthelezi with a paramilitary force and that he

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SADF 'spent R7,6-m on Operation Marion'

ARG 11/3/96

(254) (113)

The Argus Correspondents

DURBAN — The South African Defence Force spent R7,6 million of taxpayers' money to bolster Inkatha against the UDF, the KwaZulu-Natal attorney-general told the Durban Supreme Court today.

All 20 people on trial have pleaded not guilty before Mr Justice Hugo to 13 counts of murder, four counts of attempted murder and the conspiracy to commit murder.

Before proceedings got under way Mr Mike Maritz SC, appearing for two of the accused, told the court that his files on the case had been removed from his bag in a Durban hotel last week. Mr Maritz said he was not accusing the State or the independent task unit, but he was placed at a disadvantage.

Opening the State's case Attorney-General Tim McNally said there had been much comment on the cost of the trial.

"I say that justice is a priceless commodity. Justice will be pursued in this case no matter what the cost. It is pertinent to mention that the SADF spent all R7,6 million of taxpayers' money on Operation Marion between 1986 and 1990."

Operation Marion was the codename for the training of 200 Inkatha members by Military Intelligence for the purpose of bolstering Inkatha against the alleged threat posed by the UDF.

Mr McNally said that Mangosuthu Buthelezi, leader of the IFP and Minister of Home Affairs, was not on the State's list of witnesses "despite frequent reference to him in the documentation. It is probable that the documents will ade-

quately cover his role without a need for him to be called. This aspect will, however, be reviewed from time to time during the State's case."

Mr McNally said that the Kwamakhuta massacre was the only product of Operation Marion. He said individual Caprivi trainees had committed murders after they were demobilised in June 1989 but "they are not alleged to stand in direct relationship to the conspiracy."

Two key SADF officers who worked with the group when they allegedly carried out the Kwamakhuta raid, Johan Pietier Opperman and Andre Cloete, are to give evidence for the State.

About 150 IFP supporters staged a demonstration outside the main entrance of the Supreme Court ahead of the start of the trial.

As he saw them, accused Magnus Malan's wide smile turned into a sneer and he put his head down and entered the court early today.

Striding across the carpark, the former defence minister had led a pack of his heavily guarded co-accused generals towards the dock.

Riot police armed with shotguns and automatic rifles had braced themselves to restrain a small but pressing crowd who swore at the accused.

Any fleeting thoughts General Malan may have had that this was a group of supporters were dashed when the crowd erupted with jeers of "There's Malan — killer."

Co-accused and leading Freedom Front

● Turn to page 5.

Marion 'cost SA R7,6-m'

(113)
(254)

● From page 1

member Tienie Groenewald walked a few paces behind carrying a colourful cushion with a sunflower print, prompting remarks about "sissy generals".

Moments earlier Mr McNally was warmly welcomed with cheers. ARG 11/3/96

From 6 am a crush of spectators and journalists had jostled to secure a place in the court's public gallery.

Page 1

'Disgusting' scene at Kwamakhuta killings

2514

Maust 12/3/96

Policeman tells of bodies strewn on the floor and of meeting the eyes of a little girl

With a serious stomach wound



JOVIAL GENERAL: General Magus Malan shares a joke as he enters the Supreme Court Durban for his trial with 19 others

The Argus Correspondents report from Durban

THE first policeman who arrived at the aftermath of the 1987 Kwamakhuta massacre of 13 people told Durban Supreme Court the police handling of the scene was "disgusting".

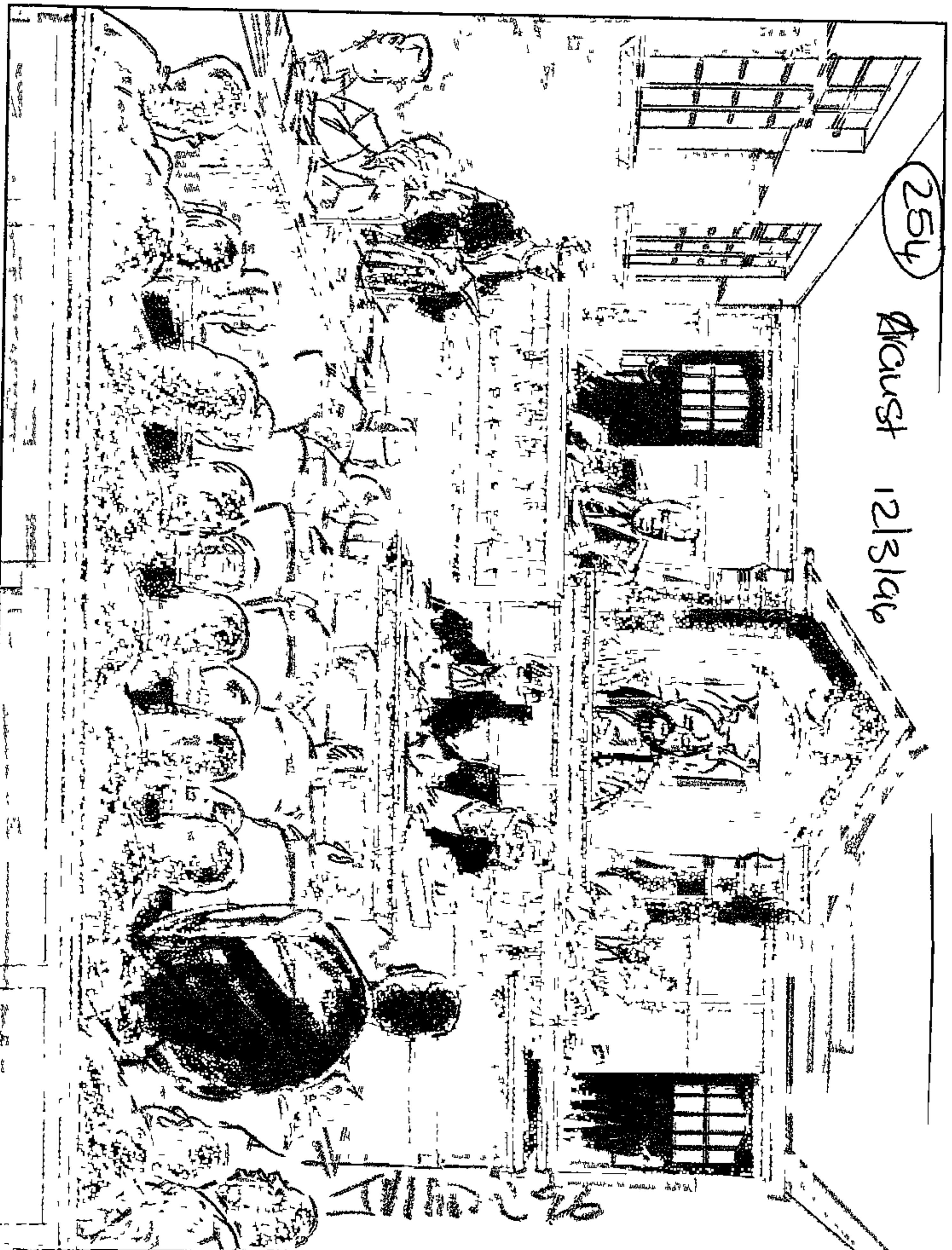
Giving evidence in the hit squad trial yesterday against former Defence Minister General Magnus Malan and 19 others, the detective recalls how he walked through house number 1866 in Kwamakhuta on January 21 of that year and saw bodies strewn across the floor.

Superintendent Allan Alford said the front door was slightly ajar when he arrived about 6am and walked into the house to see pock-marked walls and spent AK47 shells all over the floor.

He went through the home to an outside dwelling where he saw more bodies.

Superintendent Alford, who was a sergeant at the time said he radioed the murder and robbery squad, the Security Branch, his direct commander, the regional commander and local station commander.

He described how later on his return to the outside dwelling, he surveyed the bodies once again and his eyes met those of a child sur-



COURT SCENE: An artist's impression of the scene inside the courtroom where General Magnus Malan and 19 others are appearing before Mr Justice Jan Hugo

Superintendent Alford said "luckily she opened her eyes and I spoke to her. I just kept softly saying that (tambisa - a Zulu word for relax) She just lay there quietly". The policeman said the gunshot wound to her stomach was quite bad as he could see her intestines.

Superintendent Alford said in spite of the number of senior policemen who arrived nobody seemed to control the scene, which was disgusting.

He admitted under cross-examination that he was overawed by the situation at the time but disagreed that he wasn't able to discharge his responsibilities properly.

Superintendent Alford said he had not had an instruction to stay out of Kwamakhutha on the night of the attack. He said he would have recalled such an order nine years later because it would have been such a strange order.

While Superintendent Alford was testifying IFP supporters could be heard demonstrating outside the court.

Earlier ANC supporters cursed and swore at General Malan and his co-accused.



COURT DEMO: About 150 IFP supporters staged a demonstration outside the Supreme Court in Durban before the start of the trial. Riot police with shotguns and automatic rifles were at the scene.

August 12/3/87 I was the intended victim says Inkatha neighbour

Argus Correspondents
in Durban

AN Inkatha Freedom Party ward chairman living next to the Ntuli house in Kwa-Makhutha told the Malan murder trial that he had been the intended victim of the January 21 1987 attack that left 13 people killed

General Magnus Malan and 19 other accused people pleaded not guilty to 13 counts of murder, four counts of attempted murder and the alternative charge of conspiracy to commit murder before Mr Jan Hugo

The State's third witness, Mr Thembinkosi Agripa Mkhize, said he lived next

door to Mr Victor Ntuli at house number 1867 Kwa-Makhutha, in Umbumbulu

Mr Mkhize said he was the IFP chairman for ward five He had known Mr Ntuli, a member of the UDF, for about 20 years

Mr Mkhize said that on the morning of the attack he was sitting drowsily in his dining room when he heard a motor vehicle moving towards his house He looked out to see a white combi

Mr Mkhize said he was scared because "threats had been made against me by students in the area"

"Three or four men get out of the vehicle with big guns," Mr Mkhize said He was too fearful to notice their faces,

and hid under a bed "I thought they had come to attack me"

Writing on the side of the vehicle said "Juba special"

Shots were fired rapidly at the Ntuli house for about 20 minutes, until about 2.45 am, when the vehicle drove off Mr Mkhize said he went to a neighbour's house to ask them to phone the police The police arrived about 7 am

Mr Mkhize said he did not go into the Ntuli house because "I did not know if one of the assailants had remained behind"

"Up to now I still think I was the intended victim because I was the person who had a quarrel with students in the area"

Taxing questions ahead of

254

August 12/1996

CLIVE SAWYER
Political Correspondent

THE Western Cape contributes about 22 percent of company tax and 16 percent of individual tax to the nation's coffers

Gauteng continues to provide most of South Africa's revenue, about 66 percent of company tax and 60 percent of individual tax

Tax from these two sources, company and individual tax, totalled about R56 billion in the 1994/95 tax year

This emerged from replies in the national assembly by Finance Minister Chris Laebenber to questions by Ken Andrew (Democratic Party)

Contributions from the nine provinces varied widely, with the lowest coming from the Northern Province, Northern Cape, Mpumalanga and Free State

Unequal contributions by provinces are frequently cited by those who oppose a strong federal system, as evidence that some regions are incapable of autonomy because they are not individually financially viable

With the government under pressure to find new revenue sources to broaden its capacity to fund social and economic reform, Mr Laebenber is expected tomorrow to announce a new tax on retirement funds

Another poser in the budget is whether any changes to the fuel levy system will be announced

Fuel levies collected in the country in the 1994/95 financial year totalled R8,3 billion

Proposals have been circulated for the fuel levy to be increased or redirected to assist reform of the public transport system

It remains to be seen whether such measures will be considered in this year's budget, before the consultation process about changes to the fuel levy has been completed

A report by the SA Chamber of Business (Sacob) on the latest business confidence indicators said that instability in the financial markets in the past month had focused additional attention on the forthcoming budget

The budget was expected to provide an indication on how the government planned to help the economy break out of its growth constraints, while addressing serious social needs

The loss of confidence evidenced in the rand's depreciation could be indicative of a rising concern that investors had with some of the policy choices being made, Sacob said

Against this background, proving that President Mandela is healthy is unlikely to satisfy fickle markets

More fundamental and concrete evidence that South Africa is following the 'right' course to raise growth prospects and address unemployment will be needed

Factors which would shape the decisions in tomorrow's budget were expected to be the stage of

tomorrow's budget

the business cycle, the recent decline in the rand, and growth and development targets by the year 2000

The business cycle had been in an upturn for three years, which had permeated most sectors of the economy

There had been widespread rain and a stronger gold price, while business confidence at the end of last year had been at its highest in 10 years

The economic outlook for this year included GDP growth of up to four percent, inflation of up to eight percent, the overall balance of payments position remaining manageable, and the possibility of a reduction of the bank rate at mid-year

Expectations of business for the budget included that it would recognise that growth and employment creation would be driven mainly by private investment

State spending at all levels had to be seen to be under control

Social safety nets for the poor were morally and politically desirable, Sacob said

"The general rule must be that state spending should ideally aim to boost growth and reduce poverty"

Tax reforms were needed, including a lowering of the secondary tax on companies

Also needed was a commitment to ensuring that tax revenue did not exceed 25 percent of the GDP

"The overburdened taxpayer is right to think he is paying too much to be governed"

Sacob warned that a tax on pension fund income would be little more than a raid on the country's savings to fund recurrent state spending

"It would an ad hoc step not supported by economic principles"

Yields from the sale of state assets could be used to reduce government debt and lower the state's interest burden

A commitment to privatisation would send the right signal to foreign investors

Business also hoped for confirmation that the budget would help South Africa to dismantle remaining exchange control in the near future

Malan trial: 'Dead' child's eyes opened

CT. 12/3/96
(254)

OWN CORRESPONDENT

DURBAN: An apparently lifeless child, her stomach ripped open by a bullet, lay among many dead bodies at the home of UDF activist Victor Ntuli at KwaMakhutha in January 1987. Only a sudden movement as she briefly opened her eyes alerted a policeman that she was alive.

This testimony by a Durban police officer, Major Allan David Alford, at the "trial of the generals" yesterday brought home some of the horror of the KwaMakhutha massacre, which the state alleges was masterminded by the military, approved by generals and senior officers, including former Defence Minister Magnus Malan, IFP deputy secretary-general M Z Khumalo, and carried out by Inkatha operatives trained by the SADF in the Caprivi.

Operation Marion was the code name allegedly given to the support provided by the SADF to Inkatha after discussions with IFP leader Chief Mangosuthu Buthelezi over the creation of a paramilitary force to combat the threat against him and the IFP posed by the UDF/ANC.

In his opening address before Mr Justice J H Hugo and two assessors in the Supreme Court here Natal attorney-general Tim McNally, SC, said justice would be pursued in the case no matter what the cost. "Justice is a priceless commodity ... It is pertinent to mention that the South African Defence Force spent some R7,6 million of taxpayers' money on Operation Marion between 1986 and 1990."

Mr McNally said that although the alleged conspiracy had existed for a num-

ber of years it was the state's case that KwaMakhutha was its only product.

The courtroom was packed with legal representatives, the media and members of the public. General Malan and his 19 co-accused, who all pleaded not guilty, appeared at ease as each was called on individually to rise and plead to the charges — attempted murder of Victor Ntuli, alternatively conspiracy to murder; 13 counts of murder, including those of six children under 10 years, and attempted murder of four other victims who survived the shootings on January 21, 1987.

There are also supplementary charges of conspiracy covering a wider period, between December 1985 and June 1989, when Operation Marion started to wind down.

Major Alford, now a member of the Durban murder and robbery unit and the second witness to testify, said that in retrospect the handling and control of the KwaMakhutha crime scene were "disgusting".

He admitted under cross-examination that he himself had been guilty of incompetence by allowing many policemen on to the crime scene and had been involved in picking up the many AK-47 spent cartridges at the scene without keeping accurate records of where they were or how many there were. It was lucky he saw a child lying among the bodies open her eyes and realised she was alive, he said. He spoke softly to her. She had a stomach wound and her intestines were visible.

She lay very still but appeared to understand him. She was taken to hospital, where, tragically, she later died.

The trial continues today.

Malan not guilty?

(254) *Source 12/13/96*

Malan pleads innocence as IFP protests outside court

By Simon Zwane

FORMER DEFENCE MINISTER General Magnus Malan and his 19 co-accused pleaded not guilty to charges of murder and conspiracy to murder in the Durban Supreme Court yesterday in a trial the prosecutor and KwaZulu-Natal attorney-general Tim McNally described as "the beginning of a process of truth and justice".

In his opening address, McNally said this process would open up a part of South African history that had remained dark and secret.

Responding to media reports on the financial costs of the trial, McNally said "Justice is a costly commodity. Justice will be pursued in this case no matter the cost."

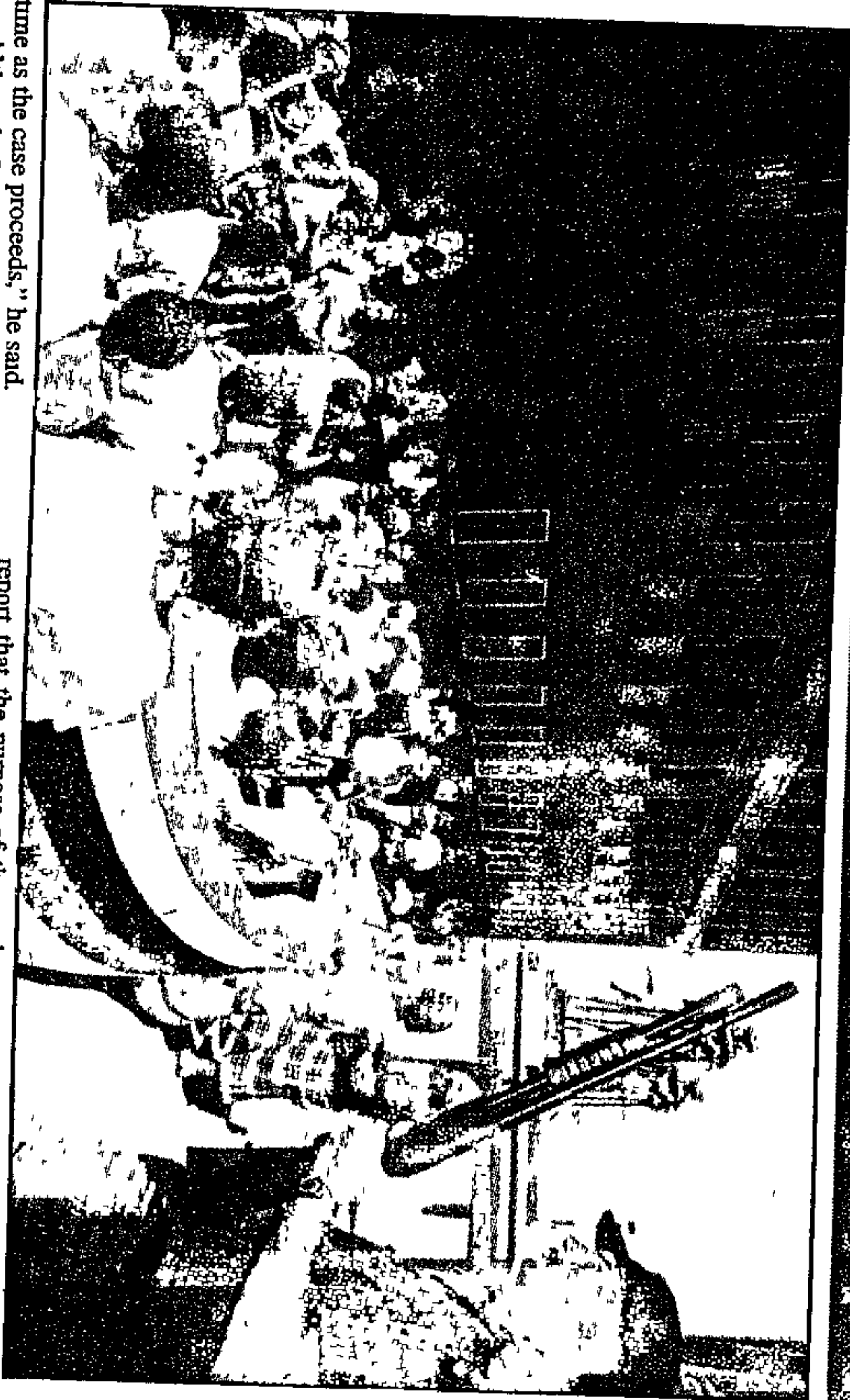
He said "Operation Maroon", a project to provide military training in Caprivi to 200 Inkatha Freedom Party members to kill African National Congress and United Democratic Front supporters, had cost the taxpayers R7,6 million.

KwaMakhutha massacre

The 20 accused have been charged with 18 counts of murder and attempted murder arising from a massacre of the Ntuli family in KwaMakhutha in January 1987. Fourteen people were killed in the attack and four survived. The murderers are alleged to have been looking for UDF activist Victor Ntuli when they killed his father and relatives.

Caprivi trainee Celukwanda Ndlovu allegedly committed the murder while Peter Msame stood outside the house. McNally said IFP leader Chief Mangosuthu Buthelezi would not be called as a witness in the trial although there were repeated references to him in court documents.

"The documents would adequately cover his role without calling him before the court. This aspect will, however, be reviewed from time to



About 150 Inkatha Freedom Party supporters staged a demonstration outside the main entrance of the Durban Supreme Court yesterday where 20 people, including former defence minister Magnus Malan, are standing trial on 18 counts of murder and four of attempted murder and conspiracy to commit murder. PIC NATAL NEWSPAPERS

time as the case proceeds," he said.

Although former Defence Force chief of staff General Andreas "Kar" Liebenberg had denied before the Goldstone Commission that he knew anything about "Operation Maroon", the Liebenberg report (written by Liebenberg himself) painted a different picture, the prosecutor said.

The report revealed that Liebenberg was the chairman of the working group on security in the former KwaZulu and showed him as the key person in the conspiracy to murder ANC and UDF supporters, the court heard.

McNally quoted Liebenberg as saying in the

report that the purpose of the working group was to set up a small group of a well-trained army for the IFP, which could be used to attack the ANC, UDF and other organisations.

The group members could further be used as personal bodyguards for Buthelezi in his capacity as president of the IFP.

Link person

McNally submitted that another accused, IFP deputy general-secretary Zakhele Khumalo, was shown as a link person between the offensive group (Caprivi trainees) and the IFP. As to the role played by other accused,

McNally said "the mandate was wide enough to cover what happened at KwaMakhutha."

McNally said although "Operation Maroon" had existed for a long time, the State would submit that KwaMakhutha was "its only product."

Mr JP Opperman, who is under the witness protection programme and recently returned to South Africa, and Mr André Cloete, who trained the Caprivi group, would be called to give evidence, McNally said.

The trial got off to a chaotic start with media representatives jostling with members of the public to get space in the small courtroom.

Operation Marion charges outlined

(254) Sowetan 12/3/96
Charges reveal a high-powered and complex plan to help Buthelezi

FORMER DEFENCE MINISTER General Magnus Malan and 19 others appeared in the Durban Supreme Court yesterday facing charges of murder and conspiracy to murder

Here is a list of the charges against selected members of the accused

- Malan was allegedly mandated to assist IFP leader Mangosuthu Buthelezi in the creation of a paramilitary unit for the former KwaZulu homeland. Malan was allegedly directly involved in setting up a SA Defence Force (SADF) military training programme for about 800 IFP members in order to combat the perceived threat to the Government and the IFP posed by the African National Congress and its United Democratic Front allies

- General Johannes Geldenhuys, former SADF chief, allegedly collaborated with Malan in the various stages of establishing the "offensive unit" or hit squad

- Vice-Admiral Andries Putter, former chief of staff, SADF Intelligence, allegedly initiated regular contact between Buthelezi and top military

officers after receiving a report that Buthelezi was "in a conciliatory mood towards the SADF". The meetings allegedly led to the planning of Operation Marion

- General Tieme Groenewald, former chief of Military Intelligence, allegedly made contact with Buthelezi on November 25 1985 and presented Buthelezi's requests to Putter. Groenewald allegedly held further meetings with Buthelezi and was one of the military officers who recommended the creation of the offensive unit for Buthelezi

- Major Louis Botha, former security policeman appointed liaison officer for the police, allegedly diverted police patrols away from the KwaMakutha area on January 21 1987 when 13 people were killed in a hit squad attack

- General Kat Liebenberg, former chief of the army, was allegedly appointed chairman of a special task

group that drafted a comprehensive report (the Liebenberg Report) on the financial implications and other details of paramilitary aid to Buthelezi

- General Cornelius van Tonder, former chief director of intelligence operations, allegedly took charge of planning and executing all "hit squad" operations

- Brigadier John More, former military intelligence officer, allegedly granted permission for hit squad trainees to perform an attack

- MZ Khumalo, Inkatha Freedom Party deputy secretary-general, was allegedly selected to be the official liaison person between the IFP and Operation Marion. He was allegedly also responsible for the payment of the IFP Caprivi trainees

- Caprivi trainees Peter Msane, Nicholas Ndlovu, Martin Khanyile, Prince Mkhize, Hloni Mbuyazi and Alex Biyela allegedly carried out the KwaMakutha attack - Sapa

LANGUAGE ISSUE UNDECIDED

Controversial Defence Force review delayed

(254) CT 12/3/96

DEFENCE FORCE projects are likely to remain in limbo until a full review is completed later this year, reports **BARRY STREEK.**

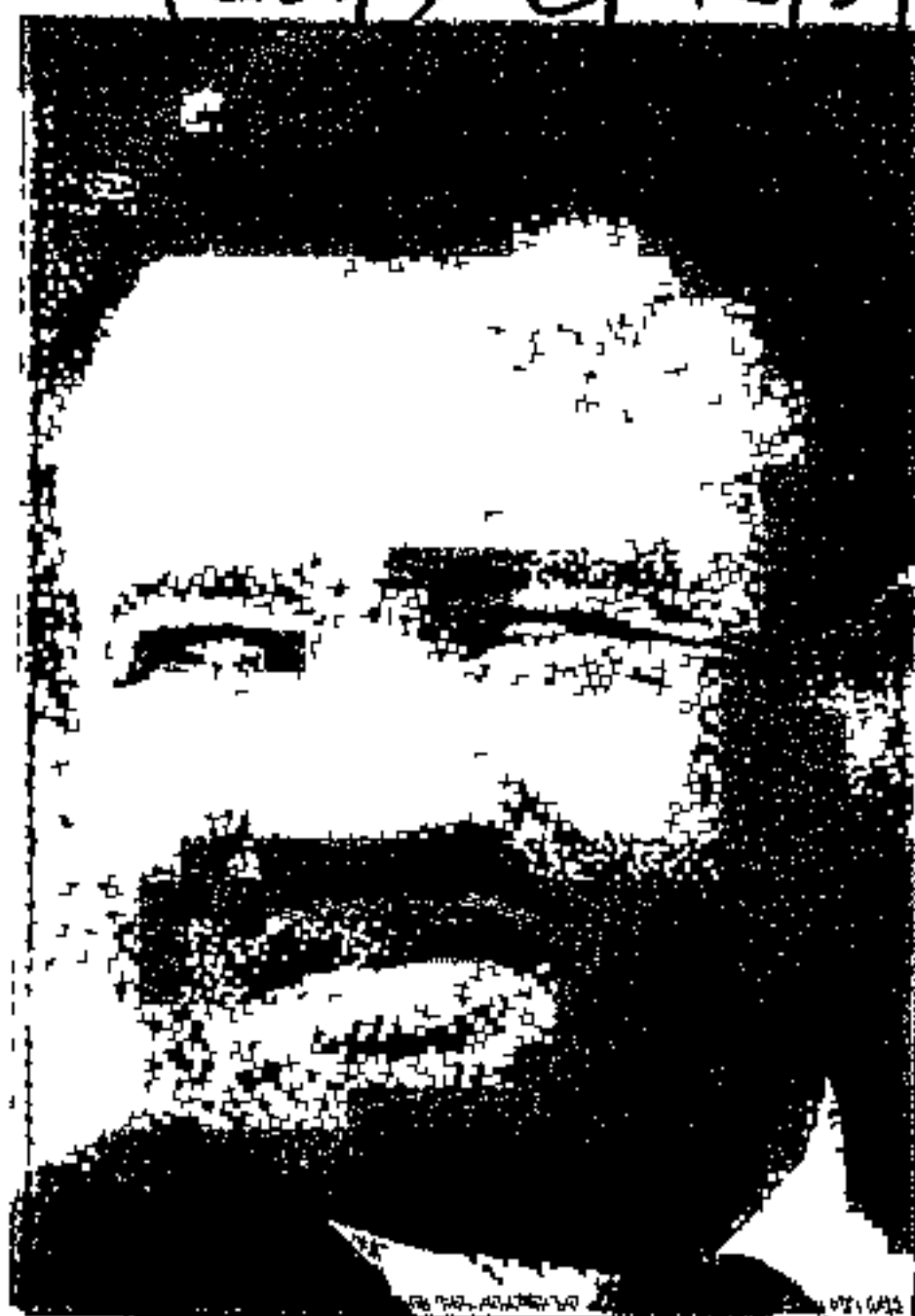
THE review of the Defence Force would be completed this year and would include an assessment of the role of the commandos, who only served former white areas, the chairman of Parliament's joint standing committee on defence, Mr Tony Yengeni, said yesterday.

He also said his committee would have the last word in the dispute over language, religion and sexual freedom in the SA National Defence Force.

No SANDF projects could be finalised without a clear policy framework, he said at a press conference about the committee's schedule for the year.

Yengeni said this did not mean that projects could go ahead as consensus was reached on certain points.

It had been hoped that the review would be completed in



LAST WORD: Tony Yengeni

time for the parliamentary debate on the defence vote in May, but it would not be finalised until the end of the year.

His committee would assess the White Paper on defence before it was submitted to Parliament for debate.

"It's not a closed book, especially regarding the questions of language, sexual orientation and reli-

gion, which are going to come up for serious discussion.

"I am sure that when the White Paper comes back to the committee these are going to be items for very serious debate."

Yengeni, who was reported to have been repudiated in an ANC caucus meeting by President Nelson Mandela over the issue of language in the defence force, said a majority in his committee still held to the view that English should be the sole language of command and control in the defence force.

"We have to begin to move towards one language that can be commonly used in the entire defence force. That's the current position of the committee," he said.

Nothing was moving forward in the defence force because "everyone is waiting for the process to be complete. The sooner the better for all of us."

This included the corvette deal, which was on hold until the review had been finalised and the defence force could determine its needs, he said.

Defence claims theft of documents at start of Malan murder trial

Stephané Bothma

DURBAN — Legal documents had been stolen from the hotel room of a senior defence advocate in the murder trial of former defence minister Gen Magnus Malan and 19 others, the Durban Supreme Court heard yesterday.

Mike Martz, representing Col Jacobus Victor and Brig John More, said a file containing cross-examination notes and witness statements was taken from his briefcase at the Oceanic Hotel "I can't make any allegations at

this stage but it would constitute a gross irregularity should anybody in the investigating task team be involved," Martz told Judge Jan Hugo on the opening day of the trial in which Malan and the co-accused pleaded not guilty to 13 counts of murder and five of attempted murder.

The charges relate to a January 1987 massacre at KwaMakutha on the KwaZulu-Natal south coast which, the State alleges, formed part of a conspiracy between the top structure of the old SA Defence Force and IFP members

who had received covert military training in the Caprivi

Natal attorney-general Tim McNally, who heads the prosecuting team, told the court he had no knowledge of the missing file, and offered to assist Martz in any way possible.

McNally also indicated that although IFP leader and Home Affairs Minister Mangosuthu Buthelezi's name did not appear on the list of State witnesses, this situation would however be "reviewed from time to time during the State's case. It is probable that

the documents will adequately cover his (Buthelezi's) role without the need for him to be called."

McNally told the court in an opening address that the prosecution "will cast a shaft of judicial light into a corner of our history which has hitherto been dark and secret. It is a process of truth and justice."

Malan's co-accused include former SADF chief Gen Kat Liebenberg, his predecessor Gen Janne Geldenhuys, IFP deputy secretary-general Zakhale Khumalo, "several former" and "still-

Malan

(254)

Continued from Page 1

principle architects of the conspiracy," he said. Malan and others were also tightly linked to the conspiracy through documentation.

Although only the six KwaZulu policemen carried out the KwaMakutha massacre, the state alleges that the mandate for training an offensive group was wide enough to cover what happened at KwaMakutha.

"By way of analogy it is the State's approach that the owner of a vicious bulldog who unleashes it upon a crowd of people cannot be heard to lament the fact that the dog chooses to savage a young child," McNally said.

He said although the conspiracy existed from December 1985 to June 1989 it was the State's case that KwaMakutha was its only product. It was not alleged that any other attack flowed out of the Caprivi training although individual trainees had com-

mitted murders. But these murders were not alleged to relate directly to the conspiracy.

McNally said the State intended to call two key witnesses, JP Opperman and Andre Cloete.

Referring to media comments about the cost of the trial, McNally said justice was a priceless commodity. "Justice will be pursued in this case no matter what the cost."

McNally said the SADF spent about R7,6m of taxpayers' money training and supporting IFP members between 1986 and 1990. **BD 12/31/96**

The State called its first witnesses yesterday, including the detective who was first on the scene of the massacre. Supt Allan Alford described the police handling of the murder scene as "disgusting", saying that tens of policemen had been allowed to enter and leave the scene as they wished.

Outside the court building the police used a water cannon to disperse IFP protesters supporting one of the accused, MZ Khumalo. Their singing could be heard inside

setting defence force members and six former KwaZulu police members.

McNally referred to testimony by Liebenberg at the Goldstone commission in 1992 in which Liebenberg described media claims that the SADF had been involved in training and funding KwaZulu hit squads as "wild allegations". McNally said the State had secret military documents which indicated a very different picture. "Liebenberg emerges as one of the

Continued on Page 2

Compensation for navy staff

Staff Reporter

(254)

ABOUT 911 navy personnel who were retrenched in 1990 and who may have been disadvantaged by a change in salary structures, will receive compensation, the South African Navy has announced.

Parliament approved a total of R71 million for the compensation, which will vary according to the retrenched members' rank and length of service

ARG 12/3/96
Members of the navy who are affected should contact naval headquarters at (012) 339 4291, 339 4378 or 339 4141 during office hours to ensure their correct addresses are on record and to find out the dates and times for collecting their cheques

Those collecting cheques will be expected to produce their identity documents

Where members have since died, their heirs may contact naval headquarters. Payments in such cases may be delayed

KwaMakutha massacre like 'unleashing bulldog'

(254) (276)

The January 1987 attack at the home of a UDF activist was allegedly approved by the IFP deputy secretary-general

**OWN CORRESPONDENT,
REUTERS AND AFP**
Durban

The horror of the KwaMakutha massacre in KwaZulu Natal was described in Durban yesterday by a police officer who said he found a child with her stomach ripped open by a bullet, lying among the dead, and only realised she was still alive when her eyes flickered open.

The massacre in January 1987 was at the home of a United Democratic Front activist, and the testimony was by Maj Allan Alford, at the "trial of the generals", including former defence minister Gen Magnus Malan.

The State alleges the attack was approved by generals, as well as IFP deputy secretary-general M Z Khumalo, and carried out by Inkatha operatives trained by the SADF in the Caprivi.

The codename Operation Marion was allegedly given to the support provided to Inkatha by the SADF and followed talks with IFP leader Chief Mangosuthu Buthelezi about the creation of a

paramilitary force to combat a threat against the IFP posed by the UDF-ANC alliance.

In his opening address before Mr Justice J H Hugo and two assessors in the Durban Supreme Court yesterday, Natal Attorney-General Tim McNally said justice would be pursued in the case no matter what the cost.

"Justice is a priceless commodity. It is pertinent to mention that the South African Defence Force spent some R7,6-million of taxpayers' money on Operation Marion between 1986 and 1990.

"The prosecution will cast a shaft of judicial light to a corner of our history which has hitherto been dark and secret," McNally said.

"That process has now begun. It is a process of truth and justice."

He said Malan and his 19 co-defendants were "tightly linked" to the conspiracy and although the military officers were not at the massacre scene, they had endorsed a programme which allowed the murder of ANC supporters.

"The owner of a vicious bulldog who unleashes it upon a crowd of people cannot be heard to lament the fact that it chooses to

savage a young child," he said.

McNally said although the alleged conspiracy had existed for a number of years, it was the State's case that KwaMakutha was its only product.

The target of the bloody attack was said to be UDF youth leader Victor Ntuli (22).

He was not at home at the time and lived, but was killed by assassins in 1990.

The courtroom was packed with legal representatives, the media and members of the public, many of whom had queued from 6am to gain entry to witness the not-guilty pleas offered by all 20 accused on all counts.

The accused appeared at ease as each was called individually to rise and plead to the charges - attempted murder of Ntuli, alternatively conspiracy to murder, 13 counts of murder including those of six children under 10 years, and the attempted murder of four other victims who survived.

There are also supplementary charges of conspiracy covering a wider timespan, December 1985 to June 1989, when Operation Marion started to wind down.

Police use water cannon to disperse protesters at court

Durban - Police fired a water cannon to disperse about 100 Inkatha Freedom Party supporters demonstrating outside the Durban Supreme Court yesterday at the trial of Magnus Malan and 19 co-accused.

Police spokesman Insp Chris Overall said court officials had complained about the noise created by the protesters who began

chanting and singing outside the court at 11am.

Overall said police had requested the demonstrators to keep quiet or leave. They apparently refused and police fired the water cannon to disperse them.

The protesters were demonstrating against the prosecution of IFP deputy secretary-general, M Z Khumalo.

Khumalo, Malan and 18 others face murder charges in connection with the massacre of 13 people, six of them under the age of 10, in KwaMakutha in 1987.

A sizeable group of demonstrators heckled Malan and demanded to see and speak to him, but he was steered into the court building under police guard - Sapa.

Inkatha trained to work on hit lists, court told

Sapa and Argus Correspondents report from Durban.

INKATHA members were trained to draw up character profiles of people who could later be eliminated, the Durban Supreme Court was told today.

Testifying in the murder trial of former Defence Minister Magnus Malan and 19 others, State witness Captain Johan Pieter Opperman told the court IFP trainees were split into offensive and defensive groups at a training camp run by the South African Defence Force in the Caprivi Strip on the Angolan border.

Captain Opperman, at the time a military intelligence officer who was second-in-command at the camp, said he trained the defensive group in codes, intelligence gathering and "the building up of target dossiers."

"A target dossier is a document which gets developed on specific individuals or buildings which one wants either to demolish or destroy or kill.

"The defensive group gathers information on a nominated target, and builds up information in a target dossier. Should such a target dossier be properly developed the offensive group would then be called in to eliminate such a target."

Captain Opperman told the court instructors of the offensive group wanted recruits who were the most accurate shots.

General Malan and his co-accused, among them men who once dominated South Africa's security establishment, have pleaded not guilty to 13 murder charges

arising from the January 21, 1987 massacre of 13 people at a house in KwaMakutha south of Durban. They also face charges of attempted murder and conspiracy to murder.

The accused include former SADF Intelligence chief of staff Vice-Admiral Andries Putter, former SADF chief Gen Jannie Geldenhuys and the IFP's deputy secretary-general Zakhele "M Z" Khumalo.

Captain Opperman testified yesterday that he had met Khumalo a number of times, including when he visited the secret Caprivi base.

This visit, he said, came during a strike by 206 IFP trainees who had asked for a visit by the then KwaZulu Chief Minister and IFP leader Mangosuthu Buthelezi.

Captain Opperman was told by Mr Justice Hugo yesterday that if he answered questions frankly and honestly he would be discharged from prosecution. He is on a witness protection programme of the investigators and has been kept safe in an overseas country.

Captain Opperman said he was told by Colonel Henne Blaauw that he could join the secret operation in Caprivi, code-named Operation Maroon.

He went to the Caprivi with Colonel Blaauw. They drove with Major Jacobs from an airport to the camp.

Captain Opperman said the two officers gave him details of the operation.

"I was told we were going to train Inkatha people. The reason for the training was to act against MK and trained UDF members." Inkatha would be "a force which we will use against the onslaught

of the ANC. After the training, we saw the ANC opvolk." Captain Opperman said in evidence.

He joined the trainees after they had had about 16 weeks. They thought they were in Israel being trained to become KwaZulu policemen. The instructors wore Rhodesian camouflage uniforms.

The Hippo camp was in direct radio contact with Pretoria. The trainees had two leaders, Mr Thembu Xesibe and Mr Daluxolo Luthuli.

Mr Xesibe was a KwaZulu policeman, but he drank a lot at the camp, was arrogant with the instructors, so was shunned by them, Captain Opperman said.

The Inkatha trainees "were highly trained. Their morale was extremely high. They as well as we enjoyed being there," Captain Opperman said.

He was the seventh witness to be called.

Yesterday, three women members of the 12 Apostles in Christ gave evidence of the morning of the massacre.

A mother who saw five of her children being murdered, Mrs Nomusa Faith Siwela, told how she stepped onto the body of her child as she tried to get away.

Mrs Siwela and her husband at the time Mr Vusu Muzi Thusini and their six children were sleeping in an outhouse of the Ntuli home in KwaMakutha. The couple have since divorced.

Mrs Siwela told the court that on the morning of January 21 1987 she was woken up "by the noise made by guns."

After the explosions had stopped she got up to see what was going on. There was no light in the room and she was too scared to

light a candle.

"I stepped on someone," she said. "It was when I lifted this person up it was Mibusu."

He was six. He did not cry out when his mother stepped on him. Mrs Siwela told the court she could not see if he was dead.

Four of her other children - aged 10, 8, 7 and 4 - were murdered.

Mrs Siwela told the court that Nomfundo, 10, asked for water. She fetched it for her.

At dawn Mrs Siwela went in the ambulance with Nomfundo to King Edward VIII Hospital. Nomfundo died a week later.

Sanele was lying on the floor next to the door. "I noticed that he was bleeding from his head, there was blood on my hands after I lifted him up. I took the towel and wrapped it around his head."

One of the Thusini children survived. When the shooting ended she ran into the night calling out to the people responsible.

Mrs Anna Khumalo, 44, gave evidence of where the people had been sleeping in the two-roomed house, no 1866, at KwaMakutha on the night of Jan 21 1987.

She said the evening before the occupants, mostly members of the 12 apostles in Christ church, had attended a choir practice.

Mr William Ntuli head of the house was a church leader. About 2 am she was woken up by the noise from explosions and the smell of smoke.

"I thought the house was on fire."

She jumped up to call the other occupants. Mr Nomusa Ndwalane tried to climb out of a small window

(254)

"Something exploded"

Mrs Khumalo told the court Mr Ndwalane fell back against her and pushed her into a cupboard. Her child was strapped to her back. Mrs Khumalo sat there until about 5am.

She told the court there was a lot of noise from the explosions. People outside were speaking to the attackers inside. People inside had lights but peeping through a crack in the wardrobe she could not see what kind of lights they were.

One of the assailants ousted shouted "Down with the law" - down with the law" in Zulu.

She also heard a voice say "there's another thing on the other side of the wardrobe."

It was like a thunderstorm and Mrs Khumalo was fearful. She heard a vehicle drive off.

As she was leaving the house she saw a lot of blood. "These people were lying there but not saying anything."

Mrs Khumalo went straight to a Mrs Jali along a footpath. Mrs Daphne Jali was a leader in the church. The two women went back to house 1866.

While Mrs Khumalo sat on the grass outside Mrs Jali went in. She brought out two children who had survived. Neighbours took the children away to clean them because they were covered in other people's blood.

Four children survived the attack. Evidence was that Mr Victor Ntuli, the intended alleged target of the attack, was not living at home because he was kicked out because of his politics and because he was fighting with other boys in the area.



POLICE ESCORT: Former Defence Minister Magnus Malan is escorted by a policeman into military barracks across the road from Durban's Supreme Court during a break in trial proceedings. He and 19 others are appearing on charges of political murders dating back to 1987.



Arm Scor executive chairman Ron Haywood addresses journalists at Arm Scor headquarters in Pretoria yesterday.

Picture ROBERT BOTHA

Arm Scor 'successful with counter-trade agreements'

Kevin O'Grady

(254) 5513/2/96

ARM SCOR was the only SA organisation which had been successful in securing counter-trade agreements with countries it did business with, Arm Scor executive chairman Ron Haywood said in Pretoria yesterday.

Speaking at the state-owned arms procurement and acquisition agency's headquarters, Haywood said he was pleased to see government was following Arm Scor's example.

The trade and industry department had set up a division to assist other government departments in "trying to involve the same requirements for very large state purchases", he said.

For every product bought abroad, Arm Scor attempted to get the seller to buy goods worth an equal amount from SA. "We do not include products such as coal or diamonds, which are easily sellable, but manufactured goods or goods that can, in some form or other, help create employment, or result in investment in local industry, such as joint ventures. In this way we are creating economic wealth, growth and jobs in SA," Haywood said.

Arm Scor had secured 60% counter-

trade on SA's Pilatus aircraft deal and had received offers of between 70% and 100% for the yet-to-be-finalised deal to buy corvettes for the SA Navy.

Haywood said the defence industry was SA's second-largest exporter of manufactured goods, with exports worth about R1bn that accounted for about 50 000 jobs.

Although Arm Scor's share of the world market was only about 0,3%, there was plenty of room for expansion.

Sapa reports that Arm Scor acting CEO Eric Esterhuysen said a US ban on arms trading with SA benefited some local weapons industries. Some client countries preferred not to be dependent on superpowers such as the US, as these powers tended to use arms exports as a foreign policy lever.

Because of the US ban, local arms makers did not use US sub-systems, which made their products attractive to some foreign countries. The benefit for such countries was that they would not have to rely on a major power for the parts needed to maintain weapons.

SA's largest client last year was the Middle East, followed by the Americas and the Far East. Tenders were being lodged in Australia.

Mine authorities call for a revamp of safety Bill

Wyndham Hartley

CAPE TOWN — Substantial sections of the new Mine Health and Safety Bill were unconstitutional and should be scrapped to avoid a Constitutional Court challenge, Gencor and the Chamber of Mines said yesterday.

In submissions to Parliament's mineral and energy affairs committee, Chamber of Mines president At du Plessis said the clauses which provided for reversal of onus made mine owners guilty until they had proved their innocence in the event of an accident.

"This is considered to be unconstitutional and totally unacceptable," Du Plessis said. He pointed out that the clause was also in contrast to the recommendations of the Leon commission of inquiry into mine safety, which found no justification for the reversal of onus.

Gencor's Richard Robinson said 11

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clauses "in whole or in part" infringed constitutional rights, and a further five clauses "could potentially result in actions on the part of officials that infringe constitutional rights".

In its submission, the NUM acknowledged that the reversal of onus provisions could be unconstitutional, but stressed that without them the enforcement of health and safety in mines would become unenforceable.

During oral submissions to the committee, Chamber of Mines representative Anton van Achterbergh said he was sure all reversal of onus provisions at present on the statute book would eventually be "struck down" by the Constitutional Court.

He said with the wording of the Bill at present, reasonable doubt would result in mine owners being found guilty of an offence while all other citizens would be found innocent if reasonable doubt was found.

Sarafina 2 crisis worse

Wyndham Hartley

CAPE TOWN — The financial crisis around the Aids play Sarafina 2 deepened still further yesterday when it was disclosed that the money donated by the European Union should have been paid into the national revenue fund.

DP health spokesman Mike Ellis said yesterday that he had asked Finance Minister Chris Liebenberg what the procedures were for money donated to SA.

Only in exceptional circumstances are donations not paid into the revenue fund, according to Liebenberg. Ellis said Liebenberg's confirmation probably meant that the health department was supposed to follow state tender procedures.

The health department has maintained that because the R14,2m came from the EU they did not have to comply with state tender procedures. Since claiming to have complied with the EU guidelines health director-general Olive Shisana has conceded that there were communications problems.

Malan trial witness tells of secret camp

Stephané Bothma

DURBAN — About 200 Inkatha members recruited to become KwaZulu Defence Force island camp in the Caprivi to "act against MK and trained UDF members".

Key State witness JP Opperman told the Durban Supreme Court yesterday he was second-in-command of Camp Hippo, a guerrilla warfare school situated on the Quando River where a group of 30 IFP members received offensive training in kidnapping, sniping and urban warfare.

Opperman, a former military intelligence operative, is testifying against former defence minister Magnus Malan and 10 co-accused, who are facing 18 charges including 13 of murder.

The State claims that Malan, several SADF generals, a number of former and still serving defence force members and six former KwaZulu policemen conspired to murder ANC and UDF targets who had been considered a threat to Inkatha.

However, the court heard yesterday that the first target chosen by the "offensive group" had been a house in KwaMakutha on the Natal south coast occupied by religious leader William Ntuli, several women and children under the age of 10.

UDF member Victor Ntuli, who had allegedly been identified by the group and had been approved as a target by SADF members, had not lived in the KwaMakutha house for several weeks at the time of the attack on January 21 1987, several witnesses testified. They were also unaware of a claim Victor

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Opperman told the court he had spent the past month abroad in a witness protection programme. He had started his career in the SADF as a national serviceman in 1976.

While working as an instructor, Opperman had been sentenced to 90 days in detention barracks after a court martial found him guilty of maltreating a subordinate following the death of a national serviceman.

About two weeks later Opperman had been released, allegedly after being pardoned by then defence force chief Malan.

Many years later, after having been transferred to MI, Opperman had learnt about a "very sensitive and secret" operation in the Caprivi. "I wanted to join," he testified.

His transfer was approved, and in 1986 he was sent to Camp Hippo as second-in-command of Operation Mar-ion — the covert SADF plan to help the IFP obtain a military capability.

When Opperman arrived at Hippo the 206 Inkatha recruits had already completed their basic instruction, including training in foreign weapons, hand grenades, explosives, ambushes and attacks on moving targets.

The IFP members had no idea where they were, or who was training them. Rumours were deliberately being spread that they were in Israel.

At all times, all the instructors at Hippo used only code names for themselves. The recruits were split into four groups: offensive, defensive, contra-mobilisation and VIP bodyguards.

Opperman's testimony is due to continue today.

PEANUTS

By Charles Schulz



WORLD

Malan trial:

Survivors

relive terror

By Simon Zwane

TWO survivors of the Kwa-Makhutha massacre, in which 13 people were killed in 1987, yesterday gave chilling accounts of their experiences at the trial of former defence minister General Magnus Malan and 19 others.

Thirteen people were killed in the massacre at the home of former United Democratic Front (UDF) activist Victor Ntuli

Giving evidence on the second day of the Malan trial in the Durban Supreme Court, Mrs Siwela Thusini described how she and her husband lay on the floor while gunmen killed five of their children in an adjoining section of their partitioned bedroom. A sixth child survived the attack.

Harrowing experience

Mrs Anna Khumalo also relived the harrowing experience. She had had to hide in a wardrobe while people were being killed in a house.

Malan, former defence force chief of staff General Kat Liebenberg, General Tienie Groenewald and Inkatha Freedom Party deputy general secretary Mr Zakhele Khumalo are among the 20 accused

who are facing charges of murder, attempted murder and conspiracy to murder.

Khumalo told Mr Justice Jan Hugo how she had "cowered in a cupboard" with her child to escape the slaughter, while she heard gunfire and explosions "like a thunderstorm".

"I could smell the fumes of guns," Khumalo said.

When the attackers left, a child came crying from another room into the bedroom where Khumalo was hiding and lay down on top of one of the victims. The three sat in silence in the house until daybreak.

"I didn't talk to the child. It made no sound and my child also did not make a noise. We sat in silence in the cupboard."

When she heard neighbours arriving at around 5am, Khumalo thought it was safe to leave the cupboard. The room was filled with bodies, she said.

"I saw a lot of blood. People were lying there, not saying anything."

She later found two more children who had survived the attack. "We took the children out of the house then," she said.

Those killed were family members of William Ntuli, his daughter

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Ntuli and his stepdaughters Phumelele and Jabu, Isabel Kubheka, Mr and Mrs Ndwalane, Jabu Nduli and the Thusini children Nomfundo (10), Phumzile (8), Vikile (7), Mbuso (6) and Sanele (4).

Police confiscated three bush knives and a spear from protesting Inkatha Freedom Party (IFP) supporters outside the court yesterday

About 80 demonstrators were protesting against the prosecution of the IFP general secretary Mr MZ Khumalo.

Water cannon

On Monday police water cannons were used against IFP supporters after they demonstrated loudly outside the court building. Requests to keep quiet or leave the premises were ignored and police used the water cannons to disperse them.

Yesterday the demonstrators agreed to stage a quiet protest as long as they were allowed to remain outside the court's Masonic Grove entrance

The bush knives were taken from four youths who were wearing army browns and IFP insignia

The media were kept well away from the back entrance of the court used by Malan and his co-accused

Six 'trained in Caprivi for Ntuli massacre'

Star 13/3/96 (254)

Former military intelligence officer tells Malan trial of secret training for Inkatha members to attack ANC

SAPA, REUTER
AND OWN CORRESPONDENT
Durban

An officer who served in military intelligence gave the first confirmation at the "trial of the generals" yesterday of the existence of a secret camp in Namibia where alleged killers of the Ntuli family in the 1987 KwaMakutha massacre were trained.

The prosecution has charged that six of the 20 accused at the trial were trained at the camp on the Caprivi Strip and on their return were told to "clear" the Ntuli home on January 21 1987 when 13 people were killed.

Former defence minister Magnus Malan is among 20 standing trial.

Some of those who survived the night-time attack on the rural house gave harrowing accounts

of the raid (see report below)

Giving evidence for the State, the former intelligence officer, J P Opperman, said training of IFP members was carried out at the secret camp on the Caprivi Strip in Namibia in the mid-1980s.

About 200 men recruited in KwaZulu Natal were trained at Camp Hippo, but SADF officers were told to keep the location secret, he said.

Opperman said he had been called to military headquarters in Pretoria in 1986 and received instructions to join the IFP training programme, dubbed Operation Marion. He said his senior officers had informed him the trainees would be released to attack the African National Congress upon completion of their training.

"The trainees were under the impression they would become KwaZulu policemen," Opperman said. "They did not know

they were in the Caprivi. Rumours were spread around that they were in Israel."

Opperman told the court that trainees were divided into four groups: offensive, defensive, contra-mobilisation and bodyguards. Thirty men were placed in the offensive group trained for tasks such as house clearing (penetration), kidnapping, sniping and urban warfare. The defensive group, under his command, was taught to gather intelligence.

Political training to further the IFP ideal was given to the contra-mobilisation group by Adult Education, a front company for military intelligence. Twenty bodyguards were trained for the specific task of protecting the IFP president.

In Cape Town IFP leader Mangosuthu Buthelezi flatly denied any involvement.

To Page 2

Massacre survivors recall night of horror

Two survivors of the Kwamakutha massacre in 1987 related chilling accounts of their experiences during the trial of former Defence Minister Magnus Malan and 19 others yesterday.

Thirteen people were killed in the massacre at the home of former United Democratic Front activist Victor Ntuli.

The charges against Malan and his co-accused relate to these murders and the attack.

One of survivors, Siwela Tusini (29), described how she and her husband had lain on the floor while gunmen killed five of their children in an adjoining section of their partitioned bedroom. A sixth

child survived the attack.

Anna Khumalo (34), the first of the survivors to testify, told the court she had cowered in a cupboard and heard people being shot dead in another section of the house.

She and her four-year-old child were knocked into the cupboard by a victim who was shot dead while attempting to flee.

From her hiding place she had watched an armed man move around the bedroom.

After the attack Khumalo and her child had waited in the cupboard until dawn.

She had been too terrified to answer the cries of another dis-

tressed child whose mother had been killed.

She had emerged after hearing a neighbour's car start. She then had found the crying child asleep on a corpse.

Seven people, four of them children, survived the massacre.

Khumalo said most of those in the house on the night of the attack were members of the Apostolic Church and had attended choir practice that night.

Malan and his co-accused sat motionless in the dock during the testimony of the two women.

A small group of IFP protesters were watched by police outside the court building - Sapa.



Six 'trained for Ntuli massacre'

(254)
From Page 1

After a lunch meeting in Cape Town with President Mandela, the Home Affairs minister said the use of his name in court documents was "the biggest poppycock I have ever heard of".

Buthelezi's name appears time and again in the indictment against Malan and 19 others, although KwaZulu Natal attorney-general Tim McNally has not indicated whether Buthelezi will be charged.

Buthelezi, who was chief minister and minister of police in KwaZulu at the time, said he had been in possession of information that people were plotting his murder and that of KwaZulu cabinet colleagues.

"When the violence started in 1985 I had a duty not only to see to my own protection but the protection of other people ... so we selected the 200 young people for training.

"Where they were trained and how they were trained, I was not involved in that," he said. From his part there was absolutely nothing sinister and he had a "very clear conscience about it".

Trying times ... former Defence Minister from Durban's Supreme Court dur...

Joint regional military training likely

(254) (254)
BY NORMAN CHANDLER

Defence Correspondent

Star 13/3/96
Defence force chiefs from all southern African countries, meeting at Kempton Park, are expected to make far-reaching proposals for joint training exercises of their respective armed forces, probably at the Army Battle School at Lohathla in the Northern Cape.

The meeting of the defence subcommittee of the Inter-State Defence and Security Committee began yesterday and ends today. A communique is set to be issued.

It follows on instructions issued by the inaugural ISDSC meeting of regional defence ministers held in Cape Town last year that the safety and security of the region, as well as "matters of mutual regional military interest", had to be pursued.

Countries attending the meeting at the World Trade Centre – under the chairmanship of Gen Georg Meiring, Chief of the SA National Defence Force – are Angola, Botswana, Malawi, Mozambique, Namibia, SA, Swaziland, Tanzania, Zambia and Zimbabwe.

It is understood from defence sources that SA is regarded as pivotal to regional security, particularly in regard to sea and air deterrents and the maintenance of aircraft, armed equipment and ships.

Decisions reached will be formalised at an ISDSC conference to be held in Malawi later this year.

Recommendations by countries like Namibia, Mozambique and Tanzania are believed to be urging SA's Defence Department to supply umbrella cover to their coastlines in a bid to keep out foreign and illegal fishing trawlers.

SA's possible involvement in peacekeeping operations in Africa, under the banner of the UN, is understood to be up for discussion.

Another agenda item is standardisation and compatibility of training and equipment, and the acquisition of equipment.

Massacre trial told of secret camp

CT 13/3/96 (254)

DURBAN: Details of an alleged South African military training camp for Inkatha Freedom Party supporters and members of two Southern African resistance movements emerged in testimony during the massacre trial of the generals here yesterday.

Testifying in the Durban Supreme Court, former military intelligence officer Captain JP Opperman said he had been appointed in 1986 to form part of a "sensitive operation" in the former South-West Africa.

The operation had been responsible for training recruits from the IFP, Unita in Angola and Renamo in Mozambique.

Opperman said he had been called to military headquarters in Pretoria in 1986 and given instructions to join the IFP training programme, called Operation Marion, in the Caprivi Strip.

"I was told I could go up and join Major Gerhardus Jacobs (former commanding officer of the IFP training camp and accused No 9 in the trial) and become the second-in-command for Operation Marion," Opperman said.

His senior officers had informed him the trainees would be used against the ANC when

they completed their training. Opperman said he had travelled to the IFP training camp, known as Camp Hippo, where he had been met by Jacobs and alleged project manager Colonel Hennie Blaauw.

Camp Hippo, on an island in the Quando River, had been run by military instructors known by code-names and wearing non-regulation uniforms, apparently to deceive the 206 trainees.

"The trainees were recruited and were under the impression they would become Kwa-Zulu policemen.

"They did not know they were in the Caprivi Strip. Rumours were spread around that they were in Israel."

In the indictment, the state alleges IFP trainees were transported to Durban airport in closed lorries in 1986 and flown to Caprivi without knowing their destination.

"After a flight lasting several hours they landed at Immelman airstrip in the Caprivi," the indictment

says. "The airstrip was lit with torches before their arrival, but the torches were extinguished after their arrival. They disembarked in darkness."

Opperman told the court the trainees had not been allowed to leave Camp Hippo.

He said that on his arrival he had been told trainees had already completed a three-month basic training course and were about to embark on a field exercise.

He was told the trainees would be used as "a force which we would use (to counter) the onslaught against our country".

"The reason for the training was to act against MK and trained United Democratic Front members," Opperman said.

Trainees had received instruction in using G3 and AK-47 rifles, handgrenades, explosives and landmines, he said.

Shortly after his arrival, trainees had been divided into four groups — offensive, defensive, contra-mobilisation and VIP.

The offensive group had been trained in abduction, sniping, urban warfare and "house-clearing", Opperman said. "House-clearing" had involved identifying and eliminating an enemy indoors.

The state alleges six of the accused are former trainees who were instructed to "clear" the home of former UDF activist Victor Ntuli at KwaMakutha on January 21, 1987. Thirteen people were killed in the attack. Ntuli was not home.

The attack led to the arrest of the six alleged trainees, former Defence Minister Magnus Malan and 13 others, including a number of former top military officers.

Opperman said that at Camp Hippo he had been put in charge of about 30 defensive-group trainees who were trained to gather intelligence information in KwaZulu-Natal.

The contra-mobilisation trainees had received political training from a civilian group called Adult Education, later transformed into a front company for the military, Opperman said.

The VIP group had been trained to protect IFP leader Mangosuthu Buthelezi.

Opperman's testimony will continue today — Sapa

"The trainees did not know they were in the Caprivi Strip. Rumours were spread around that they were in Israel."

Armcor sanctions case still sours SA-US relations

THE furor around the "Armcor Seven" sanctions-busting case and its effect on relations with the US raises a number of questions and concerns about SA foreign and armaments policy

This case has dragged on since October 1991, when American prosecutors indicted Armcor and subsidiaries Kentron and Fuchs for contraventions of US arms export control laws and sanctions policy against SA. The case arose from the alleged discovery during the Gulf war of US parts in SA artillery shells supplied to Iraq

Pretoria is now not prepared to pay a R37m fine, and instead demands a guarantee that Armcor will face no further charges in the US. It has also threatened to "reveal all" about US complicity in arms deals during the embargo years

It appears SA has largely interpreted the Armcor court case as detrimental to bilateral relations. Within this argument, SA—led by ambassador Franklin Sonn—maintains that Washington should simply drop the issue, as the misdemeanours were perpetrated by the previous regime

The view seems to be that the US

somehow "owes" it to the new SA not to make it pay for past sins. It also seems to be a crude way to apparently "put one over" the old ideological Yankee enemy

Why is it, Americans ask, that President Nelson Mandela was briefed, surprisingly, to raise this issue during his visit to the US last October when he described the case as "a major irritant" in relations?

Some see the episode as, potentially, permanently damaging to US-SA relations—a contest from which Pretoria would probably emerge the loser. Why has the case taken this twist? What options does SA have and which should it choose? It is not clear whether the parties involved are willing to pay the fine, or if they would prefer the matter to be resolved politically at no financial cost

Pretoria's options to resolve the crisis are dependent on the course of US law and also on the extent to which Armcor, SA's government and the companies involved are prepared to stick their necks out

As President Bill Clinton intimated, this is a matter in which the independent US judiciary and not politicians call the shots. It would be

GREG MILLS

unusual—some would say politically risky—for the Clinton administration to intervene in a legal case of this sort. If SA was going to extract a concession from Washington, it should probably have done so at the Nuclear Non-Proliferation Treaty negotiations in May, when the US needed support and might have been willing to buy it.

Now Armcor and the co-defendants' quickest, cleanest (and probably cheapest) option would be to pay the fine due—a comparatively small sum when viewed in the overall bilateral context. This route is not so much a matter of the new SA paying for the crimes of the old: it is a matter of companies knowingly breaking the law for gain

The profits were high, but so were the risks. Now it is time to pay back some profits and not endanger US-SA relations, with trade ties now worth more than R16bn. This partnership has also been cemented by about 250 US companies now operating in SA, and by the the Gore-Mbeki binational commission

There is little doubt that SA is

oversteering to the Armcor saga. Americans see problems over this case, and over SA's relations with Cuba, Libya and in other areas of foreign policy, as "normal hiccups in a now normal relationship"

Previously apartheid "abnormalised" the relationship, and it was impossible for disagreements to be debated and resolved. Viewed from this perspective, SA has unnecessarily raised the stakes over the Armcor issue

Even if Armcor were to "win" by having the case dropped, with the aid of political pressure from Pretoria, it would not escape the fact that its past is murky and, at times, criminal. Armcor would do best not to use government to avoid its penalties and those of its contractors. Nor should government allow itself to be used in this way

Our arms merchants should use the opportunity to come clean—if not publicly, at least with Cabinet—about the nature of past arms sales and procurement deals. The arms scandals are numerous and continue to damage SA's reputation. Political pressure and support over this court case will not redeem the defence industry, particularly

(254) BD 14/3/96

those which were involved in making large profits in the apartheid era. Arms scandals have emerged piecemeal and in a fashion which makes the total cleansing of Armcor's public image impossible. Relations continue to harm the industry, and government finds it needs to react by applying stricter and stricter sales and export controls

This has resulted in the industry being strangled by the slow operation of Cabinet's recently established national conventional arms control committee

It may be that the new SA decides, finally, that its policy will be to not have an arms industry. Or it may be the opposite

What SA has to realise is that in the international system governments act according to a shrewd calculation of national interests. There is little room for morality, sentiment and overreaction, and states have to be careful not to overplay their hands on issues of little gain but potentially great cost

□ Mills is director of studies at the SA Institute of International Affairs. The opinions expressed here are in his personal capacity.

No provision made for corvette patrol boats

Wynndham Hartley
and Stephen Lauffer

CAPE TOWN — There is no provision for corvette patrol boats in the defence budget, which has been cut for the seventh successive year.

Down R288m on last year's allocation, the SANDF budget is now 2% of GDP, less than half the 1989/90 figure of 4.5% of GDP.

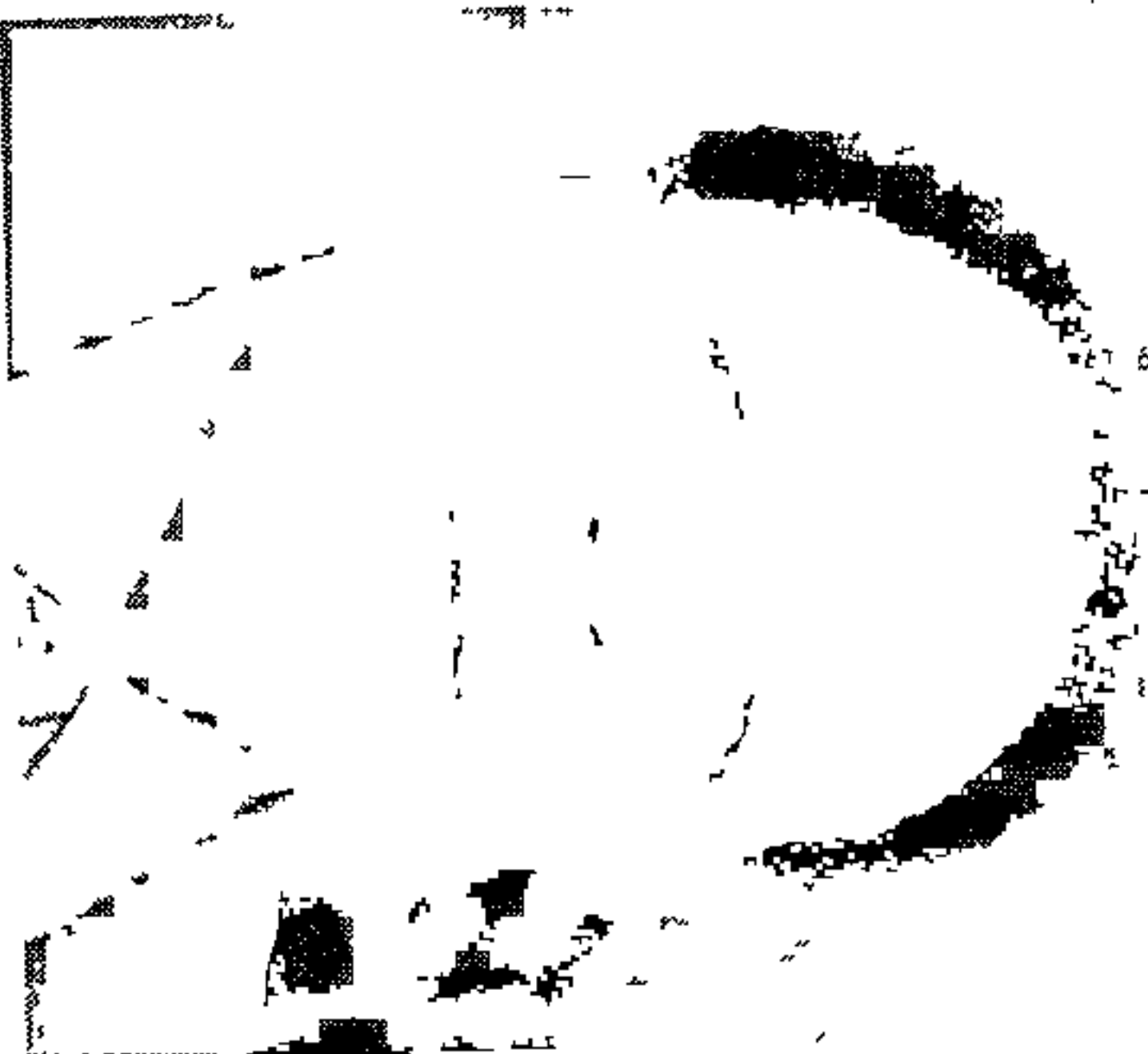
The budget cut is a clear signal of the urgency of the defence review currently under way which is designed to lead to a white paper spelling out future priorities.

Defence Minister Joe Modise said yesterday that completion of the process of developing a national consensus on defence would allow a more comprehensive analysis of future budget requirements.

The cuts will focus defence spending on personnel issues in the coming financial year, with integration and demobilisation taking a major chunk of the budget. Besides the corvettes, other big-ticket items such as a replacement for the Impala jets will also be put on hold.

Spending on the SANDF service corps, which will train demobilised soldiers in civilian skills, will be met from sources outside the defence budget.

A further R113m for procuring and maintaining land and buildings will come from the public works budget.



MODISE

The special defence account which provides for weapons and equipment procurement has been cut from R3.5bn to R1.8bn. SANDF chief of staff finances Lt Gen Ben Raubenheimer said the defence force was operating in a vacuum until consensus was reached in the defence review on what future requirements should be.

He said there was no provision for corvettes to upgrade SA's maritime patrol capability, but stressed that the plan to buy the vessels had not been abandoned.

Should the SANDF gain approval for the corvettes they would have to be approved in addition to the present budget allocation.

Defence sources said there was agreement with the finance ministry that the corvettes could be provided for once there was consensus on maritime defence policy.

Raubenheimer said the defence force had concentrated on what could be deferred without harming the nation's defence capability and without destabilising the defence industry so as to keep the SANDF "kicking over" while it waited for the defence review to decide the future size and shape of the defence force.

He said these deferrals included almost R1bn from the special defence account which had been "rolled over" into the new financial year.

The defence force, he said, was "reasonably optimistic" that the defence review would not decide on dramatic reductions of the SANDF.

But if that was what the politicians decided then it would happen.

Modise said he was confident a balance could be achieved "between SA's socioeconomic imperatives and the need for a capable and effective defence force."

I am a murderer: Hit squad leader

ARLT 14/3/96

(254)



DURBAN. — Former Military Intelligence captain Johan Opperman today admitted he was a murderer and had commanded a highly trained hit squad which killed 13 people in the 1987 massacre at KwaMakutha south of Durban.

"Yes I am," Mr Opperman said when asked if he was a murderer at the trial of former defence minister Magnus Malan and 19 others in the Supreme Court

Mr Opperman faced intense cross-examination by defence counsel today.

He however denied that he was a mass murderer who had knowingly authorised the killing of 13 people, most of them women and children.

The deaths had occurred while he was carrying out an SADF operation, he said

Mr Opperman said he had ordered the attack in the belief that it would target United Democratic Front activist Victor Ntuli.

Earlier in the week Mr Opperman testified on his role in training more than 200 Inkatha recruits at a secret SADF base in the Caprivi Strip and how he took command of them when they returned to KwaZulu-Natal.

Today he said under cross-examination that the massacre had turned out to be the "biggest fiasco of his life".

All the accused in the trial — including 11 senior SADF officers, one police officer and seven Inkatha Freedom Party members — have pleaded not guilty to all charges before Mr Justice Hugo

● The police who guard cabinet ministers are to now guard Mr Opperman.

Tim McNally, KwaZulu-Natal Attorney General who is prosecuting, told Mr Justice Hugo today that there were real concerns for the safety of Mr Opperman.

Defence legal teams were concerned that there would be improper interference with Mr Opperman during cross-examination.

Mr Justice Hugo decided to ask the National Commissioner of Police George Fivaz to supply three or four members of the National VIP Guard Unit to look after Mr Opperman 24 hours a day.

Their names and telephone numbers will be given to the defence teams.

The VIP Unit will work with the Independent Task Unit police to ensure there is no improper interference during cross-examination

Judge Hugo cautioned against paranoia in what he said were ordinary criminal proceedings.

(Proceeding)

● How Inkatha's "hungry lions" were unleashed. — page 21.

How Inkatha's 'hungry lions' were unleashed

A key state witness in the Malan murder trial has spent nearly six hours outlining how Military Intelligence used Inkatha members in Pretoria's war against the ANC, MK and UDF. Argus Correspondents MARTIN CHALLENGER and GREG ARDE report from the Durban Supreme Court.

OPERATION Marlon - Military Intelligence's R7.6 million project to use Inkatha members against the ANC, MK and UDF - was terminated because incoming intelligence chiefs saw it as a political operation and not a military exercise, Captain Johan Pretorius has told the Durban Supreme Court.

Captain Opperman has spent nearly six hours giving evidence against General Magnus Malan and 19 others on charges stemming from the Kwamakutha massacre of 1987. His evidence continues today. They have pleaded not guilty.

What has emerged is that this is a trial of officers in Military Intelligence in the 1980s, under the command of Admiral Andries Pretorius Putter, their Defence Minister General Malan, and their foot soldiers in Inkatha.

Military Intelligence was running operations with Renamo in Mozambique, Unita in Angola and the Ferrutree base in the Drakensberg Peak area of the Drakensberg the Lesotho Liberation Army.

The same section - special tasks - controlled the training and deployment of 206 Inkatha supporters.

Captain Opperman described the Inkatha trainees as hungry lions who enjoyed their training

and wanted to hnt back at the ANC, MK and UDF. Military officers saw Inkatha as a potential resistance movement.

Captain Opperman's evidence yesterday covered the allocating of the Inkatha trainees in the Hippo camp in the Caprivi Strip into an offensive section, a defensive section, a contra-mobilisation group to propagate Inkatha ideas and a bodyguard section.

All the trainees went on strike because only 20 were taken into the offensive group. The rest felt this would lessen their impact back home. At the time the trainees thought they were to be taken into the Kwazulu Police.

Captain Opperman stopped yesterday at the point where he was put on a witness protection programme run by the Investigation Task Unit, which was appointed by Safety and Security Minister Mr Sydney Mufamadi in the middle of 1994 to investigate political violence in Kwazulu-Natal.

Captain Opperman had to repeatedly identify senior officers in the dock that he referred to in his evidence. These were Gerrit Gressel, who he described as his best friend, Major Gerhardus Jacobs, who was once a friend, Colonel Jacobus Victor, Brigadier John More, Brigadier Cornelius van Niekerk, and police officer Colonel Louis Botha.

Captain Opperman said that after the Kwamakutha massacre, the level of violence there dropped drastically. This was the only offensive operation carried out in terms of Operation Marlon he said. This was because Brigadier van Niekerk, head of special tasks, was not willing to carry on offensive operations "because they were a capital offence".

At one stage it was feared that the trainees' commander, Mr Daluxolo Luthuli had become a security risk. At a meeting of army officers, Colonel Botha and Brigadier Jan Buchner who went

to become Commissioner of the Kwazulu Police, it was decided to kill Mr Luthuli. This was not carried out, however, as Mr M Z Khumalo, accused number seven, personal assistant to IFF leader Chief Mangosuthu Buthelezi was opposed to the idea.

Mr Khumalo was under pressure from the trainees to be deployed, Captain Opperman said. Instead, refresher courses were arranged for them.

Mr Khumalo went to see General Malan in Cape Town. He saw instead one of the general's assistants. A message then came back to Captain Opperman through Military Intelligence that the officers should "get their arses into gear and make sure that Operation Marlon was implemented". This was in August 1988.

Captain Opperman was the liaison officer between the SADF and the trainees. Their salary bill was R300 000 a month, paid by Military Intelligence. Captain Opperman was in contact with senior Military Intelligence officers all this time and gave regular briefings on the security of Natal and the ANC threat.

Most of the trainees were based at a farm in Mkuzi, near the Ghost Mountain Inn Hotel. However, 10 people from the offensive group, who Captain Opperman described as a hit squad, were based at Port Durnford.

Captain Opperman handed the court a copy of his SADF duty sheet dated August 31 1988. Captain Opperman and his new colleague in the operation, Mr Griesel, accused number eight, were living in Mtunzini. They later moved to the Mont Blanc holiday flats in Durban.



In the middle of 1989, Admiral Putter was transferred from head of intelligence to become head of the navy. He was replaced by a General Badenhorst. Captain Opperman said that Admiral Putter, General Badenhorst, Brigadier van Niekerk and a Colonel Mike van den Berg flew to Mtunzini for a briefing on Operation Marlon.

General Badenhorst "spoke in a derogatory manner" to Admiral Putter and was adamant that the operation be closed down "as it was political and not a military project". The project ended in June 1989.

In November 1989 Captain Opperman was posted to the Directorate of Covert Collection, which monitored activity in other countries that could destabilise South Africa.

Towards the end of 1993 the officers were raided by the Goldstone Commission. A lot of senior officers of Military Intelligence were then put on compulsory leave or retrenched.

Captain Opperman was later questioned by the Goldstone Commission and asked if "the 200 trainees were involved in offensive operations I said to them the 200 trainees were not involved in operations".

In 1993 Captain Opperman stationed in Durban, was told by the security police that Mr Luthuli was frequenting the ANC offices in Durban.

In mid-1994 Captain Opperman read in newspapers that Mr Luthuli was going to talk about his squads. "I was worried and I was really, really concerned".

He tried through senior officers, to get retrenched from the new National Defence Force (NDF),

because he did not want to discredit Military Intelligence, but this was not granted. Instead the NDF wanted to transfer him to Pretoria.

"I was panicking. I felt like I was drowning".

Captain Opperman tried to get an appointment with Brigadier Van Niekerk. This was refused. He then resigned from the NDF and opened his own company.

Captain Opperman said "Nothing leaked from me ever".

Later on he got a telephone call from a policeman at the ITU and agreed to meet them. He was then put on a witness protection programme and promised protection after the trial as well.

Captain Opperman was adamant that he did not receive any financial reward for giving state evidence, nor a house nor vehicles.

The only advantage he could get was indemnity from prosecution.

In earlier evidence yesterday, Captain Opperman said ANC stalwart and leading anti-apartheid fighter Billy Nair was picked as a possible target for assassination by the Kwamakutha killers.

Mr Luthuli had chosen four targets for assassination. One was UDF activist Victor Ntuli, whose Kwamakutha home was finally selected. Another was Mr Nair. He could not remember the names on the other two 'target dossiers'.

Mr Nair was abandoned as a target because "obviously later Billy Nair was conscious and it was under surveillance and it was decided best to target Ntuli".

Captain Opperman said after prior arrangement he received 10 AK47 rifles from Ferrutree military base near the Drakensberg Sun where there was military

training of members of the Lesotho Liberation Army.

Captain Opperman said he and fellow State witness Sergeant Andre Cloete drove to Ulundi with the guns where they met Mr M Z Khumalo on the outskirts of the town.

The three went to a nearby dry riverbed where they met 11 of the IFF selected army trainees.

There he said the weapons were handed out and tested and a diagram of Mr Ntuli's house was drawn in the sand with a stick.

Captain Opperman described the immediate run-up to the attack on January 21 1987 and how the next day he read in one of Durban's newspapers about the incident.

He said the headline was "Horrible Attack - Thirteen Slayed", something like that. He bought the paper and realised the intended target had escaped.

"I was horrified. If intelligence had known that there were women and children in that house the operation would never have taken place," he said.

According to intelligence, Captain Opperman said, a UDF meeting was supposed to have been taking place at Mr Ntuli's home. The target was chosen because he was the alleged paymaster of UDF operatives involved in attacks on the IFF.

Captain Opperman said that a few days later he had spoken with Mr Khumalo who was "as horrified and sad" about the murder of women and children. Arrangements were made to sacrifice a goat in reparation.

He said military intelligence officers had taken just a couple of hours to give permission for Inkatha's "hungry lions" to go ahead with the planning of the operation.

Captain Opperman said "at the end of 1986 the IFF was attacked very badly by the ANC and UDF. At that stage the trainees with all

their training behind them were getting anxious to do something about it".

Mr Khumalo "was finding the situation very difficult to handle because on the one hand the IFF was getting assaulted and killed and Mr Khumalo, with no military experience had 206 hungry lions on his hands that he had to control".

Captain Opperman said he and Sergeant Cloete met Mr Khumalo near Ulundi.

"The three of us decided that something should be done".

Captain Opperman then went to Natal Command to speak to Colonel Victor, accused number 10, who was head of intelligence at Natal Command.

Captain Opperman said he wanted to establish the exact threat of the ANC and "to get a picture of the violence in Natal". Captain Opperman then went with Sergeant Cloete to see Brigadier More, accused 12, in Pretoria.

"I explained the situation to him and asked if we could go ahead with planning to do an operation."

"I explained that because of information I received from Natal Command and Mr Khumalo that if we did not do something about the situation Inkatha would cease to be a force because they were being attacked very heavily".

Brigadier More who was a colonel at that stage went to discuss this with Brigadier Cornelius Johannes van Niekerk who was a director of special tasks.

"We wanted a couple of hours for More to return". Captain Opperman said he did return and permission was granted to go ahead with planning the operation.

"It was said that we must ensure that any target must have a positive impact on the IFF and South African government in the sense that the targets that were chosen should be trained MK members and trained UDF members".

(48) (254) (48) ARL 14/3/96

R450-m for MK and Apla's pensions

254

Sowetan
14/3/96

THE GOVERNMENT HAS set aside a total of R450 million in the 1996-97 financial year for special pensions for veterans of the liberation struggle

Finance Minister Chris Liebenberg said on Wednesday the money would be added to funds accumulated last year.

He said during his Budget speech that legislation would be tabled soon to authorise payment of the pensions. There had been considerable consultation on the legislation, and the Government hoped it would receive the support of all.

Freedom fighters

Former freedom fighters of Umkhonto we Sizwe, the African National Congress's former armed wing, and the Azanian People's Liberation Army of the Pan Africanist Congress will benefit from the deal.

These armies were disbanded in 1992 when multiparty constitutional negotiations which ended in the his-

The liberation armies were disbanded in 1992 when negotiations started

toric April 27 1994 democratic elections began

The "good news" Budget relieves the anxiety over the future of the freedom fighters, many of whom had been demanding reparations and had been confronting President Nelson Mandela's Government of National Unity since its inception in 1994.

Meanwhile, the Government has budgeted on collecting a total of R144,857 billion in tax over the next financial year, and individuals are targeted to be the largest contributors

Budget figures released yesterday indicate individuals should pay R57 975 billion in tax, while Value Added Tax is expected to generate R36 93 billion

The budgeted income from companies other than mining companies is R19,11 billion

Other major contributors to the Government's coffers are extraordinary capital receipts, R1,88 billion, income tax from mining companies, R2,22 billion, secondary tax on companies, R1 billion; interest on overdue taxation, R750 million, stamp duties and fees, R1,04 billion; and transfer duties R1,65 billion.

Revenue up 13,8 percent

Total budgeted revenue is up 13,8 percent on last year and should amount to 25,8 percent of gross domestic product

Liebenberg said improved revenue collections should yield an additional R1,5 billion and the government's policy of gradually selling off strategic oil reserves had made it possible to transfer R1,9 billion to the national revenue account

Strict spit and polish returns to SANDF

(254)

Despite Meiring's warning two years ago that discipline and standards would not be allowed to lapse in an integrated force, it appears they have been slipping

Star 14/3/96

By **NORMAN CHANDLER**
Defence Correspondent

Spit and polish in the military tradition is to be tightened up considerably in the SANDF

The Chief of the SANDF, Gen Georg Meiring, has told the Defence Command Council that discipline had to be reintroduced and this means, in particular, that junior personnel will no longer be allowed to "address their superiors in a fraternising manner"

Head dress will now also have to be worn when uniformed personnel are travelling in vehicles. The general practice, which has

evolved over time, has been for personnel to remove headgear when in a vehicle.

The new regulations, which come into effect immediately, follow on the first stage of the integration process which has seen members of non-statutory irregular forces such as Umkhonto we Sizwe and Apla being integrated with the strictly disciplined former SADF to form the SANDF

Meiring warned two years ago that discipline and standards would not be allowed to lapse in an integrated force

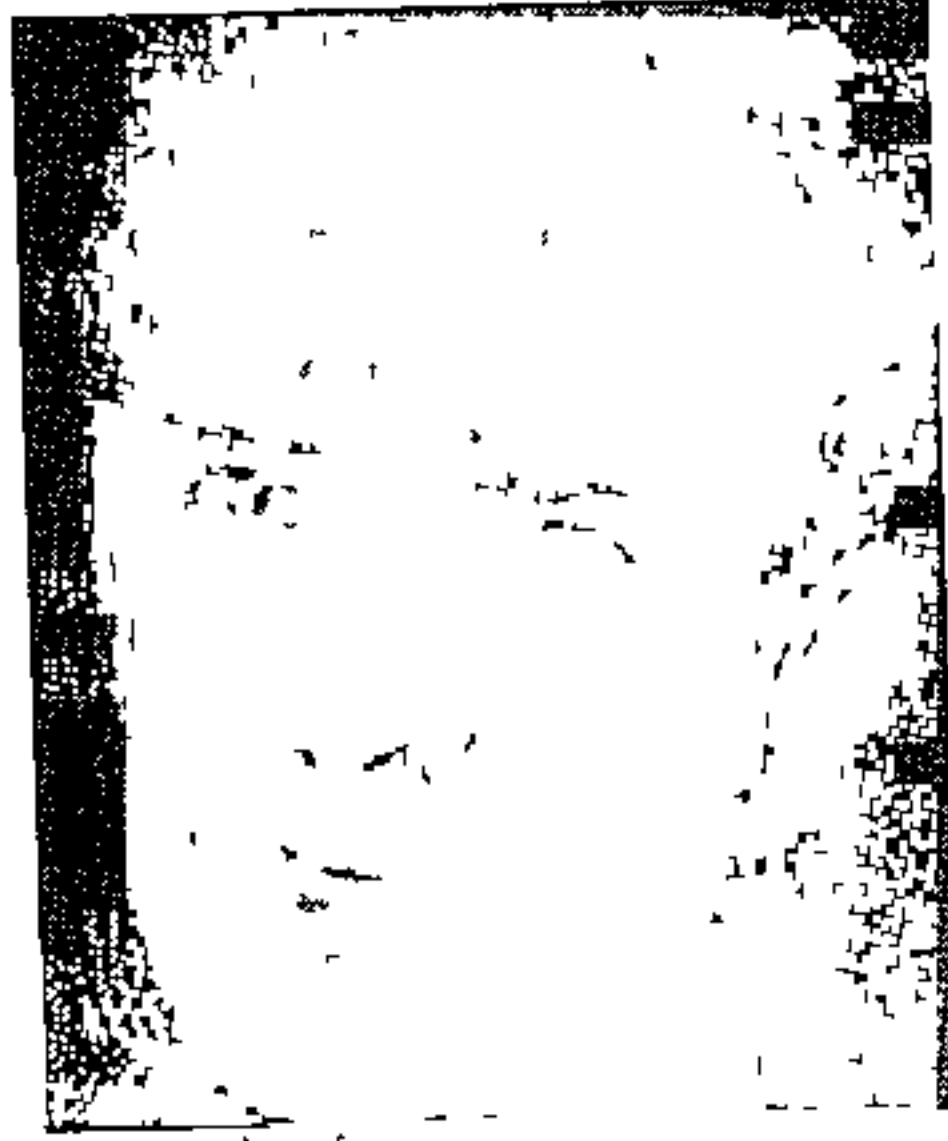
However, it appears that standards in general have been slipping and are now being brought

back into line with the traditional military disciplinary code.

Meiring said his "back to basics" call should not only be made applicable to the lower ranks. It should be done by all SANDF members, including commanding officers

"Typical examples of what is meant is that OCs should strictly execute the traditional checking of registers, counting and physical inspection of weapons, and irregular ad hoc spot checks of stores and equipment," he said

The chiefs of the army, navy, air force and medical services have been instructed to implement the order.



UDF MAN: Activist Billy Nair was targeted. (254)

'Horror' CT 14/3/96 over killing of women, children

A FORMER military intelligence officer linked several murder trials yesterday to a botched 1987 murder squad attack and described his horror when he realised mostly women and children were killed

"I was horrified," Mr Johan Opperman told the Supreme Court here after giving details of the planning and execution of the attack, allegedly by military intelligence and IFP members trained by the former SADF

"If we knew, if the intelligence had shown there were women and children in that place, the operation would never have taken place," he said

Opperman, who has testified to his close involvement in the attack and his training of IFP members at a secret SADF base in Namibia, is a key state witness in the murder trial of former Defence Minister Gen Magnus Malan and 19 others

He said one of the accused, former SADF chief director of intelligence operations Gen Cornelius van Tonder, had congratulated him on the success of the operation's planning and security, but "not for the people killed"

Malan and his co-accused face 13 charges of murder, four of attempted murder and charges of conspiracy to murder arising from the attack on the home of UDF activist Mr Victor Ntuli at Kwa-Makutha on January 21, 1987

Opperman told the court Ntuli had been chosen as a target by an IFP member trained in 1986 at a clandestine SADF island camp in the Caprivi Strip

According to documents before the court, IFP leader and KwaZulu chief minister at the time, Chief Mangosuthu Buthelezi, is alleged in 1985 to have requested a paramilitary force

Opperman said Ntuli was one person chosen for elimination as "paymaster" for anti-IFP operations. UDF activist Mr Billy Nair had been considered as a target but rejected as having too tight security

Former military intelligence officer Brig John More allegedly gave the go-ahead for planning the attack. Opperman said permission for the attack had been granted partly because the "angry lions" were itching to test their new skills

Another operative, Mr Gerrit Griesel, allegedly supplied 10 AK-47 assault rifles and ammunition from the Ferntree military base near the Drakensberg

Opperman said he had given orders for the attack and identified the target — Sapa

OFFICER ADMITS HE WAS A MURDERER

Massacre of women, children 'a fiasco'

CT 15/3/96

(254)

DURBAN: In the Magnus Malan murder trial here the officer in charge of the KwamaKutha massacre by 10 men with AK-47 rifles said one man had been the target but he had not considered using a sniper as a gunshot might have attracted attention.

DESCRIBING the 1987 KwamaKutha massacre of women and children as a "fiasco", ex-military intelligence officer Major Johan Opperman said he failed to act against the hit-squad responsible because the victims also supported the "enemy" — the UDF/ANC alliance.

Mr Justice Jan Hugo asked Opperman if this could be said of children as young as four years

"We never intended that children should be killed," he replied.

Earlier, during cross examination by defence advocate Mr Mike Mantz, SC, Opperman said even junior school children could have been regarded as targets if they had received MK training. "A child with an AK-47 rifle is as dangerous as any adult," he said.

Opperman, who admitted he was the commanding officer of Operation KwamaKutha, agreed that he was a murderer. He was shown photographs of the bloodied bodies of slain children and women and asked if he admitted

they were the result of his "handiwork". He agreed that they were.

But he repeatedly said women and children were not targeted. The only intended victim was UDF activist Victor Ntuli, said to be a paymaster of the organisation. "This was an operation that went wrong," he said.

Asked why he did not try to investigate what went wrong or take disciplinary steps against those involved, he said he had not thought it necessary because those killed were UDF supporters.

He had thought they could have been people who had remained behind after a UDF meeting which his intelligence operative had reported was planned for that night.

He admitted that the squad had not known Victor Ntuli, and were not shown photographs of him. However, they were "given a description".

Opperman agreed that he personally trained the operative who gave wrong information and failed to estab-

lish that there were many women and children permanently living in the house. He maintained that the operative was "highly trained" and said he had not warned anyone after the failed KwamaKutha operation not to trust him again.

He could not remember the man's name, he said.

Opperman was asked why it was necessary to deploy a hit-squad of 10 men, all heavily armed with AK-47 rifles and two magazines containing 25 rounds each, to eliminate one man.

He said he had not considered using a sniper for security reasons, as the gunshot might have attracted attention.

"You can't seriously be suggesting that it would be better for security reasons to send a squad of men into a house to fire off hundreds of rounds, like a mini war, rather than use one sniper," Mantz said.

Possible explanations, Opperman said, included that the instructor of the "offensive" unit, Sergeant André Cloete, had ordered the squad to kill everyone in the house — against Opperman's instructions — or that the squad members simply acted on their own.



'MURDERER': An artist's impression of Johan Opperman

Either would amount to a serious breach of military discipline

Mantz referred to police statements made by Cloete and another man, listed as a state witness, Mr Bhekisa Khumalo (an alleged ex-IFP trainee)

Cloete described how he gave instructions for eight men to penetrate the Ntuli house with AK-47s and two to remain behind as "stoppers" to prevent any of the victims from escaping

Khumalo stated that he heard an instructor tell members of the group not to leave anyone alive at the scene. The trial is proceeding — Owen Correspondent

'The biggest fiasco of my life'



Key witness faces hours of cross-examination on the operation that went horribly wrong

(254) ARG 15/3/96

Former Military Intelligence officer Captain Johan Pieter Opperman takes the witness stand for the fourth day today in the Kwamakutha murder trial. Argus Correspondent Martin Challenor reports from Durban.

KEY State witness Captain Johan Pieter Opperman is undergoing grueling cross-examination in the trial of General Magnus Malan and 19 others in connection with the Kwamakutha murder.

The former Military Intelligence officer finished six hours of testimony yesterday. He was then cross-examined for four hours by Mr Mike Maritz, SC, representing Colonel Jacobus Adriaan Victor and Brigadier John Reeves More. There are still six more defence teams to question Captain Opperman.

Earlier evidence was that Captain Opperman consulted Colonel Victor then head of Natal Command Intelligence to see if the intended target Mr Victor Ntuli was an informer. Brigadier More was allegedly in charge of Operation Marion, the Inkatha project, at that stage and later worked on the SADF's Renamo rebel movement project.

Mr Maritz is going through Captain Opperman's evidence painstakingly. Captain Opperman said the operation was authorised against

Mr Ntuli, a UDF member, but not against the women and children who were killed. Intelligence from Inkatha was that there was to have been a meeting of the UDF in the house the night of the attack.

Captain Opperman said the attack was the biggest fiasco of his life, without doubt. He decided that if there was another operation it had to be based on 100 percent intelligence. Everyone knew the operation went wrong, and was shocked. The women and children should not have been shot. He never gave orders for this.

Mr Maritz put it to Captain Opperman that the death of women and children was unfortunate, but at least the enemy ANC and UDF had been killed. Captain Opperman agreed, pointing out that at the time Inkatha was under serious attack from the UDF and ANC.

At least 153 shots were fired in the attack that left 13 people dead. Mr Maritz questioned why it was necessary to send 10 men with AK rifles and 50 bullets each to kill one man, and why the intelligence was such a mess.

Captain Opperman said the Inkatha defensive group had gathered intelligence about UDF, ANC and MK people who had been militarily trained. This training could have lasted just two days. If the information was that somebody was trained they would have been a target and an extensive special forces target dossier prepared on them. Inkatha commander Mr Datuxolo Luthuli selected four targets.



IN COURT: An artist's impression of the scene in the Supreme Court, Durban

Mr Luthuli said Mr Ntuli was the paymaster of operations of the UDF in Natal and also took part in ANC operations. Captain Opperman did not ask Mr Luthuli how Inkatha knew this, but if Mr Ntuli had been killed it would have had a positive impact on lessening violence.

Captain Opperman said he did not question the Inkatha Intelligence gathering work or probe too much about the target. He said

any person with an AK firearm was dangerous and depending on the circumstances he would have no problem killing children if they had been trained.

Captain Opperman saw Mr Luthuli again months afterwards but they did not discuss the attack. He last saw Sergeant Andre Cloete, who worked with him on the Inkatha project, three and a half years ago.

Captain Opperman said he did

not take disciplinary action over the operation going wrong and went wrong and Mr Ntuli surviving because the Inkatha people were not SADF members.

In earlier evidence, Captain Opperman said he "spared" the Goldstone Commission the truth about the 206 trainees when he first spoke to them in 1993.

He had asked the Defence Force for help with his future but was refused. If the SADF had

retrenched him with a R300 000 package, he would not have been in the witness box now.

"The ITU contacted me I did not contact them," Mr Maritz asked Captain Opperman if he was an Afrikaner who denied his cultural heritage, because he gave his evidence in English. He asked Captain Opperman if he was a mass murderer and a child murderer. Mr Maritz said the Kwamakutha operation was a fiasco.

Captain Opperman agreed he was a murderer because of what happened in Kwamakutha, but said all the people he had killed in his life died while he was on official SADF operations.

General Malan has four personal bodyguards protecting him, some inside the courtroom. Admiral Andries Petrus Puffer and General Kat Liebenberg also have bodyguards. Captain Opperman has a bodyguard who sits inside the court.

People in buildings surrounding the court have been warned not to let photographers use their premises to take photographs of the 20 people on trial.

Meanwhile, police who guard Cabinet Ministers are to now guard Captain Opperman.

Mr Tim McNally, Kwazulu-Natal Attorney General who is prosecuting, told Mr Justice Hugo yesterday that there were real concerns for the safety of Captain Opperman. He was being protected by the Investigations Task Unit.

Defence legal teams were, however, concerned that there would

be improper interference with Captain Opperman during the cross-examination period if he was guarded only by the ITU.

Mr Justice Hugo decided to ask the National Commissioner of Police George Frvaz to supply three or four members of the National VIP Guard Unit to look after Captain Opperman 24 hours a day. Their names and telephone numbers will be given to the defence teams.

The VIP unit will work with the ITU police to ensure there is no improper interference during cross-examination. These police normally guard Cabinet ministers. The judge cautioned against paranoia in what he said were ordinary criminal proceedings.

Captain Opperman, his wife and 16-month-old son are to start life again in a new country after the case. He has been sheltered in Denmark since turning State witness.

Acoustics in the court remain bad. Advocates tend to put their questions at the same time as the interpreter is translating into Zulu, which makes hearing even more difficult.

About 140 people are crowded into a room less than two squash court in size. After the day's proceedings yesterday, a choir from the IFP, including people from the Dalton Road Hostel branch, sang outside the entrance. Police escorted them along Smith Street to Russell Street, where they lay down for a few minutes to symbolise IFP people killed in political violence.

GOVERNMENT CONTRACTS

MORE DIRTY TRICKS AT DENEL

With tenders about to be called for the R500m identity document system, the world's specialist security printing companies are apprehensive about revealing secrets to the Home Affairs Department

Their concern is justified since the department is known to be working with public corporation arms maker Denel, which will compete directly with potential tenderers

Two weeks ago, the *FM* revealed how Denel agents had been taken for Home Affairs officials while evaluating Maurer Electronics' M550 laser engraver. The German firm was bidding to personalise SA's new passports. Maurer was led to believe it had won the passport contract after being invited to be sole tenderer. The contract, however, was finally awarded to Britain's De La Rue.

Now prospective tenderers for the ID contract are aghast at the amount of secret hi-tech information being demanded in a draft Home Affairs tender document, fearing it could fall into the hands of Denel. The draft has been circulated by Home Affairs to solicit industry input.

The detailed secret information demanded has caused several world players to rethink their positions. For example, on the ID card a complete breakdown of materials used must be specified, together with a "complete technical explanation" of all the layers used to build up the card. "It's normal just to ask for a performance guarantee," says one potential tenderer.

The Office for Serious Economic Offences (Oseo) has been looking into the Maurer affair. As the *FM* went to press, the office's executive director, Jan Swanepoel, said "A report is being forwarded to the Department of Justice, which will decide what further steps should be taken."

Because of a lack of evidence, investigators were last week about to close their files when a fresh development led them to reopen the case. Top British security printers Harrison & Sons revealed a new twist to the intrigues enveloping the passport tender.

Investigations reveal that a "Home Affairs" delegation arrived at Harrison's High Wycombe offices on August 14 last year. It consisted of Home Affairs deputy DG Ivan Lambinon, his colleague, M Martincich, Jim Coetzee (former Government Printer, acting as consultant to Home Affairs), Stephen Fourie, Gerhard Barnard and D Child.

Fourie and Barnard were Denel men. So, too, it emerges, was David Child, who is Denel Informatics executive marketing manager. But Harrison's was not aware of this. The delegates were described by government as being from Home Affairs.

The British printers held the SA rights to the GET passport printer (the latest derivative of Japan's Toppan MP300) and, by all accounts, the "Home Affairs" delegation was impressed with its demonstration.

As with Maurer, Harrison's was led to believe it had won the contract. Over the months, Harrison's technical director Steve Green handed Fourie a wealth of confidential information about the GET printer.

Harrison's SA representatives asked Fourie which company Home Affairs would recommend for the system's service contract. Denel, replied Fourie.

When Green discussed servicing arrangements with Denel Informatics, he was surprised to find himself face-to-face and shaking hands with a "Home Affairs" delegation visitor to High Wycombe — Gerhard Barnard.

On November 24, a second tender was issued for the passport contract. And this

(254) FM 15/3/96
January, to Harrison's disbelief, it was announced that the winner was their British rival, De La Rue, which had persuaded Toppan in Japan to give it the SA rights for the MP300.

Harrison's demanded the return of the detailed documentation it had passed to Home Affairs. When the documents

reached High Wycombe, about 20 key pages, including confidential specifications and prices, were missing.

Harrison's chairman Alan Johnstone says "We are in discussions with the State Tender Board asking for clarification on a variety of issues and cannot comment now."

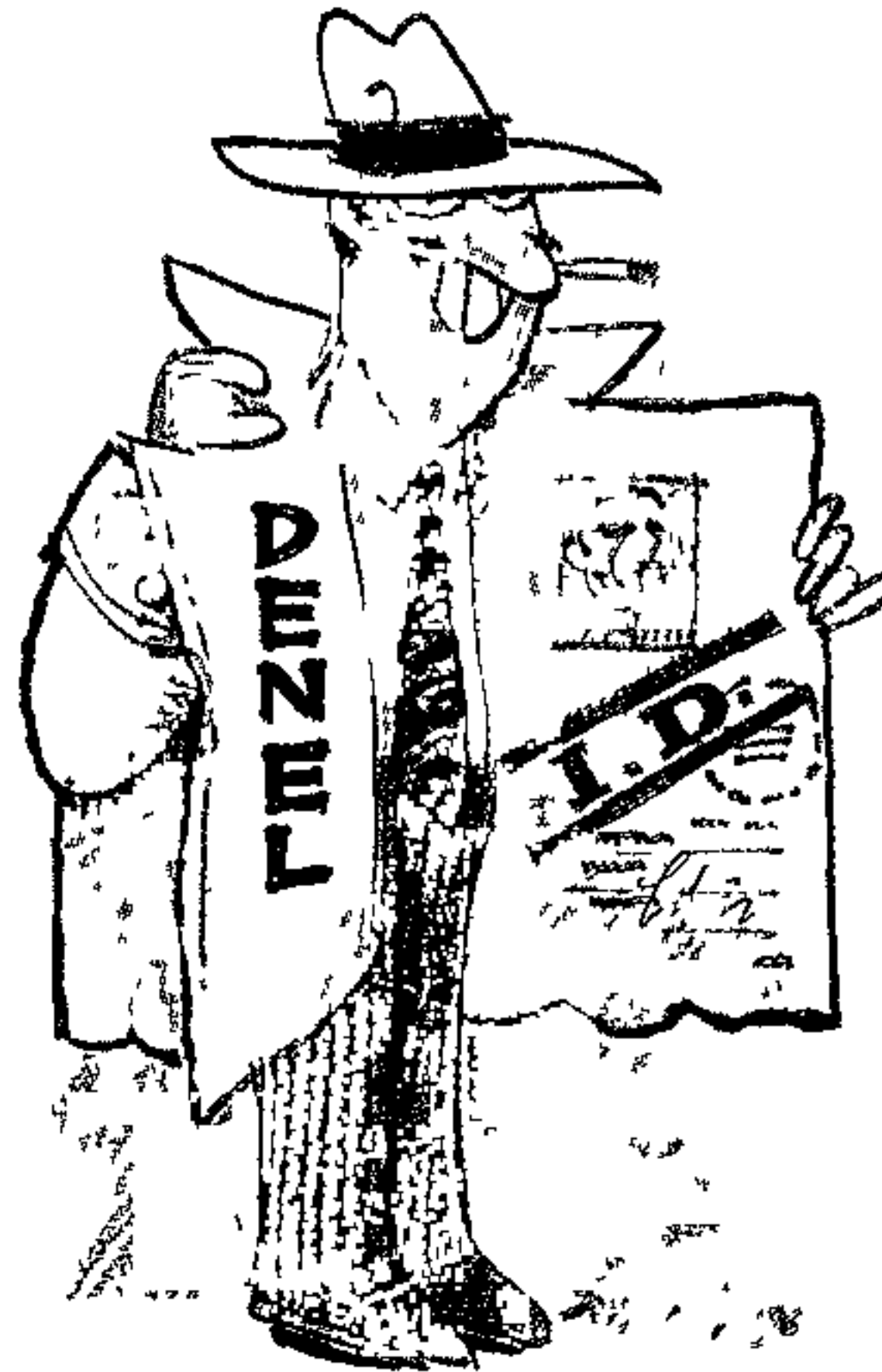
De La Rue's quote (R2m) is viewed by many as ludicrously low — certainly a long way below Harrison's R8,3m.

The big money from this contract, though, will come from "consumables".

Using the MP300, these will be R4,10 for each passport. Home Affairs estimates that it will print 1m passports in the first year and 600 000 a year thereafter. In five years, therefore, De La Rue stands to earn R16,4m from consumables alone.

Putting in a deliberately low bid to clinch the tender would be more than rewarded by this rich bonanza. As part of its reward, Denel Informatics has been invited to quote for the estimated R5m/year support services subcontract.

The *FM* has established that, on March 5, Harrison's made a detailed statement to Oseo. It said "You can imagine our surprise when the tender was awarded to De La Rue, which had done no work for the ministry, knew little about the Top-



pan printer or the associated passport requirements and apparently has connections with Denel

"There appear to have been some strange happenings during the assessment, award and subsequent implementation of this tender. We trust we can rely on your department to clarify matters."

A Denel spokesman says "This affair reflects on the probability of improper business conduct. It also reflects on the possibility that whatever services Denel is rendering to the department (Home Affairs) are not based on proper contractual arrangements. Denel is not in the printing business. There is no contract between Denel and De La Rue." ■

FREE TRADE AGREEMENT

MISSING LINKS?

PM 15/3/96

Before leaving for Europe at the start of the week, Trade & Industry Minister Trevor Manuel urged SA ambassadors to the 15 countries of the European Union to continue lobbying on the future free trade agreement between SA and the EU.

But Manuel still failed to address the outstanding issue: who will represent SA at the EU? Though the post is considered critical, the SA ambassador to the EU has not yet been nominated. While EU experts are working in Brussels on a list of "sensitive" products to be excluded from the deal, the vacancy could not have come at a worse time.

It would have been in SA's interest to have a strong representative in Brussels in order to keep the exclusion list as short as possible. SA's former ambassador Neil van Heerden left his post at the end of January to head the SA Foundation. His successor was to be named in mid-January, but nothing happened. "The matter lies with the President," says Rina Pretorius of the EU desk at Foreign Affairs. "It's been quite a long time now. We don't know either the name of the ambassador or when the nomination is to take place."

Presidential spokesman Parks Mankahlana says tersely "A decision has not been taken, and as soon as it is taken, we will announce it." Sources in

Brussels suggest that it will be at month-end. Why it took so long is not clear.

Names being bandied about in diplomatic circles include Finance Department chief director for international financial relations Elias Links, Trade & Industry chief director for industrial and technology strategy Alan Hirsch, Western Cape ANC MP Rob Davies and Trade & Industry chief director for foreign trade relations Faizel Ismail.

To date, Links and Hirsch appear to be the frontrunners. Links — a former SA ambassador to the IMF and the World Bank — has had top-level international experience. Hirsch is attending classes at the Foreign Affairs training institute (the former Bophuthatswana embassy) in Pretoria.

Sources in Brussels say that a forthcoming Cabinet reshuffle could lead to the arrival of new outsiders in the race, such as Foreign Minister Alfred Nzo or, more possibly, his Deputy Minister Aziz Pahad. This could explain why the nomination is being delayed.

A trade specialist says "The vacancy is very inconvenient. Luckily, the Europeans have been locked in internal disagreements, which gave us more time. But we were not at a standstill. We still have teams working both in Brussels and Pretoria. They have had time to finish their research and prepare for the negotiations. Now that the Europeans are about to settle their problems, it's important for SA to have a strong representative in Brussels."

Let's hope that, once nominated, it will not take him too long to acquaint

himself with the complexity of the EU mechanisms. ■

MOSSGAS

RIGGING THE ODDS

No sooner had Moss gas been given a two-year stay of execution by government than the synfuel plant came under what new CE David Day says is part of a Cosatu campaign to discredit government's privatisation policy.

Day says suggestions that Moss gas's cash balances are being dangerously depleted by generous payouts to about 200

staff members who accepted severance packages emanate from the Cosatu-aligned Chemical Workers' Industrial Union. But the union says the issue is not privatisation. What it is claiming with regard to massive retrenchment payouts has a ring of truth.

A spokesman says an agreement reached with Day two weeks ago allowed Moss gas to pay retrenchment packages only to "redundant" workers. He adds it is now clear that Moss gas has broken the agreement by paying severance packages including about eight months' salary to a number of top executives. "Having done this, it has no moral ground to refuse the same package to any worker who wishes to resign."

The retrenchment strategy has affected Moss gas's projected net revenue for the year. While the plant lost three weeks' production which reduced projected revenue from R733m to R687m (R46m), profits are also expected to be a lot lower. Also "due to special provisions made by the board for voluntary retrenchments and other write-offs," the projected net profit for the current year is expected to fall by about R70m. So the union claims are not far off the mark.

Day says that while five top executives have jumped ship over the past few weeks, there is no truth in suggestions that the synfuel company's operational efficiency is under threat. He says four of the executives have already been replaced through internal promotions, while the financial executive has accepted an offer to stay for six months while a replacement is sought.

"My task is to ensure operational efficiency and ongoing profitability, while speedily implementing the recent Cabinet go-ahead for the development of the so-called satellite gas fields. We are now also implementing the Cabinet decision to investigate the installation of compression to existing gas fields," he adds.

The combination of satellite field and compression development will extend the profitable "life" of the Moss gas plant to 2001. Day expects a final submission on the feasibility of adding compression by the end of the month with, hopefully, a positive Cabinet response by mid-April.

While this will help ensure the ongoing operation of the plant, the fiscus will forfeit the Moss gas net revenue, and motorists will continue subsidising the plant. The synlevy, says Day, "should fall away in the next few months." That remains to be seen. ■



Trevor Manuel

Poker-faces slip at Malan trial testimony

(2514)

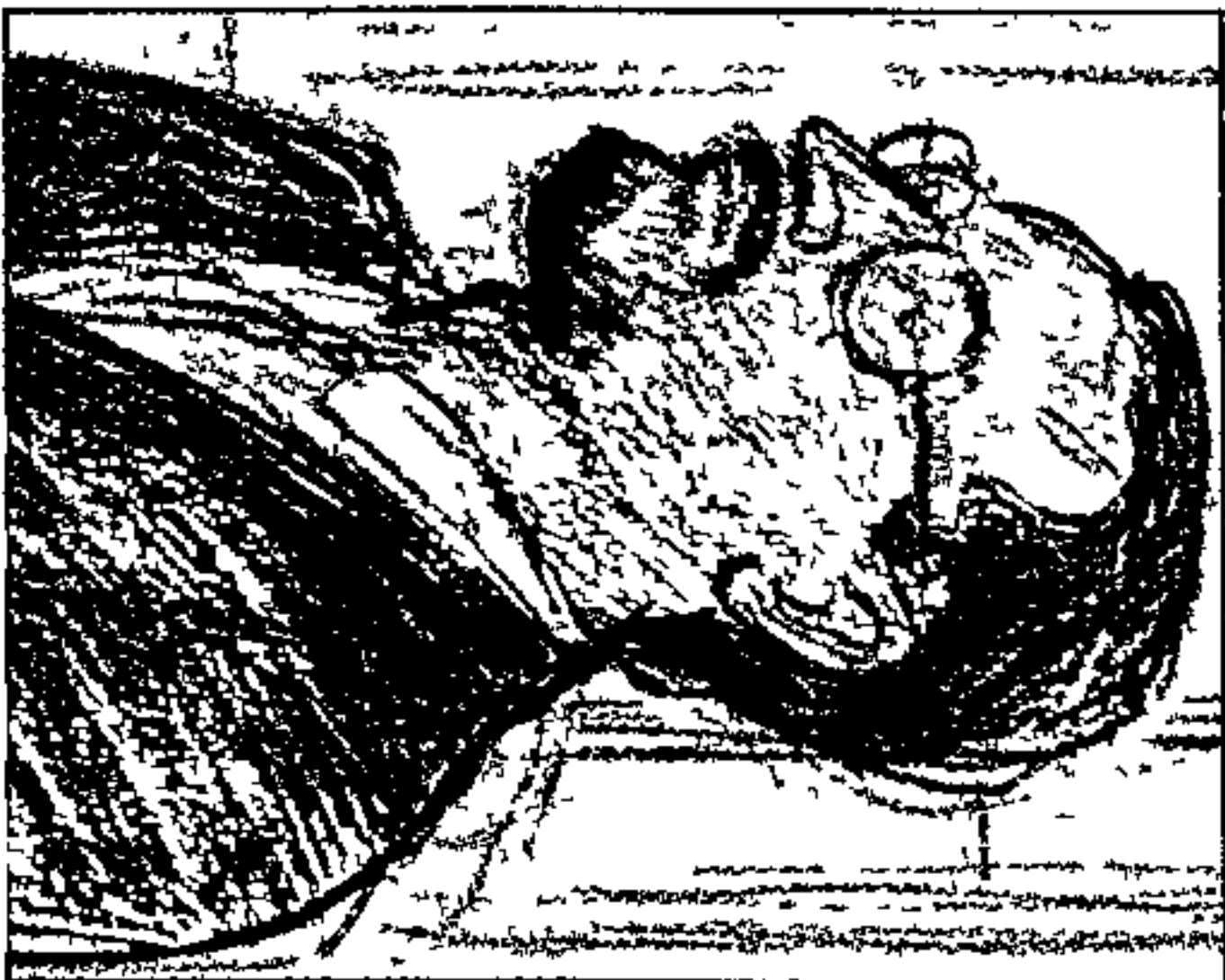
MTG 15-21/3/96

Ann Eveleth

MANY of the 20 accused in the Magnus Malan trial this week dropped their erstwhile stoicism and began to fidget nervously when a slight, bookish ex-soldier, Johan Pieter "JP" Opperman (38), took the stand on Tuesday.

Former defence minister Malan's Jowls worked constantly during the proceedings in a bizarre facial exercise routine, while Inkatha Freedom Party deputy secretary general Zakehe Khumalo shifted around on the cushioned bench, and Caprivi camp commander Major Gerhardus Jacobs shielded his face from view.

Starting with his 1986 recruitment into Operation Marton by Jacobs, and ending with his 1994 resignation from the South African Defence Force after he heard Caprivi political commissar Daluxolo Lutshuli had started "frequenting the African National Congress offices", Opperman's testimony led inevitably to the massacre



Terrible testimony: Presiding judge in the Malan trial Jan Hugo (left) and prosecution witness 'JP' Opperman

ILLUSTRATIONS WENDY KNIGHTS

of 13 KwaMakhutha civilians on that fateful night in January 1987.

Confident and unruffled, Opperman detailed the path from the SADF's Caprivi base, where he said 206 soldiers who believed they were

"dry runs" of the KwaMakhutha massacre: to his and JFP liason man Khumalo's "horror" at the death of women and children and, finally, to his own disillusionment when the SADF refused to "help" him leave the military with a retrenchment package to avoid exposure.

Judge Hugo's brow furrowing deeper with each twist in the sordid tale, Opperman told of the rise and fall and eventual rebirth of Operation Marton as orders from above shifted. He claimed "KwaMakhutha was the first and only operation" resulting from Operation Marton.

But Opperman also testified to discussion of a "cell system", allegedly modelled on the ANC, in which "two or three members would do an operation without other members knowing (so that) if that cell is exposed they can only expose two or three members", suggesting a possible cover system to divorce future Caprivi operations from the military. Opperman alleged his authorisation for the KwaMakhutha attack

was handed down from Military Intelligence Colonel Cornelius van Niek-erik, who later opposed further offensive actions on the grounds that such actions were "halsmisdrif" (hanging crimes). He said the offensive side of Operation Marton began to wind down, until a "strongly worded signal" arrived from the Ministry of Defence on August 30 1988, "instructing people from Military Intelligence ... to make sure Operation Marton was done or carried out the way it was supposed to be".

"The signal became the authority for the full implementation of Operation Marton in Natal," Opperman testified.

He alleged that he and former Ferrtree base commander Dan Griesel, who had provided the weapons for the attack, then moved to Natal and sought a base to house the trainees. He said Khumalo found the Mkuze camp near Ghost Mountain in northern KwaZulu-Natal. He said 10 defensive members trained separately at a base in Port Durmford

Opperman says killing of 13 'not authorised'

BD 15/3/96 (257)

Stephané Bothma

DURBAN — The killing of 13 people at KwaMakutha on the Natal south coast in 1987 had not been authorised by his superiors, former Military Intelligence agent JP Opperman said in the Supreme Court yesterday.

Only the elimination of Victor Ntuli, an MK-trained UDF member, had received the green light, Opperman testified in the trial in which former defence minister Magnus Malan and 19 others face 18 charges, including 13 of murder.

Opperman, the State's key witness against Malan and the others, said he had commanded an Inkatha hit squad trained by the SA Defence Force. He had also been in charge of the operation to kill Ntuli.

Because of incorrect information he received, 13 people had been killed in the operation — mainly women and small children — and Ntuli had escaped unharmed, Opperman said.

He testified that he regarded anybody with MK training as a terrorist and therefore a legitimate target, even schoolchildren who attended only two night classes in weapons training.

"Depending on the circumstances, I don't have a problem with killing children," he replied to a question by defence advocate Mike Maritz SC.

"The entire country breathes a sigh of relief that you are no longer involved in the military," Maritz remarked.

He accused Opperman of trying to blackmail the SADF by demanding a retrenchment package in 1994 or he would divulge sensitive information.

Opperman admitted he was avoiding eye contact with the 20 accused in the court, saying he respected them. "Some were my best friends," he said.

Opperman denied he had fabricated the story that the KwaMakutha massacre was a defence force operation, to save his own skin.

Sapa reports that Opperman earlier admitted being a murderer because he had commanded the hit squad which carried out the KwaMakutha attack.

He denied, however, that he was a mass murderer who had knowingly authorised the killing of 13 people, most of them women and children. He said the massacre had turned out to be the "biggest fiasco of my life".

Mr Justice Hugo has agreed to ask national police commissioner George Fivaz to provide additional security for Opperman, who is under a witness protection programme.

This was after Natal attorney-general Tim McNally, who is leading the prosecution, said there were real concerns for Opperman's safety and that he needed around-the-clock protection.

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Telemetrix PLC

(Registered in England No. 1378777)

Group profit and loss account

Audited financial results for the year ended 31 December 1995

Year ended	Year ended
31 Dec. 1995	31 Dec 1994
£000	£000

PIOTTONO KIIIT KEY WITNESSES Police warned of death threat to military witness

■ As the Trial of the Generals ended its first week, a dramatic new twist has added to the sensation.

INGRID OELLERMANN

Own Correspondent

DURBAN — The Investigation Task Unit has received warning of a rightwing plot to assassinate former military intelligence officer and key State witness in the Magnus Malan trial, Mr Johan Opperman.

This was confirmed yesterday by the head of the unit, Senior Superintendent Frank Dutton.

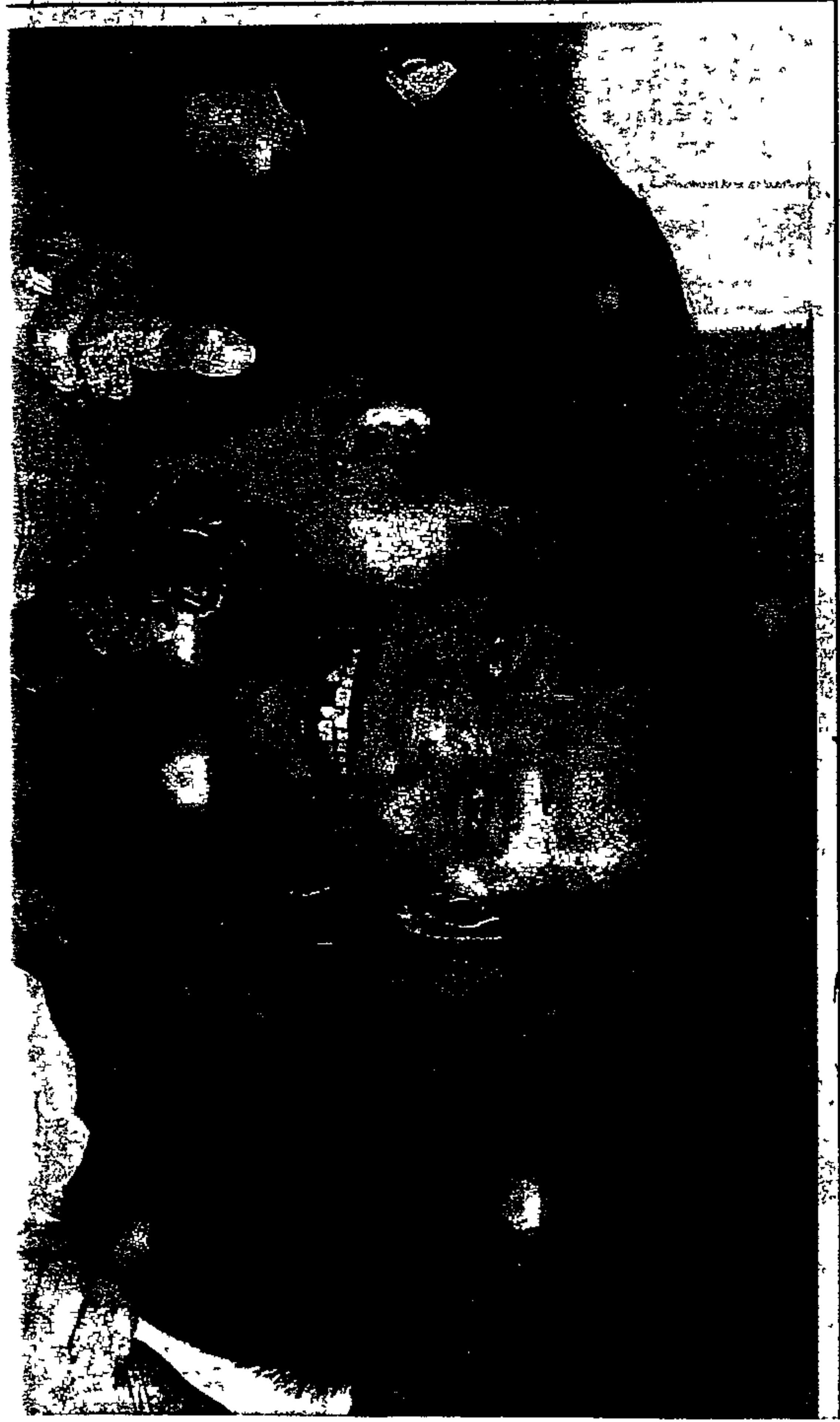
Superintendent Dutton said they were investigating the matter, although exact details of the plot were unknown.

"We are taking the matter seriously. There is a threat, which was conveyed to us via our head office in Pretoria," he said.

Stringent security measures are being taken to safeguard Mr Opperman, who has been in the witness box since Tuesday. He has alleged that high-ranking members of the SADF authorised and had knowledge of Operation KwanaKwana, in which 13 people, including women and children, were slain.

AKG 16/3/96

(254)



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Magnus Malan trial, Mr Johan Opperman

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Stringent security measures are being taken to safeguard Mr Opperman, who has been in the witness box since Tuesday. He has alleged that high-ranking members of the SADF authorised and had knowledge of Operation KwaMakutha, in which 13 people, including women and children, were slain.

When the defence started to cross-examine Mr Opperman on Thursday, a request was made that members of the national VIP bodyguard unit should be assigned, in addition to ITU guards, to remain with Mr Opperman "24 hours a day".

Superintendent Dutton said yesterday, however, that the national guard was not called on. The ITU and members of the SAPS Reaction Unit are with Mr Opperman at all times

Mr Opperman is in a witness protection programme. He revealed during his testimony this week that there were plans afoot to resettle him with his family in an overseas country, provided he was granted indemnity from prosecution after the trial. He returned from overseas shortly before the trial to testify

He hotly denied that he "leaked" information to the Investigation Task Unit to save his own skin or that he stood to gain financially.

He claims to have resigned, after being unable to secure a retrenchment package from the SADF in 1994, when he became "extremely worried and concerned" over hit-squad reports in the media

He said he could not say if he would be provided with a house or a car, but he would be given a living allowance until he and his wife could find jobs when they resettled.

Yesterday, Mr Opperman denied suggestions that he was on a "frolic of his own", when he launched the January 1987 attack on the home of United Democratic Front activist Victor Ntuli at KwaMakutha, resulting in a bloodbath in which women and children were slain.

It was suggested to him that he fabricated the story to save his own skin. "I am here to tell the truth... this was a SADF operation," he said

Mr Opperman denied that the plan, prior to the operation, had been to kill everyone in the homestead that night.

Mr Mike Maritz SC suggested that this had been the case and said all the evidence so far pointed to it, including Mr Opperman's own statements that the execution of the operation had been a success

Mr Opperman said he had not meant to convey that he was "happy" about the slaughter of women and children, but to his mind the entire operation and planning had gone smoothly, apart from the fact that the "wrong" people were murdered and Victor Ntuli escaped because he had not been in the house

"The planning, the actual operation went well. They (the hit squad) were not detected and the security was good because no one could point fingers back at the SADF afterwards. I was shocked that children were killed," he said

In his second day of intensive cross-examination by Mr Maritz, Mr Opperman appeared agitated at times and repeatedly said he could not remember some details of events which happened nine years ago

"You are confusing me," he said, after admitting that he had contradicted an earlier statement "I

Plot to kill key witness

■ From page 1

am under a lot of stress here"

Mr Maritz suggested to Mr Opperman that the SADF had not authorised Operation KwaMakutha, in which 13 people were gunned down while asleep in their beds by AK-47 wielding gunmen in the early hours of January 21 1987

"In that case, it would mean that one person — me — was able to lead the entire SA security forces up the garden path. It would be impossible for any junior member of the military alone to plan, organise and execute an operation of this type, which involved shooting a person

"He would have to have the best brain in the army," Mr Opperman said

He said he had obtained AK-

47 rifles from the SADF (at Fernreec base in the Drakensberg) and after the operation had handed them to the head of Natal Command, Colonel Jacobus Victor, for safekeeping until they could be collected and taken to Iscor in Pretoria for smelting

He said yesterday he was not subjected to a debriefing about the operation and neither was he disciplined

"This was an operation that went wrong. I didn't discipline anyone and no one took disciplinary steps against me," he said

Asked if it was not usual for the military to take disciplinary measures against members if an operation went wrong, he replied "No"

This caused a stir among the accused

'Wonderful, it's a fair trial,' says Magnus Malan

DURBAN — Former Defence Minister Magnus Malan described his murder trial as fair, but said it was interfering with his retirement

The trial adjourned for the weekend at lunchtime yesterday and Mr Malan said he was heading back to Pretoria to spend time with his family and do some fishing

"I think it's wonderful, it's a fair trial," Mr Malan told reporters at the Durban Supreme Court

"I've got faith in the legal side and the people participating in it," he said, but added there were other things he'd rather be doing

"I'm a great fisherman and a great golfer," he said "I'd love to be outside rather than sitting here (in court)"

Mr Malan and 19 co-accused face charges of murder, attempted murder and conspiracy to murder, arising from the January 21 1987 attack on a house in KwaMakutha, south of Durban, which left 13 people dead, most of them women and children

Mr Malan called for those guilty of the attack to be prosecuted

"The perpetrators must be prosecuted, this is a criminal offence," he said

Asked how he felt, as evidence about the attack unfolded, Mr Malan said his emotions were "blank"

"It's unbelievable what's happening it's a jigsaw puzzle being put together," he said — Sapa

Plot to kill key Malan trial witness

Star 16/3/96

(254) (1/16)

By INGRID OELLERMANN

The police investigation task unit (ITU) has received warning of a right-wing plan to assassinate former Military Intelligence officer Johan Opperman, a key State witness in the trial of Magnus Malan and 19 others.

This was confirmed yesterday by unit head Senior Supt Frank Dutton, who said the threat, conveyed via head office in Pretoria, was being investigated. "We are taking the matter seriously," he said.

Stringent measures were being taken to safeguard Opperman, who had been in the witness box since Tuesday.

He alleged that high-ranking members of the SADF authorised the KwaMakutha operation, in which 13 people, including women and children, were slain.

When the defence began cross-examining Opperman on Thursday it was requested that members of the national VIP bodyguard unit be assigned, in addition to ITU guards, to remain with him 24 hours a day.

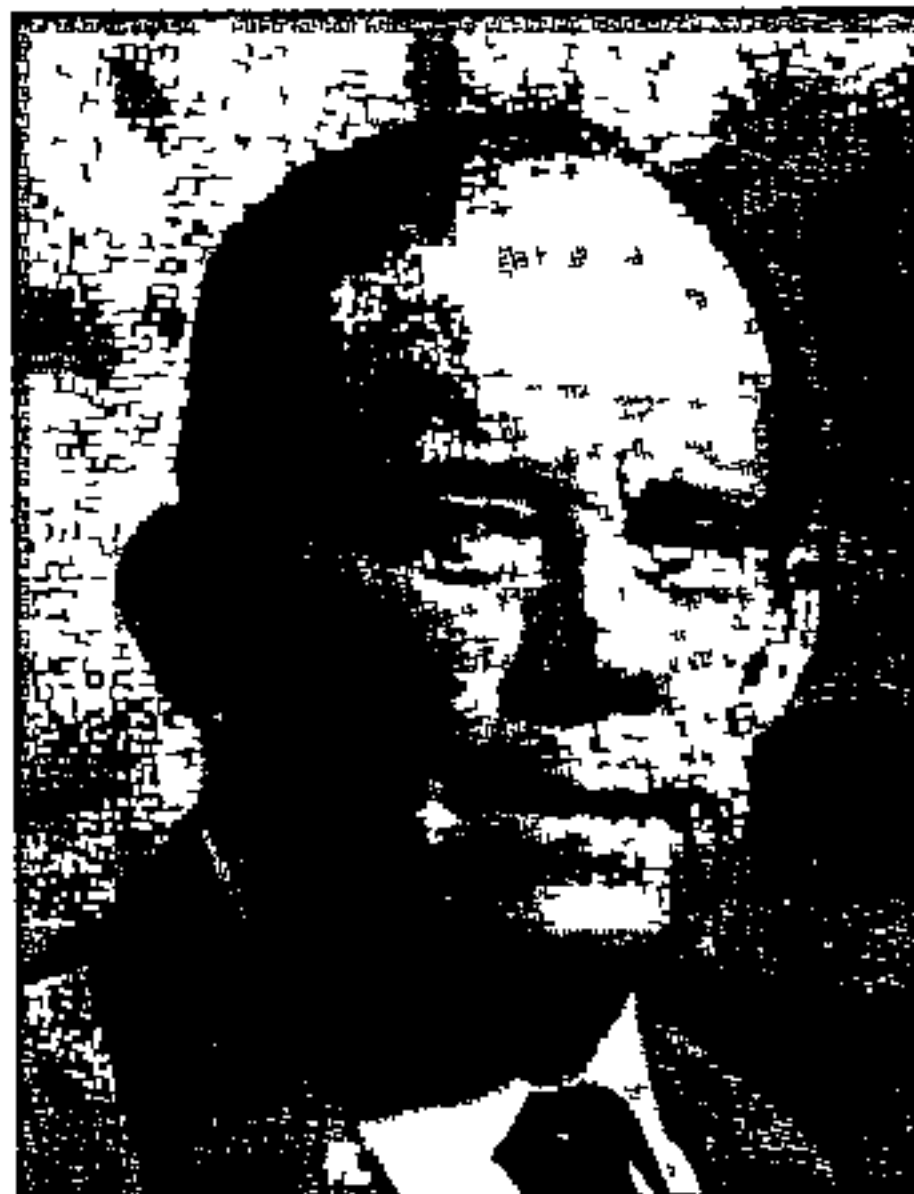
Yesterday Dutton said the national squad had not been called in because members of the ITU and the SAPS reaction unit were with Opperman - who was in a witness protection programme - at all times.

Opperman, giving testimony this week, disclosed that there were plans afoot to resettle him and his family in another country if he was granted indemnity

from prosecution after the trial. He returned from abroad shortly before the trial to testify.

He denied he had leaked information to the ITU to save his own skin or that he stood to gain financially.

Unable to secure a retrenchment package from the SADF in 1994, he resigned when he became "extremely worried" about hit-squad reports in the media.



Magnus Malan

Yesterday Opperman denied suggestions he was on a "frolic of his own" when he launched the January 1987 attack on the home of United Democratic Front activist Victor Ntuli at KwaMakutha, near Durban.

It was suggested to him that he had fabricated the story to save his own skin. "I am here to tell the truth this was an SADF operation," he said. He

denied that the plan had been to kill everyone in the house.

Advocate Mike Maritz, cross-examining Opperman, suggested that this had been the case. All the evidence pointed to it, including Opperman's own statement that the operation had been a success, Maritz said.

Opperman said he had not meant to convey that he was "happy" about the slaughter of women and children. To his mind, the entire operation and planning had gone smoothly, apart from the fact that the "wrong" people were murdered and Ntuli escaped because he had not been in the house.

"The planning, the actual operation, went well. They (the hit squad) were not detected and the security was good because no one could point fingers at the SADF afterwards ... I was shocked that children were killed," he said.

Opperman appeared agitated at times and repeatedly said he could not remember some details of events that happened nine years earlier.

"You are confusing me," he said after admitting he had contradicted an earlier statement. "I am under a lot of stress here."

Maritz suggested to Opperman that the SADF had not authorised the operation, in which AK-47-wielding gunmen murdered sleeping women and children.

TO PAGE 6

P.T.O.

No disciplinary steps after attack, Malan trial told

"In that case it would mean that one person - I - was able to lead the entire South African security forces up the garden path. It would be impossible for any junior member of the military alone to plan, organise and execute an operation of this type, which involved shooting a person," Opperman said.

He had obtained AK-47s from the SADF's Perintree base in the Drakensberg and after the operation had handed them to the head of Natal Command, Col Jacobus Victor, for safekeeping until they could be taken to Iscor in Pretoria for smelting.

He had reported to another accused, Col John More, after the operation and was congratulated by Gen Cornelius van Tonder. He was neither debriefed nor disciplined, he said.

"This was an operation that went wrong. I did not discipline anyone and no one took disciplinary steps against me," he said.

Opperman admitted he was a murderer but said he should not be called a mass murderer because women and children had not been targeted.



BEADY EYE: An armed guard keeps an eye on the crowd gathered outside the Supreme Court in Durban yesterday during the trial of Magnus Malan and 19 others allegedly involved in SADF hit squads

PHOTOGRAPH AGENCE FRANCE-PRESSE

Training of Inkatha 'was highly sensitive'

Sapa

ARG 18/3/96

DURBAN - The alleged military training and deployment of Inkatha recruits for offensive action against the African National Congress and its allies had probably been the most sensitive operation sanctioned by the former government, the Durban Supreme Court heard today.

Testifying in the murder trial of former Defence Minister Magnus Malan and 19 others, former military intelligence officer Johan Opperman said the covert operation, dubbed Operation Marion, had been particularly sensitive because the military was at the time withdrawing its support for "resistance movements".

"At that stage the military was starting to get rid of its Renamo (Mozambique's rebel movement) activity," Mr Opperman said. "If it was revealed that the military was involved in Operation Marion, all hell would have broken loose."

"Project Marion was at that stage the most sensitive operation which the government had ever taken on."

Mr Opperman has alleged that senior military officers, who were eager to implement Operation Marion in Natal, authorised an attack in 1987 that caused the deaths of 13 people in 1987 at the house of United Democratic Front activist Victor Ntuli at Kwa-Makutha, south of Durban.

The accused face charges of murder, attempted murder and conspiracy to commit murder.

Mr Opperman said former military officer John More had authorised "an operation" after reports that the 206 Inkatha trainees had become "restless".

"The 206 members were all sitting still while their people were being shot dead," Mr Opperman said, claiming that relatives of Inkatha recruits were being killed by ANC supporters.

Major More's counsel, Mike Maritz, suggested Mr Opperman had not received permission for an offensive operation from his client, but instead had embarked on a "frolic of his own" which led to the murders.

Mr Opperman has alleged that Major More gave permission to eliminate a human target considered an enemy of Inkatha and the government.

Taiwan to train SANDF personnel as instructors

Susan Russell

A GROUP of 27 SANDF personnel leaves SA for Taiwan this week to undergo training as instructors for the Taiwanese sponsored R146,4m Vocational Training Centre which opens near Pretoria later this year.

The trainees, four of them women, will complete a three month instructor's course which includes basic computer training, garment and shoe making, driver training, architectural drawing, electrical work and maintenance to industrial electronics.

Another five senior members of the SANDF's Service Corps, led by Col S Potgieter, will leave for an 11-day visit to Taiwan at the same time, to see an established vocational training centre in operation.

Republic of China embassy spokesman Charles Chen said yesterday that the training programme was part of an agreement between the SA and Taiwanese governments signed by President Nelson Mandela and ambassador I-cheng Loh in December.

Chen said the training centre, which would open during the second half of this year, offered hope to thousands of unemployed people. It would initially accommodate 220 trainees.

He said when the centre was fully operational by mid-1997 it would be able to train 1 500 people simultaneously in 31 different fields, such as wiring, carpentry and high-tech subjects like computer aided drawing. The centre would eventually be able to train about 5 000 people a year.

~~(254)~~ (254)

Body will enable Labour Act

Renee Grawitzky ~~BD 18/3/96~~ BD 18/3/96

THE jury is still out as to whether the new Labour Relations Act will come into effect on May 1. However, the Commission for Conciliation, Mediation and Arbitration, is doing everything in its power to establish the necessary structures for effective delivery.

A governing body has been appointed and will oversee the effective running of the commission. An establishment secretariat was also appointed to drive the process and to "deliver the institution".

At the helm is Charles Nupen, special adviser to the International Labour Organisation (ILO) Swiss Project — the long title is attributed to the fact that the project to establish the commission is funded by the Swiss government but managed by the ILO.

Nupen said the commission "can only deliver on dispute resolution responsibly if partnerships are forged between this institution, bargaining councils and accredited agencies".

The committee had identified 106 tasks needed to be undertaken to deliver on the institution.

The starting point in the process to establish the commission began, he said, when the committee drawing on ILO expertise had designed an organisational structure, operating methodology and a broad project plan.

Research

To ascertain the proportion of the institute and manning levels, research was conducted to determine estimated case load.

This was based on conclusion board applications over the past five years and potential case load as a result of new workers being incorporated into the legislation and new disputes likely to arise, he said.

It has been estimated the commission would need 244 commissioners with a case load of 30 000 a year, 65% of which could be as a result of unfair dismissal cases.

In view of time frames, Nupen

said, it had been decided that in the "start-up" 120 commissioners be trained and deployed to various regions. The commission has advertised for more than 60 full-time commissioners initially and use would be made of part-time commissioners. The fee structure of part-timers had yet to be agreed upon by the governing body.

Nupen said professional and support staff had to be recruited, trained and deployed.

Secondly, offices had to be secured, designed and equipped once the governing body had approved the locations of these offices. Finally, people had to be matched with the offices and operational systems.

Labour department spokesman Shareen Singh said the ministry was still working on a target date of May 1 for the enactment of the legislation. She said both labour and business had been waiting for a long time for the new legislation to come into place and "if we do not set a target date it could go on forever".

SA 'aided Renamo after peace accord'

BD 19/3/96 254

DURBAN — White SA military officers continued covert cross-border support for Mozambique's rebel Renamo movement for years after the two countries had signed a non-aggression pact, the Durban Supreme Court was told yesterday

"White instructors were still jumping in with Renamo three or four years after the Nkomati Accord," former SA Defence Force military intelligence officer Johan Opperman said under cross-examination during the murder trial of former defence minister Magnus Malan and 19 co-accused

The Nkomati Accord, an agreement on non-aggression and good neighbourliness, was signed by SA and Mozambique on March 16 1986

Opperman has faced three days of intense cross-examination after earlier testifying about his role in an alleged IFP hit squad attack on January 21 1987 that killed 13 people in Kwa-Makutha, south of Durban

The state alleges the attack was approved by senior military officers and formed part of a covert plan, dubbed Operation Marion, to provide the IFP with a paramilitary force and offensive capability against the then banned ANC and its allies

The alleged target, 22-year-old UDF activist Victor Ntuli, was not home when the killers burst in before dawn and sprayed sleeping men, women and children with AK-47 rifle fire

Defence counsel Mike Maritz, acting for two of the accused, has repeatedly suggested to Opperman he acted alone in planning the killings and commanding the hit squad

Opperman repeated yesterday his earlier claim that former SADF major John More, who was attached to military intelligence in Pretoria, authorised the 1987 raid on Ntuli's home

He said the operation was probably the most sensitive plan ever approved by the former government and its mil-

itary, especially at a time when the defence force was reducing support for foreign resistance movements.

"All hell would have broken loose if anything had leaked from the Kwa-Makutha massacre and was traced back to the military. It would have been terrible"

Opperman said the attack was planned at a time when 206 IFP recruits, allegedly trained by the SADF at a secret base in the Caprivi Strip, were placing Mangosuthu Buthelezi's personal assistant, Zakhele Khumalo, under pressure to send them into action.

Khumalo, IFP deputy secretary-general, is one of the accused. The state alleges he assisted in recruiting the trainees and played a part in selecting Ntuli as a target

"They (the IFP recruits) wanted to strike back," Opperman told the court. "They were trained and sitting idle"

Among Malan's co-accused are former SADF chief Gen Janne Geldenhuys, former military intelligence chief director Gen Pieter Groenewald and former army chief Gen Kat Liebenberg. All 20 men in the dock, including six alleged members of the hit squad, face charges of murder, attempted murder and conspiracy to murder.

Opperman testified that the clandestine nature of Operation Marion meant military procedures were not always followed. Operatives did not wear uniform, kept their hair long and drove vehicles with false registration plates. They had free access to military buildings and carried special "James Bond" identification cards.

"Operation Marion was not a recognised military operation, it was a special covert operation," he said. "The operation itself was highly sensitive"

Opperman has several times told the court he would have been among the accused had he not turned State witness after being approached by the investigation task unit — Sapa.

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WEDNESDAY
MARCH 20, 1996

LIEBENBERG'S HEALTH WORRIES MALAN

'Inkatha may have launched other attacks'

(254) (254) ET 20/3/96

Trial provides licence to giggle

DURBAN: Recruits pressured an Inkatha official to send them into action, the Supreme Court has heard.

INKATHA members covertly trained in warfare by the SA Defence Force were probably responsible for a number of attacks on ANC members in KwaZulu-Natal, the Durban Supreme Court heard yesterday.

However, only one operation — in which 13 people were killed at KwaMakhutha — was sanctioned by Military Intelligence, former military intelligence officer Johan Opperman said.

Opperman is a key witness in the murder trial of former defence minister General Magnus Malan and 19 co-accused. He said after their training the Inkatha recruits had been pressuring Inkatha official Zakhele Khumalo to send them into action.

DESPITE its weighty subject matter, the KwaMakhutha murder trial in Durban has produced some lighter moments.

During yesterday's hearing, witness Captain Johan Opperman described the so-called James Bond card — carried by Military Intelligence officers which allowed them virtually to do whatever they wanted.

He said the cards were

known as such because MI operatives could show them at road blocks and not be stopped.

Judge Jan Hugo then remarked the cards did not say licensed to kill. Fits of giggles erupted around the courtroom.

Throughout the trial, Opperman has used very colourful Afrikaans expressions to explain the chain of events that led to the massacre.

"They would have carried out other attacks because all their families were being shot," he said.

Among the accused is former army chief General Kat Liebenberg, who is reportedly suffering from prostate cancer. Malan said yesterday he was worried about the

failing health of his friend and former colleague. "Of course I am worried. He is one of my greatest friends," said Malan.

Earlier, Opperman told the court that ten AK-47 rifles were melted down after they were used to kill the 13 people. — Sapa

ANC candidates for Central

BELOW is a list of the 28 ANC ward candidates whose names have been announced for the Central Substructure, which is the new Cape Town municipality.

About 40 ANC candidates, of a maximum of 44, will be contesting ward seats.

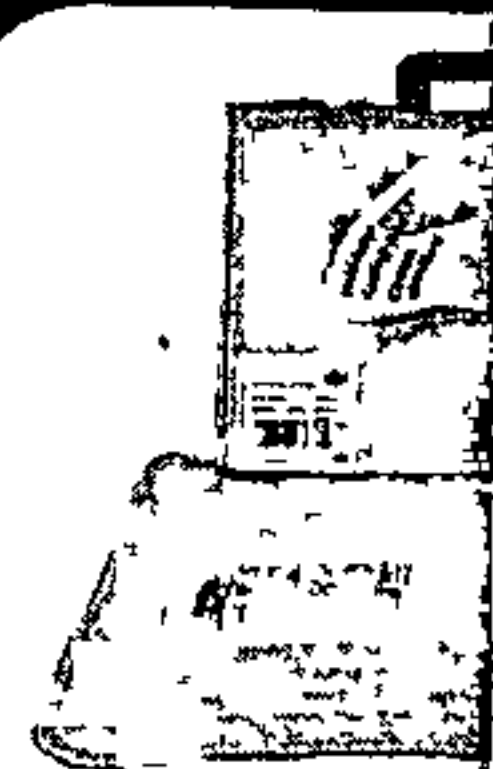
Nomonde Tika will stand against the DP's Chris Joubert in ward 42, the Atlantic suburbs, Janey Halim for ward 44 (CBD/Woodstock/Salt River); David Saunders in a four-way fight in the Rondebosch/Observatory ward, against the DP's Owen Kinahan and independent Arthur Wienburg and an NP candidate, Shirley Penny against John Mur in the Claremont/Kenilworth ward, Gahed Desai in Crawford/Lansdowne, Saleem Mowzer in Belgravia/Gatesville,

Isgak Kamaar in Hanover Park; Gulzar Khan in Heideveld; Sicelo Mxolose, Joe Skweyiya, John Mokoena and Zibhonele Mphotya in the four Langa wards, Xolisile Mama, Mildred Lesia, Reverend Mtini, Toto Vuyani, Tony Gocini and Sydney Ngcate in Guguletu and Nyanga East, Mnomfusi Mqikela, Zwelinzima Hlazo and Gladstone Ntamo in KTC and surrounds, Cecil Jacobs, Mtabeni Dlamini, Mtetho Ntlanganisio and Mzwandile Matiwane in Philippi and Brown's Farm areas; and Tony Jansen, Theresa Solomon and Dilshaad de Vries in Lentegeur, Woodlands and Mitchells Plain town centre respectively.

The list is likely to be complete by the end of the week — Staff Writer

(253) ET 20/3/96

SURG



IMPORTED TOP QUALITY HEATING

- RELIEVES
- Muscular pain
 - Back-ache
 - Arthritis & rheumatic s

US-SA crisis over Armscor 'is receding'

(254)

Simon Barber

BO 22/3/96
WASHINGTON — The threat of a diplomatic meltdown between SA and the US over Armscor's 1991 arms embargo-busting indictment appears to be receding.

Sources say SA's ambassador in Washington, Franklin Sonn, has accepted that SA should not try to assert in US courts that Armscor, as a state agency, should enjoy sovereign immunity from criminal prosecution.

After meeting a group including Ziyad Motala, an SA law professor at Howard University, and former SA Foundation Washington director John Chettle — but excluding Armscor's current Washington attorney, Hank Schuelke — Sonn is now recommending a return to the negotiating table.

Sonn set off a crisis earlier this month by rejecting a written appeal from US Vice-President Al Gore before it had been delivered to its addressee, Deputy President Thabo Mbeki.

Gore's letter was triggered by a telephone conversation with Mbeki in which Gore learnt of Mbeki's inadequate briefing on talks at the US state and justice departments in February.

At those talks, the Americans had presented what they believed was an important concession to a delegation consisting of Sonn, Mbeki's legal adviser Mojanku Gumbi, and senior representatives of SA's foreign affairs and defence ministries.

The US justice department told the SA delegation it would agree to let Armscor enter a plea of "no contest" to the charges. The Americans felt this would deal with SA government concerns about being held responsible for the illegal actions of its predecessor.

By entering a no contest plea, the

Continued on Page 2

Armscor

(254)

Continued from Page 1

BO 22/3/96
SA government would agree that the crimes allegedly committed under former President PW Botha's administration had occurred. It would then be able to make a case to the court that it would be unfair to extract heavy penalties from Armscor's new owners.

SA would then have to satisfy the state department that Armscor and Denel would adhere to US law and policy scrupulously in future.

In his telephone conversation with Mbeki, Gore stressed that the Clinton

administration was eager to save SA's face. He pointed out that if Pretoria chose to pursue the sovereign immunity argument, the US justice department would fight the claim.

He also noted that "members of the SA delegation" had threatened not only to scrap the US-SA binational commission, but to downgrade diplomatic relations to a rudimentary level. Gore's letter made it clear that he considered such threats senseless.

Sonn's change of heart comes as SA is preparing to purchase a new generation of light helicopters to replace aging Alouettes. While the Armscor matter remains unresolved, US firms will be prevented from bidding.

Afrikaners close ranks as proposal puts role of their language under threat in the SANDF

(254) Star 23/3/96

By JACQUI REEVES

Whether the Anglo Boer War would have turned out differently if all commands had been issued in South Africa's 11 official languages is uncertain - but it would undoubtedly have taken a while longer

The future of Afrikaans as a dominant language in the South African National Defence Force came under the spotlight this week when parliamentary defence committee chairman Tony Yengeni suggested the committee might opt for a single-language policy

"We cannot control soldiers in more than one language. It would endanger their lives in combat situations and waste a lot of time. But we do have to keep in mind that the constitution calls for equal representation for all languages," he said

Conservative Afrikaner groups voiced their disapproval of Yengeni's statements, vowing to fight for their language's future

Freedom Front deputy secretary Piet Uys said the total removal of Afrikaans from the defence force was something his party would not tolerate

"In the past the defence



ONE ARMY, ONE LANGUAGE: Defence committee chairman Tony Yengeni has suggested a single-language policy for the army

force had a system where one month was English and the next Afrikaans. It was silly in the sense that as I, as an Afrikaner, would have to write to another Afrikaner in English, but we did - because the agreement stated that all correspondence that month would be in English," Uys said

"The way we feel is that for years we accommodated English and pursued a 50-50 system, yet now we are being forced out. It really is a bitter pill to swallow"

Willie Snyman, deputy leader of the Conservative Party, rejected the proposal as unconstitutional. "With the interim constitution, English and Afrikaans were granted equal status. Moves to give English greater power than that of Afrikaans infringes on what we were originally promised," he said

However, Afrikaans is not the only contentious issue under review by the SANDF. The role of Christianity in the military is also being debated

"In terms of our constitution we cannot discriminate against any religion in favour of another - all faiths must receive equal status," Yengeni said

The defence committee will be meeting army chaplains to discuss the issue of religious representation and ways to represent all faiths better

The Rhema Church has come out in support of the defence committee, encouraging South Africans to adopt a more tolerant attitude

"This is not a dramatic change in the sense that there were always different faiths in the army. It is now just being legislated," said Rhema spokesman Ron Steele.

"In the context in which South Africa now finds itself it is a necessary step for reconciliation," he said.

The church also called for parades, ceremonies and meetings to be preceded by prayers representative of all faiths so that no one religion would be snubbed.

Recommendations on these issues are to be finalised by the defence committee at the end of May

■ *Mark Stansfield is on leave. His column, Markest Africa, will resume when he*

Top SAAF pilots can earn more by selling vacuum cleaners

(254)
By ROGER MAKINGS

THE exodus of pilots from the South African Air Force has reached critical proportions and has started to affect its ability to provide emergency assistance.

The root of the problem is poor pay, in some cases so poor that moonlighting pilots earn more selling vacuum cleaners than they do flying.

But of even greater concern to SAAF generals is the loss of experience built up at a cost of billions of rands and which will take decades to replace.

The air force has lost about 130 pilots since the beginning of 1995 and expects to be two-thirds under complement by the end of the year.

Last week one of its most experienced fighter pilots and air-to-air combat instructors resigned to take up a UK job offer.

Major Johann Venter — who has 1 900 hours on Mirages, the third highest in the air force — was taking home just R4 200 a month, benefits aside. This was after 25 years of service.

He will be employed by a British company as a combat pilot instructor in the Middle East and will be paid a tax-free salary of R28 000 a month.

An estimated R83,9-million has been spent training Major Venter to his present capability.

One of nine combat instructors based at 85 Combat School in Hoedspruit, and a member of the Silver

To train a pilot up to Cheetah standard	R15 726 091
... per hour	R11 000
To Major Venter's level	R17 300 000
Additional Impala hours	R3 000 000
... per hour	R14 700 000
Total cost (Salaries not included)	R83 976 091

Graphic: FIONA KRISCH Source: SAAF

ST 24/3/96
Falcon's aerobatic team, he said seven of the 20 or so combat instructors in the air force had said they intended leaving.

"Serious gaps are appearing in our grassroots instruction ability, never mind the more advanced training," he said.

By the time a pilot is ready to convert from flying Impala jet trainers to frontline, supersonic Cheetahs, R18,7-million has been spent training him.

The Cheetah costs R34 000 an hour to operate and a pilot can expect to fly about 200 hours in it before he is proficient. During that time another R14,7-million will be spent on his weapons training, according to air force figures which do not include the salaries of pilots or support personnel.

Although Major Venter agreed that there was no pressing need for highly trained combat pilots at present, "who is to say what the situation will be in 10 years?"

"It takes 10 years to

train a pilot to combat instructor status. If, three years down the line, we no longer have any combat instructors, it will take 13 years from today to replace them and they won't be as proficient as we are now. Many combat lessons learnt over Angola will have been lost.

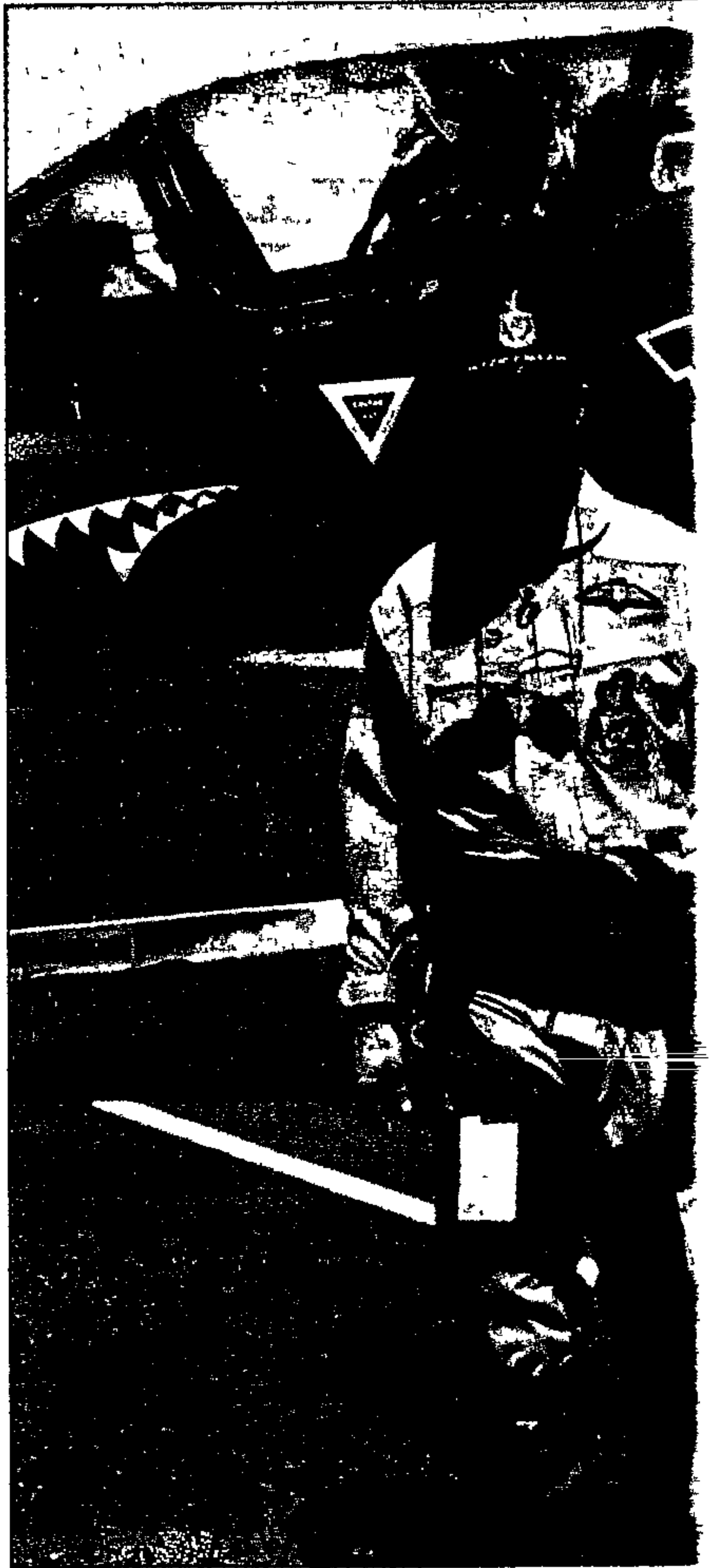
"Simply put, we are the deterrent to future opportunistic aggression — a form of insurance. I like to think we are the 'force' in the air force."

He said although he would have preferred to stay in South Africa, his finances wouldn't allow it.

"After 25 years, I feel I've done my duty. It's now pay-back time for me, and especially my family."

But some pilots who don't have Major Venter's sought-after skills have found ways to supplement their incomes.

Lieutenant Mike Walsh, who is also leaving the SAAF after six years' service, clears R2 500 a month. To make ends meet, he sells vacuum



FIGHTING MACHINES ... one of the air force's top Johann Venter, has been recruited by a UK firm. Picture

cleaners in his spare time.

"In a good month I earn R10 000, four times my air force pay. I'm using that money to get a commercial licence which hopefully

will lead to an airline job," he said.

Others are using the skills gained in the force to earn extra money — like the helicopter flight engineer who fixes washing

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VENTER'S TRAINING BILL

pilot up to Chev standard	R18 726 091
Cost of equipment	R13 000
or Venter's level	
Specialist training	R47 500 000
Private hours	R3 000 000
Specialist training	R14 777 000
(Salaries not included)	R88 976 091
Salaries (all reported separately)	

Source: SAAF

13/96

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FIGHTING MACHINES . . . one of the air force's top fighter pilots, Major Johann Venter, has been recruited by a UK firm Picture: ROGER MAKINGS

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machines in his spare time,
also making more than his
monthly salary

Air force generals, who
are seeking higher pay for
pilots, would not be drawn
on the issue this week

Land issues 'key' to chiefs' survival

BD 25/3/96

Stephen Laufer

CONTROL of land allocation could be crucial to the political survival of traditional leaders in many rural areas, a study to be published today shows

The land allocation function, says the study entitled *Down to Earth — Land Demand in the New SA*, is "critical to traditional leaders because it is one of the few remaining actual powers and sources of influence they have"

But in many areas an increasing land hunger and tendency towards urban settlement structures was fuelling warlordism

The picture was not uniform across the country even though traditional authorities were central to land administration in all provinces except Gauteng and the Western Cape

While the land allocation practices of many traditional leaders were "clouded by corruption, patronage, and, increasingly, the influence of market forces", many chiefs were still committed to traditional tenure forms out of a genuine concern for welfare and equity

Complicating the picture, said one of the study's authors, Prof Tessa Marcus of Natal University, was an increasing tendency towards urban settlement patterns even in rural areas

Reduced plot sizes, the conversion of arable and grazing land to residential use, and increasingly fragile kinship relations were weakening traditional authority

Most people who supported the traditional authority system did not necessarily support individual

traditional authorities

As a result, such institutions were increasingly succumbing to "the sway of powerful individuals who take and maintain control over the allocation of residential sites with the assistance of informal armed forces and party political patronage"

But the traditional tenure system had also guaranteed access to land for even the poorest of rural residents, and the baby should not be thrown out with the bath water during the land reform process.

There was a danger that a move to freehold ownership without any alternative tenure possibilities or guaranteed access to common pasturage would finally dispossess those unable to articulate or pay for their land needs adequately

Injection

The success of alternative mechanisms for administering communal land would depend on the emergence of effective local government to provide support and services Marcus said this could work only if there was considerable injection of finance and skills into the rural areas

A lack of sufficient resources would make land released under reform programmes prone to "elite capture" Those who had historically been well placed — often for the wrong reasons — would be in the best position to take advantage of new land allocations.

Researched over a two-year period in all nine provinces, the study is the first attempt to analyse popular land needs across SA

Swazi union leaves talks

Renee Grawitzky

BD 25/3/96

THE Swaziland Federation of Trade Unions pulled out of negotiations with employers and the Swaziland government last week after government took a decision to prosecute five unionists involved in leading a national strike in January.

Sources said the SFTU also withdrew from discussions with government after it failed to agree to a number of preconditions for negotiations. The preconditions included the establishment of a constitutional forum and the repeal of both the 1973 King's decree which suspended the constitution and the Bill of Rights which banned political parties.

Five unionists — SFTU members — were served with summonses last week for contravening the Industrial Relations Act which come into effect this year. The Act — at the heart of 27 demands presented to government by the SFTU — provides that unionists who incite or instigate strike action could face a maximum penalty of five years in prison or stringent fines.

Sources in Swaziland said Labour Minister Albert Shabangu had indicated in Parliament that the law was in place and had to be enforced.

Cosatu has condemned the decision to prosecute the five unionists. The People's United Democratic Movement said not only were people being served with summonses, but those involved in the strike were being constantly harassed.

Comment: Page 12

UK and SA sign defence pact

BD 25/3/96

Stephané Bothma

PRETORIA — The replacement of ageing SANDF equipment came a step closer at the weekend with the signing of a defence equipment co-operation memorandum of understanding with the UK.

Although the UK was not seen as the sole potential supplier of defence equipment to SA, Defence Minister Joe Modise believed the agreement placed the country in its rightful position among the leading nations of the world

Modise said SA navy, air force and army equipment was becoming obsolete and needed to be

replaced in the near future. This included new tanks for the country's new army

"Our army is still running tanks produced during the Second World War. Although these tanks are still effective, they are becoming very expensive to run and maintain," Modise told reporters at the signing ceremony attended by the British High Commissioner to SA Sir Anthony Reeve

In addition to facilitating the efficient supply of military hardware and service, the memorandum of understanding also made provision for joint research and development ventures by

the two countries and for military education

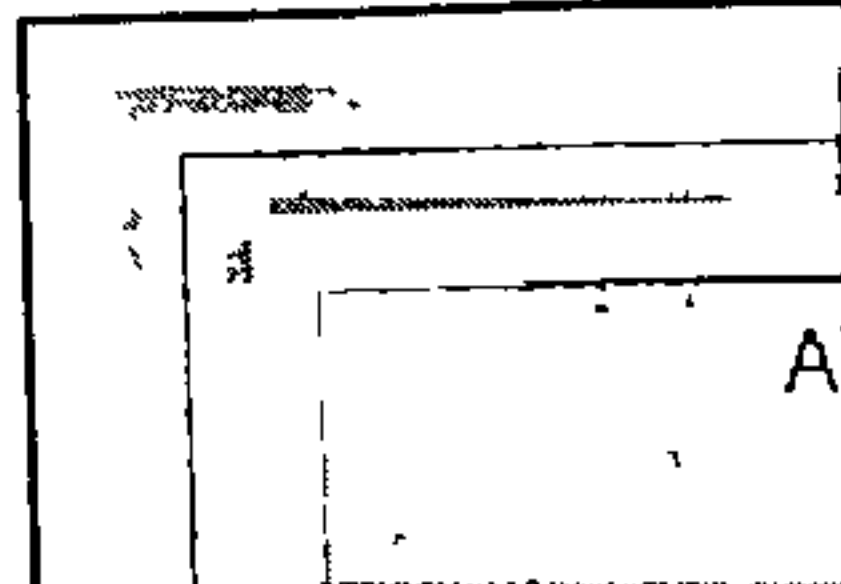
SA military officers were already being trained in the UK.

"Our defence industry has been struggling along on its own for too long. We cannot maintain our high-tech capabilities without the assistance of other countries — it is too expensive," Modise said

The government-to-government memorandum of understanding will operate over a 10-year term and will provide both the mechanism for industry to participate in procurement competitions in both countries and a framework to carry forward

joint programmes.

Major UK defence companies, including British Aerospace, Vickers Defence Systems and the GEC group are establishing long-term relationships with companies across the spectrum of the SA defence industry, and many specific agreements are already in place



Election forms received by post... However, attendants will process election forms received by post... 26 April 1996

UK and SA sign defence pact

Stephané Bothma

PRETORIA — The replacement of ageing SANDF equipment came a step closer at the weekend with the signing of a defence equipment co-operation memorandum of understanding with the UK.

Although the UK was not seen as the sole potential supplier of defence equipment to SA, Defence Minister Joe Modise believed the agreement placed the country in its rightful position among the leading nations of the world.

Modise said SA navy, air force and army equipment was becoming obsolete and needed to be

replaced in the near future. This included new tanks for the country's new army.

"Our army is still running tanks produced during the Second World War. Although these tanks are still effective, they are becoming very expensive to run and maintain," Modise told reporters at the signing ceremony attended by the British High Commissioner to SA Sir Anthony Reeve.

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BD 25/3/96
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PROSPECTUS AND DIVIDEND DECLARATION

Bold plans to replace obsolete

military equipment

BY NORMAN CHANDLER
Defence Correspondent

South Africa is to embark on a long-term project to re-equip the air force, the navy and sections of the army

The project will involve billions of rands over about 10 years to replace fixed-wing aircraft, helicopters, ships, submarines, main battlefield tanks and heavy armour. The tanks will replace 60-year-old World War 2-models. Most of the other equipment destined for the scrapheap is more than 30 years old.

The decision will boost the local R4-billion arms industry, in the doldrums for the past few years as a result of defence budgetary constraints brought about by the end of the war in Angola. The constraints resulted in the loss of 110 000 jobs.

Now, in terms of the RDP and joint ventures with armaments manufacturers in Italy, Germany, Britain, France, Spain, the US and Malaysia, hundreds of jobs are expected to be generated.

Some tanks 60 years old

It was not clear yesterday, given the shrinking portion of the Budget allocated to the military, how it would win approval for the spending splurge.

But what has been described as the biggest re-equipping project in SA's history was described by Defence Minister Joe Modise at the weekend as important because the "equipment we have is definitely becoming obsolete".

Most of the equipment is expected to come from Britain, the US, other Nato countries and SA's own defence industry, which reported export orders of more than R1-billion in 1994.

Almost certain to be among the first orders will be corvettes for the navy and jet fighter trainers to replace the air force's Impala MkII. Next will probably be aircraft to replace the ageing Mirage and Cheetah upgrades, and Alouette helicopters.

SA has signed an agreement with European manufacturers for the development of helicopters, and with Malaysia for the construction under licence of the South African-developed Rooivalk attack helicopter.

Modise, who on Friday signed a historic memorandum of understanding for a defence equipment agreement with Britain, said several countries would be involved in the replacement of equipment.

"The army is still running tanks produced in World War 2. We have

Isolation developed industry

stretched the lives of those tanks, but we want to believe that their time is now up (as) they are very expensive to keep operating and are technologically not up to standard.

"It will be a huge programme of replacement because the years of isolation did not provide us with access to foreign military equipment markets. We are starting from scratch to re-equip," he said.

The UN placed a blanket embargo on defence co-operation with SA 20 years ago as part of its opposition to apartheid.

The embargo was formally lifted when President Mandela was inaugurated in May 1994.

Modise said that "what has been keeping the defence force going" over the years was equipment produced in SA.

He said he found it ironic that the "isolation we (the ANC) brought about and pushed for has become a blessing in disguise, for we have an industry that can produce arms equipment."

RECOMMENDATIONS

Parliament

to veto arms sales'

CT 26/3/96 (254)

PRETORIA: Far-reaching changes to the South African armaments industry are made in the second report of the Cameron Commission, which says the previous government provided arms to almost every "dirty scrap" in the world

THE cabinet has accepted key recommendations by the Cameron Commission of Inquiry into South Africa's arms industry that all future arms deals must be authorised by Parliament and must be made public, according to Mr Justice Edwin Cameron

Among the recommendations in Justice Cameron's second report is that the arms industry, which earns the country billions of rands every year in foreign exchange, should be "completely overhauled"

Judge Cameron said the "apartheid military complex" of the previous government provided arms to almost every "dirty scrap" in the world, including conflicts in Yemen, Yugoslavia, Sudan, Rwanda and Lebanon

The first Cameron report, published last year, dealt with illegal arms sales to Lebanon.

Other proposals in the latest report are a transparent and accountable arms policy and a government White Paper on the industry

It also proposes a 20-year ban on marketing and exporting by manufacturers who defy arms trade restrictions, and a fine five times the value of their export order. The salesman would also go to jail.

It suggests that Armscor's board be dismissed and that the organisation no longer perform its role as decision-maker on arms sales — changes already made by the government.

The report also says there must — in the interests of transparency and accountability — be publication of what arms are sold to which countries.

It proposes the establishment of special border patrols on land and in the air to prevent arms dealers from exporting or importing weapons, and recommends giving more powers to customs and excise officials to conduct searches, as well as putting an end to South Africans taking part in mercenary activities.

The Defence Act, the Armscor Act and other pieces of legislation would



CALL FOR COMPLETE OVERHAUL: Mr Justice Edwin Cameron

have to be repealed or amended to fit in with the proposals.

Judge Cameron said: "No one in government deserves unqualified trust, and arms policy has to be based on a sound system of checks and balances which will ensure that unauthorised transactions do not take place. It matters (to us) where South African arms land up"

The report says the previous government and its agencies had shown "insufficient regard for the political stability, foreign posture and human rights records of (arms) recipient states. As a result, South Africa contributed through its arms sales to widespread loss of life, injury and destruction of property in many regions"

"This approach is entirely inconsistent with a responsible arms trade policy. It is untenable in the light of South Africa's new constitution, democratic dispensation and international obligations and responsibilities."

Last night, the chairman of Armscor, Mr Ron Haywood, said the organisation welcomed the release of the report "which confirms that Armscor's process of transformation is aligned with the recommendations made by the commission" A new board had already been

appointed and Armscor had authorised the closing down of all front companies

New procedures had been introduced throughout the organisation "and all managers against whom the Cameron Commission made adverse findings in its first report had resigned or retired"

The commission has recommended a code of conduct to "avoid arms transfers likely to increase regional tension and instability, contravene arms embargoes, or be used for internal repression or international terrorism, undermine the recipient state's economy, prolong or aggravate an existing armed conflict, and undermine South Africa's security, strategic capabilities or foreign interests"

"It may now be appropriate to restructure the local defence industry, retaining only those areas in which self-reliance is of critical importance during armed conflict," the report says

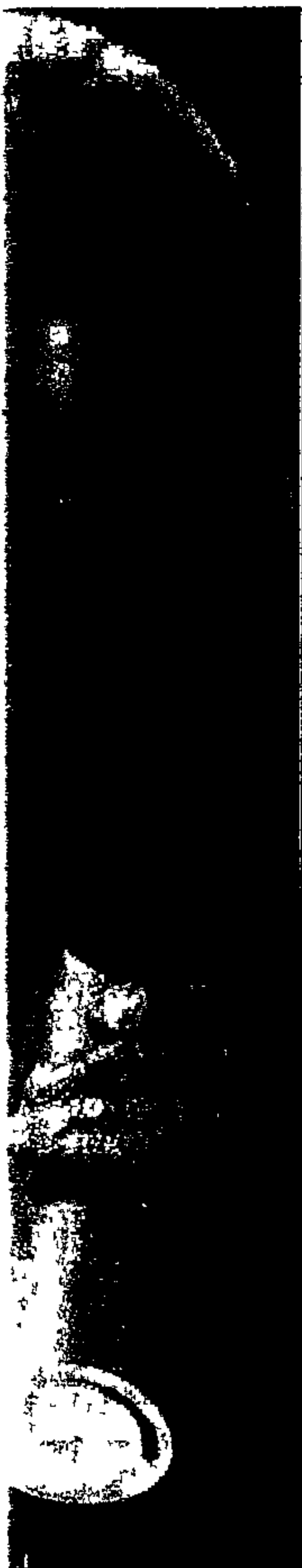
Compliance with the proposed new policy, sanctions and enforcement were crucial to the conduct of the arms industry in the future, and the commission did not believe that transparency and accountability would seriously affect the multi-billion arms industry.

The SA Police Service, the National Intelligence Co-ordinating Committee and the Department of Customs and Excise had to co-operate in "a concerted effort to tighten border controls, and air surveillance in particular, in the light of repeated claims that private individuals and companies are engaged in illegal arms transfers from South Africa"

City defence analyst Mr Helmoed-Römer Heitman said last night that various of the report's recommendations were either impractical or inaccurate

Having Parliament account for arms deals would "take forever", he said, and would compromise sensitive arms transactions. "It's impractical and naive," Heitman said

He also slammed the proposed publication of arms deals, saying that this would be "silly" as many countries would be unwilling to deal with SA in sensitive transactions, such as those involving electronic equipment and "smart" weapons, and that it would not serve SA's interests if other nations knew what the country's capabilities were — Own Correspondent, Staff Writer



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PICTURE: ANNE LAING

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'Ill' Von Lieres defending Malan

BD 26/3/96 (254)

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CAPE TOWN — Former Gauteng attorney-general Klaus von Lieres and Wilkau came under fire yesterday for taking early retirement and a R12 000-a-month state pension, on grounds of ill health, while being fit enough to defend Gen Magnus Malan in what will be a marathon trial

ANC justice spokesman Willie Hofmeyr said yesterday that he was "gravely concerned about the fact that the early retirement of Von Lieres is estimated to have cost the taxpayer nearly R750 000 in cash and R12 000 a month"

He demanded that Von Lieres offer an explanation to the nation's taxpayers and account for how he was now able to take on a long and difficult case

Hofmeyr asked whether the medical finding which allowed Von Lieres to take early retirement was incorrect, or whether Von Lieres had recovered from his ill health

According to Justice Minister Dullah Omar, Von Lieres retired last year with a leave gratuity of R219 000, a pro-rata service bonus of R2 317, a pro-rata monthly pension of R11 772 and a gra-

tuity of R520 798.

The figures were estimates by the justice department following a refusal by the finance department to divulge amounts paid to Von Lieres on the grounds that the information was confidential

Von Lieres is defending Malan and others in the KwaMakhutha murder trial in Durban

Hofmeyr said that if Von Lieres was unable to offer satisfactory answers, he believed Omar should investigate the matter with a view to reversing the early retirement so he could resume his duties.

Omar said also that the early retirement was based on medical certificates supplied by a specialist surgeon.

This had indicated "permanent and irreversible ill health" and shortened life expectancy, because there was no surgical cure for Von Lieres's ailment

Sapa reports Von Lieres said concerns about his early retirement should be taken up with the justice minister

Sources in Von Lieres's former department said he had followed the correct procedure in applying for early retirement and that these documents were available for public scrutiny.

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Cameron commission calls for extensive curbs on Armscor sales

Stephen Laufer

THE Cameron commission into Armscor's international weapons trade has proposed wide-ranging limitations on future international arms sales, against a background of Cabinet disunity on the issue.

The commission's call for an end to confidentiality clauses in sales agreements with foreign clients, and for all weapons deals to be made public, is likely to be among its most controversial recommendations.

It is understood the proposal generated robust debate between Defence Minister Joe Modise and his Cabinet colleague Kader Asmal, who chairs the body's conventional arms control committee. Publication of the commission's report was apparently held up until greater ministerial unity could be achieved.

The report, released yesterday, recommended that SA's arms industry be permitted to export weapons only for self-defence by a publicly identified purchaser. It also proposed that a

white paper on the arms industry should formulate a strategy for the future which included conversion to civilian production and legislation, including a code of conduct on future sales.

Armscor should sell only to states recognised by the UN, the report said, and should not involve weapons dealers or other middlemen. It should supply weapons only where it was sure they would not alter a military balance or be used for internal repression or external aggression. They should not contravene international embargos, be

used for terrorist purposes or those which violated human rights.

Defence analysts said there was widespread dissatisfaction with the proposals, which were regarded as so stringent that they would end SA weapons exports. However, commission chairman Judge Edwin Cameron defended the proposals, saying they had been formulated within a political system based on the same principles.

Proponents of confidentiality argue that SA's defence industry stands to lose billions of rands worth of business

Arms

Continued from Page 1

(254) *BD 26/3/96*
missioner Laurie Nathan, argued. Intelligence agencies knew who was buying what from whom anyway and transparency would allow public debate, ensuring SA's weapons exports took place within an ethical framework reflected in the constitution.

The report says weapons sales should be subject to parliamentary and Cabinet controls. Parliament should have a "substantive role in formulating and overseeing" arms export policies,

while final authority for sales should rest with a minister or a committee of Cabinet members. However, critics point out that the volume of weapons sales make micromanagement by Parliament or the Cabinet unrealistic. (Armscor was involved in 6 000 contracts worth R4bn in 1994/95.)

Welcoming the report, Armscor said it had anticipated many of the proposals and had initiated changes. The company's board had been restructuring, the last of its 130 front companies was being closed down and the arms trade control function had been transferred to the defence secretariat in October last year.

(254) *BD 26/3/96*
because clients do not want to see their weapons purchases debated in public.

Opponents of secrecy point to the US system, where the president is required to inform Congress of all arms deals except those made under CIA auspices, and where sales are often challenged by legislators. Legitimate states buying SA weapons for legitimate self-defence purposes would have no objections to disclosure, the report's author, com-

Continued on Page 2

Inquiry lashes SA trade in death

Star 26/3/96 (254)

Commission recommends complete
overhaul of weapons trading policy,
including parliamentary veto

BY NORMAN CHANDLER
Defence Correspondent

The Cameron Commission has urged the Government to "completely overhaul" South Africa's armaments policies and the national arms industry, and has recommended that Parliament authorise all future arms exports.

The commission's second report on its inquiry into Armscor's arms deals, containing these far-reaching recommendations, has been accepted by the Cabinet, commission chairman Mr Justice Edwin Cameron told a media briefing yesterday.

The first report, published last year, dealt with illegal arms sales to Lebanon.

Most important among the commission's proposals are the parliamentary veto over arms deals, a transparent and accountable arms policy and a government white paper on the industry, as well as a ban on marketing and exporting for 20 years on manufacturers who defy arms trade restrictions plus a fine five times that of their export order. The salesman would go to jail.

The report suggests that Armscor's board of di-

of proposals for a new policy that the previous government and its agencies had shown "insufficient regard for the political stability, foreign posture and human rights records of (arms) recipient states. As a result, South Africa contributed through its arms sales to widespread loss of life, injury and destruction of property in many regions.

"This approach is entirely inconsistent with a responsible arms trade policy. It is untenable in the light of South Africa's new constitution, democratic dispensation and international obligations and responsibilities."

Judge Cameron, who used the term "apartheid military complex" to describe in general terms the defence establishment and the defence industry under the previous government, said yesterday: "During the era of the apartheid government there was almost not a dirty scrap in the world where South African arms did not turn

up, including Yugoslavia, Yemen, Sudan, Rwanda and Lebanon. That was the product of total lack of transparency"

Armscor chairman Ron Haywood said last night the organisation welcomed the

release of the report, "which con-

**Arms policy
must adhere
to system of
checks and
balances**

including parliamentary veto

By **NORMAN CHANDLER**
Defence Correspondent

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The report suggests that Armscor's board of directors be dismissed and that the organisation no longer perform its role as decision-maker on arms sales

In addition, there had to be - in the interests of transparency and accountability - publication in and outside Parliament of what arms are sold to which country, the establishment of special border patrols on land and in the air to prevent arms dealers from exporting or importing weapons, more powers to customs and excise officials to conduct searches, and an end to South Africans taking part in mercenary activities

The Defence Act, the Armscor Act as well as other pieces of legislation would have to be repealed or amended to fit in with the proposals

Judge Cameron said "No one in government deserves unqualified trust, and (the) arms policy has to be based on a sound system of checks and balances which will ensure that unauthorised transactions do not take place. It matters (to us) where South African arms land up"

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of proposals for a new policy that the previous government and its agencies had shown "insufficient regard for the political stability, foreign posture and human rights records of (arms) recipient states. As a result, South Africa contributed through its arms sales to widespread loss of life, injury and destruction of property in many regions

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Armscor chairman Ron Haywood said last night the organisation welcomed the

release of the report, "which confirms that Armscor's process of transformation is aligned with the recommendations made by the commission"

He added that a new board had already been appointed by Defence Minister Joe Modise. In addition, Armscor had authorised the closing down of all front companies and the last of the 130 companies operative before the lifting of the international arms embargo on South Africa was currently being closed

He admitted that last year's report had "highlighted certain weaknesses in the stock sales division." New procedures had been instituted throughout the organisation "and all managers against whom the Cameron Commission made adverse findings in their first report had resigned or retired"

The commission also recommended a code of conduct to "avoid arms transfers likely to increase regional tension and instability, contravene arms embargoes, or be used for internal

Inquiry lashes SA trade in arms

(254)
From Page 1

repression or international terrorism; undermine the recipient state's economy; prolong or aggravate an existing armed conflict, and undermine South Africa's security, strategic capabilities or foreign interests"

Countries would be classified into three categories - legitimate recipients of local arms, those prohibited from South African arms, and border-line cases which would receive rigorous evaluation. The commission did not list the countries in any of the three categories

"It may now be appropriate to restructure the local defence industry, retaining only those areas in which self-reliance is of critical importance during armed conflict. These include electronics, communications, ammunition, the provision of spares, and the capability to maintain and upgrade existing equipment," the report says

Star 26/3/96

► To Page 2

Query over payments to 'retired' Von Lieres

(254) Star 26/9/88

Cape Town - Parliament was told yesterday that former Witwatersrand attorney-general Klaus von Lieres und Wilkau, SC, owed the nation an explanation for retiring early on health grounds last year.

He is now in private practice and acting for some of the defendants in Durban at the "trial of the generals" over the KwaMakhuta massacre.

Von Lieres was given a R750 000 cash payout and a R12 000-a-month pension, according to estimates released by Justice Minister Dullah Omar.

Omar said Von Lieres had re-

tired because of "permanent ill health". The Department of Finance had refused to give details of Von Lieres' payouts.

"However, since public monies are involved, I am of the opinion that the public is entitled to information in this regard. My department has therefore made calculations. It estimates the amounts to be as follows: leave gratuity R219 921, pro-rata service bonus R2 317, pro-rata pension R11 772 a month and gratuity R520 798." All the figures are estimates.

Omar said that no consideration had been given to reversing

the decision to allow Von Lieres to retire early because "the decision was taken on available medical evidence".

Hofmeyr said he was "gravely concerned" that Von Lieres had retired on health grounds but was "working again".

"I believe that Mr von Lieres owes the taxpayers of South Africa an explanation. How is it that he is now well enough to take on a long and difficult case? Was the medical finding correct or has he subsequently recovered from his ill health?" he asked. - Political Correspondent

1 204 1/2

SA 'concluded 90 arms deals'

Stephané Bothma

(254)

BD 27/3/96
SINCE the lifting of the UN arms embargo against SA in 1994, the local defence industry had concluded about 90 joint ventures with foreign countries and more were being negotiated, Defence Minister Joe Modise said.

In a speech delivered on Modise's behalf by Armscor chairman Ron Haywood at last night's opening of a conference on the local defence industry, he said most joint ventures were with the UK (26), France (11) and Germany (8).

Despite limited resources and budget cuts, SA had a responsibility to work with and support states in southern Africa to ensure the security of the entire region, Modise said. "We must address these problems together as a region with a view to restabilising the area."

About 700 companies make up the SA defence industry, which employs about 50 000 people.

Weapons ban may spell legal action, says IFP

Farouk Chothia

DURBAN — The IFP warned yesterday that the ban on cultural weapons could be challenged in the Constitutional Court, as it violated the cultural and human rights of Zulus.

IFP spokesman Ed Tillett said the ban was "akin to compelling the English aristocracy to abandon their bowler hats". The ANC had "betrayed" its African heritage by attempting to diminish African cultural values.

However, the IFP would first see whether police enforced the ban before deciding on court action.

IFP KwaZulu-Natal MP Blessed Gwala said chiefs and headmen had met in Mahlabathini near Ulundi yesterday to warn central government that it would face a rebellion if it continued "tramping" on the Zulu nation.

Gwala said the chiefs expressed reservations about having "the whole of KwaZulu under one stadium", and felt it would be better for President Nelson Mandela and IFP leader Mangosuthu Buthelezi to visit flashpoints of violence to promote peace.

But this did not mean the chiefs were opposed to holding a peace imbizo (traditional gathering). The chiefs wanted another meeting with Mandela to clear obstacles to the imbizo.

ANC KwaZulu-Natal spokesman Dumisani Makhaye said the ban cut across ethnic lines.

It was imposed in 74 magisterial districts countrywide. Only 17 of them were in KwaZulu-Natal.

Makhaye said those who believed that these weapons were not dangerous should "ask the victims of Shobashobane and Donnybrook".

Makhaye said if there was resistance to the ban, the security forces should implement tougher measures.

Sapa reports traditional leaders in the Eastern Cape said they would defy the ban.

Congress of Traditional Leaders of SA provincial chairman Chief Mwelo Nonkonyana said yesterday 11 districts were in the Eastern Cape and his organisation was not consulted about the ban.

Comment: Page 12

IFP accuses ANC of smearing Von Lieres

Farouk Chothia

DURBAN — The IFP yesterday accused the ANC of attempting to smear former Witwatersrand attorney-general Klaus von Lieres by objecting to the fact that he was representing former KwaZulu policemen in the Kwa-Makutha murder trial.

IFP spokesman Ed Tillett said the ANC appeared to be concerned about Von Lieres's "fearsome reputation" in the courtroom.

ANC justice spokesman Willie Hofmeyr raised concerns earlier this week that Von Lieres had taken early retirement on grounds of ill health, but was now involved in a marathon trial.

Hofmeyr said if Von Lieres was unable to offer an explanation for his involvement in the trial, Justice Minister Dullah Omar should consider reversing his early retirement.

Von Lieres said yesterday that he had "no comment (and) no time" to respond to the ANC.

Mbeki in vital talks to avoid friction

TYRONE SEALE
Political Staff

THE government is pursuing negotiations with the US over the latter's demand that the South African government, Armscor and other companies implicated in an arms smuggling case currently before an American court, pay a total of nearly R28 million as part of a no-contest plea

Deputy Foreign Minister Aziz Pahad said today there were ongoing negotiations between South Africa and the US on this and other proposals, but that one of the key issues for this country remained the question of its sovereignty

The case in question has dragged since October, 1991, when Philadelphia prosecutors indicted Armscor, its subsidiary Kentron, and Barlow subsidiary Fuchs Electronics

Prosecutors allege the companies violated the US arms embargo against South Africa and US arms export control laws by exporting weapons components from a Pennsylvania company

The arms allegedly included bomb fuses which were sold to Iraq and used against US troops in the Gulf War

Mr Pahad told a media briefing today that the government was concerned that if the case was to be allowed to drag on without speedy resolution, it could have long-term effects on this country's relations with the US

However, at the moment, relations between the two countries were "a higher level than at any time previously"

The problem at issue in the American trial had been inherited from the previous government and the new government was pursuing negotiations to resolve the current problem, he said

"This matter is not intended to be allowed to cause friction between our two governments," he said

He said Deputy President Thabo Mbeki's office and the departments of foreign affairs and defence were engaged in continuous talks with American authorities

ARMSCOR: US DEMANDS R28-M

AR 27/3/96

(254)

Arms industry enters into 90 foreign joint ventures

Star 27/3/96 (R54)

Agreements include helicopter and armoured vehicle manufacture and technology transfer

By **NORMAN CHANDLER**
Defence Correspondent

South African arms industry companies – under threat of tough new measures to prevent illegal export of weapons – have entered into joint ventures with 90 foreign armaments and technology organisations, Defence Minister Joe Modise has disclosed.

In an address delivered on his behalf by Armscor chairman Ron Haywood to a national

arms industry conference at Midrand last night, Modise said most of the cooperation agreements had been negotiated with British, French, German and Malaysian companies.

"The advent of a nonracial democracy and the lifting of the United Nations arms embargo has opened a window of opportunity for the South African defence industry and the display of South African weapons and technologies at exhibitions in various parts of the world has

attracted the attention of many countries," Modise said.

He did not specify the various joint ventures, but it is known they include helicopter and armoured vehicle manufacture and technology transfers.

The two-day conference is being held to debate the way forward for the defence industry and examine the impact of defence and the defence industry on the economy, the role of government in the industry, the questions of privatisation, con-

version and rationalisation, as well as investment in research and development and international trends.

It follows on a Defence Review consultative conference, held in Cape Town last month, at which for the first time civilians were able to give input on defence matters.

The conference is taking place two days after publication of the second report of the Cameron commission of inquiry into alleged irregular arms deals

by former Armscor employees. This made scathing remarks about Armscor and suggested ways in which arms exports should be controlled.

These include verification by Parliament of all orders, a system of checks and balances throughout the industry and in government where arms deals were concerned, punitive measures against companies that exported arms without permission, and increased border patrols to prevent arms running.

Let us off hook, Armscor pleads

(254) Star 27/3/96

By NORMAN CHANDLER
Defence Correspondent

Armscor, the organisation which has over the past few years had much to do with the controversial rise in importance of the local arms industry and its exports, has asked the Government to be relieved of its arms regulatory role

The move has been in the pipeline for some time since the Cameron Commission of Inquiry found that some Armscor employees had acted illegally in regard to certain arms deals

It is understood that the organisation's request is being considered by a special Cabinet committee which will, in turn, make recommendations on the matter to the Cabinet as a whole. It is expected that the Government's National Conventional Arms Control Committee will eventually assume overall responsibility for determining arms sales as against its current role of assessing whether or not arms should be sold to a particular country

Armscor's board of directors says the organisation wants to play a new and important role in defeating "hunger, poverty, poor

education and environmental destruction" which are seen as threats challenging South Africa's development

The national armaments procurement agency, established 30 years ago as a statutory body by Parliament, also views the new South Africa as an opportunity to help in many fields outside those of the armaments industry

Armscor and its subsidiaries and associates were during the apartheid era the key to South Africa's sales to the international arms market. Some deals it reached with foreign buyers during the years that South Africa was isolated internationally have been the subject of court cases, particularly in the United States and Britain

Research and development played a major part in the expertise developed by the organisation, particularly in the fields of artillery pieces, ammunition and armoured vehicles

Any armaments destined for the national defence force, in particular, had to be ordered by and approved via Armscor, whose regulatory role was clearly spelled out in terms of armaments

legislation

Armscor says in a new publication, "The War against Hunger, Poverty, Poor Education and Environmental Destruction", which it has started distributing throughout the country, that it developed the defence industry's "legendary technological and mechanical skills in areas that will directly and indirectly benefit the country as a whole"

The organisation has instituted a 10-year affirmative action programme aimed "at achieving a more realistic demographic representation at all levels" with special attention being paid to empowering women and the disadvantaged. Details of this are to be included in the organisation's next annual report

The publication says that the armaments industry in general has developed a range of skills which can be utilised in the commercial field, particularly in electronics, marine technology, textiles, food, mechanical systems, software, aeronautics, plastics, engineering and training

Armscor is involved in 13 of the 37 RDP projects initiated by President Mandela.

Top secret files found on paper dump site

ARG 28/3/96

The Argus Correspondent

PRETORIA - Top-secret military documentation was found at a paper dumping site here by a member of the public - in what insiders describe as a major security breach

The man, who wishes to remain anonymous, yesterday showed reporters some of the documentation he found at the site while scouring the area for recyclable paper at the weekend

There was a wide range of highly classified material - including references to missile sites in and outside the country and detailed plans of ammunition storage facilities at an operational South African Air Force base

Once he realised what he had stumbled on, the man called in air force personnel to take a look at the sensitive information

"A SAAF counter-intelligence colonel arrived on Monday and, together with a few other men, hurriedly sifted through the papers, which were scattered throughout my garage," said the man

"They eventually walked out with three large boxes of top secret material"

Most of the classified material appears to originate from Denel - the government's defence manufacturing company - and refers directly to the SAAF's Cheetah fighter aircraft programme

Copies, with a complete distribution list, were apparently sent and signed for by Armscor, Atlas and SAAF personnel

"One of the SAAF men said they could not believe I had not gone to the media first as they would have paid a fortune to get their hands on this stuff," the man said

"I just thought my country's security was more important - and I don't want this matter to be swept under the carpet"

Denel spokesman Paul Holtzhausen said last night, "I can quite categorically say these documents were definitely not removed from a Denel site and you would need to talk to Armscor or the air force"

Armscor spokesman Bertus Celliers said the presence of classified documents at a paper recycling plant was a serious breach of Armscor's regulations. He said an investigation would be conducted without delay

SA, US still in standoff over Armscor indictment

BD 28/3/96 (254)

By Wyndham Hartley

CAPE TOWN — Hopes for a speedy end to the standoff between SA and the US over indictments against Armscor — estimated to be costing the defence industry billions — faded yesterday when it was made clear that SA's national sovereignty would never be compromised.

It also emerged that there were deep differences within the SA government on how to deal with a US proposal on how to unravel the indictment crisis.

During a media briefing at Tuynhuys yesterday, Deputy Foreign Affairs Minister Aziz Pahad said the SA government was still considering an offer from the US as a way of solving the impasse.

It is understood the offer involves Armscor entering a plea of "no contest" in the US courts and paying about R28m in fines. Pahad indicated there might be some room for manoeuvre in the plea.

He said the briefing had been called to clear up the impression that the battle over the indictment against Armscor and Kentron for sanctions-busting was damaging relations between the two countries. Relations had never been better. Planning for the second meeting of the bilateral commission between the two nations was far advanced, Pahad said.

However, he stressed that the fundamental issue of protecting SA's sovereignty could not be compromised. Mojanku Gumbi, legal adviser to Deputy President Thabo Mbeki, said a no contest plea would constitute a compromise of SA's sovereignty. She also said there had been contact with the US over what could be put in the plea to make it more palatable.

Deputy Defence Minister Ronnie Kasrils slammed the suggestion that US inspectors should come to SA to check on compliance with regulations. He said it posed the question that SA was not to be

trusted, and could also constitute an infringement of sovereignty.

Kasrils said that the longer the case dragged on, the more "tremendous fallout" there was for the SA arms industry. It has been estimated that billions of rands in potential deals have already been lost. Kasrils said there was a suspicion in the domestic defence industry that one of the motives behind the US indictment was to keep the SA arms industry out of the international marketplace for as long as possible.

Defence special adviser Fana Hlongwane ascribed SA's failure to sell the Rooivalk helicopter directly to the legal action against Armscor.

Pahad, in response to questions, found himself unable to give an unqualified endorsement of SA ambassador to the US Franklin Sonn's handling of the situation.

"By and large we are happy with the work of the ambassador in the US," he said.

Landmine statistics heard by committee

Wyndham Hartley

(254)

BD 28/3/96

CAPE TOWN — International aid agency Oxfam and SA's Campaign for the Banning of Land Mines yesterday slammed SA's policy of continuing to produce "smart" (self-destructing) anti-personnel mines.

Oxfam and the campaign yesterday told the Parliamentary defence committee they were "shocked and disappointed" that SA continued to see anti-personnel mines as legitimate weapons instead of supporting calls for an international ban.

SA's support for the development and production of landmines that self-destruct after a certain period was made clear at last year's review of the UN Inhumane Weapons Convention in Vienna.

Oxfam's Sue Wixley told the committee that 70 people would be killed or maimed each day before the review convention reconvened in a month's time.

She said 70 000 people had been killed in Angola by landmines and 10-million unexploded mines remained in the ground. These posed a serious obstacle to the reconstruction of the country. Researchers and analysts had shown landmines were not indispensable as there were more effective weapons which could be used against infantry, she said.

Noel Stott of the landmine campaign said smart mines had a failure rate of between 5% and 10% which remained active and ready to explode.

The ANC's Ian Phillips said in 1994 SA instituted a moratorium on the production and export of landmines and this was strengthened into a ban on all except smart mines. This ban had not yet been gazetted. SA also supported minimum metal content in mines so they could be lifted, and the mapping of all mines laid. It was against non-detectable mines.

SANDF taken to task for its spending

254

BD 28/3/96

Tim Cohen

CAPE TOWN — The auditor-general gave the SANDF a tongue-lashing yesterday, saying millions of rands had not been adequately accounted for.

According to auditor-general Henri Kluever's report on the 1994/95 financial year, the SANDF's unauthorised expenditure was by far the largest of all government departments in the year under review.

Unauthorised expenditure by the SANDF totalled R24m compared to the next highest offender, the justice department, whose unauthorised expenditure totalled R1m.

This was mainly caused by additional remuneration to members of the SADF during the election process in April 1994. About R23m in unauthorised expenditure was involved.

Analysing the defence department's finances in the period under review, the report noted that the value of the SANDF's total stock was recorded at about R7bn less than the previous year. The decline in the value from about R37bn to R30bn was mainly attributed to the phasing out of old stock, especially in the air force. But these figures could not be verified.

The report found that the paymas-

ter-general's account was overdrawn by R6,7m and the SANDF's capital account had been exceeded by R5,7m without approval. No satisfactory explanations had been received.

One of the issues highlighted in the report concerned a company called Infoplan. No explanation for expenditure of R395m for services provided by the company had been received.

The cancellation of the agreement with Infoplan came into effect on March 31 last year. But in order to assure continuity in computer services and that stipulated cancellation costs of R120m did not have to be paid, six new contracts with Infoplan worth an estimated R1bn had been concluded on April 1 1995 for three years. The report said there were 105 outstanding audit queries relating to SANDF finances by the end of 1994/95 financial year, of which 40 were more than a year old.

The report also mentioned a Project B which included "expenditure of a sensitive nature". About R22m had been written off as a result of "the termination of the project and the destruction of certain stockpiles".

The Office for Serious Economic Offences was investigating the payment of R12,6m in commission involving the sale of Puma helicopters.

Kasrils keen to retain defence industry

(254) Star 28/5/96

But 'the views of those calling for its shutdown' should not be ignored but treated with respect

By **NORMAN CHANDLER**
Defence Correspondent

Major considerations had to be taken into account before the Government could decide on whether to scrap the defence industry, Deputy Defence Minister Ronnie Kasrils said in a keynote address today at a conference on the industry.

He said "spare parts diplomacy" was unacceptable and that the country's role in the Inter-State Defence and Security Committee (ISDSC) in southern Africa, as well as in the Indian Ocean Rim countries, was dependent on where South Africa stood "in the pecking order" of nations.

He said that since the unbanning of the African National Congress and the South African Communist Party in 1990, "strong views have been expressed about the arms industry I have pleaded for the retention of the industry

while others have recommended the total shutdown".

It was important to look at the value of the industry in its broader aspects "without losing sight of or ignoring the views of those calling for its shutdown".

The end of the Cold War and the "apartheid war" provided South Africa with an opportunity for defence co-operation and regional security. "The establishment of the ISDSC is pregnant with the prospect of delivering a bonny peace dividend to the region, which over the past three decades has been engulfed in wars of destabilisation. With stability, we can anticipate greater economic co-operation, productivity and growth and a better life for all the people of the region," said Kasrils.

Another factor was that security provided by the super powers - the United States, Britain, France and China - has diminished,

which meant that states were now compelled to define their own security arrangements "in a very fluid regional and international arena".

He added, "Previously submerged causes of conflict, control

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Our challenge has been intensified by integration

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over water, oil reserves and other scarce resources have risen to the fore. The most recent expression are the events in the South China Sea (a reference to China's war games in the Taiwan Straits) in

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Kasrils said defence spending internationally was on the decline and that defence forces were being restructured in a "serious search for a peace dividend"

"In South Africa, our challenge has been intensified by the integration process and the Defence Review which will ultimately define our force structure and levels and our core facility

"As a relatively small country entering a new era in defence, amidst all the uncertainty it entails, the challenge in the first instance will be to strike an appropriate balance between our investment in the military establishment and our priorities in social welfare spending

"A further balance between the affordability of our economy and the efficiency of our military enterprise needs to be achieved," said Kasrils.

"We have to realistically match the nation's needs overall with the need to maintain a defence effort in supporting the goal of national and regional peace and security."

The defence industry had come to terms with a reduced market demand and the fact that it could no longer rely on large and regular contracts from the government "It means the defence sector has to transform itself to meet these new demands, and the challenge is to change without losing capacity," he said.

Kasrils said that internationally the whole question of the defence industry was "revisited from time to time by all countries" and that a decision had to be viewed holistically.

"I believe our defence industry is a national asset and should be retained subject to the qualifications of reorientation, restructuring, enhanced work performance and competitiveness."

...the power to protect ordi-

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"A further balance between the affordability of our economy and the efficiency of our military enterprise needs to be achieved," said Kasrils.

Join mines ban, SA urged

28/3/96 (254)

BARRY STREEK

SOUTH AFRICA should join the international campaign for a complete ban on the use, production, export and stockpiling of all anti-personnel mines, the National Assembly's Portfolio Committee on Defence was told yesterday

The chairman of the ministerial National Conventional Arms Control Committee, Water Affairs and Forestry Minister Kader Asmal, said last week SA was one of six countries to have imposed a total ban on the export of all mines

But this ban has not been gazetted yet, nor has any prohibition on the manufacture or stockpiling of mines been imposed

Ms Sue Wixley, from the international aid agency Oxfam, and Mr Noel Stott, of the South African Campaign to Ban Landmines, told the committee a total ban was the only solution to the worldwide landmines problem

They said 22 countries had already declared their support for a comprehensive ban on anti-personnel landmines, but SA was not among these countries

The Portfolio Committee on Foreign Affairs had also recommended that a ban on mine production, transfer and use be incorporated into South African law

Despite this, the South African Campaign had been shocked and disappointed with SA's position at a recent conference in Vienna

"Instead of arguing for the banning of all anti-personnel mines, it promoted so-called 'smart' mines"

Smart mines are conventional anti-personnel mines that explode or deactivate themselves after a set period

SANDF system to challenge business

Stephen Laufer

BUSINESS and government faced a number of challenges as the SANDF moved to a voluntary service-based structure for its part-time forces, a Pretoria conference was told yesterday.

The end of compulsory military service and the downsizing of the SANDF for budget reasons meant SA would increasingly have to rely on part-time soldiers for internal and external security duties, said Jackie Cilliers of the Institute for Defence Policy, organiser of the conference. But greater effort had to go into winning acceptance of the concept and practical implications of volunteer forces by employers and potential part-time soldiers.

Any new system would have to build on the strengths of the old commando and civilian force structures, while restructuring sufficiently to be able to attract volunteers from sectors of the population previously excluded from such units. Particular efforts should be made to encourage former members of MK and other non-statutory forces to join the weekend warriors.

Government should look at tax relief or other financial compensation for businesses prepared to release part-time soldiers for military duty, stock exchange president Roy Andersen told the conference. Andersen is a brigadier in the part-time forces.

BD 29/3/96 (250)
While many businesses might accept the loss of personnel for 12 days of training each year, there had to be some form of compensation for longer absences, for example if a part-time soldier were to be called up for a UN peacekeeping mission. Without such a system, employers would be unlikely to release members of the part-time force for any training at all.

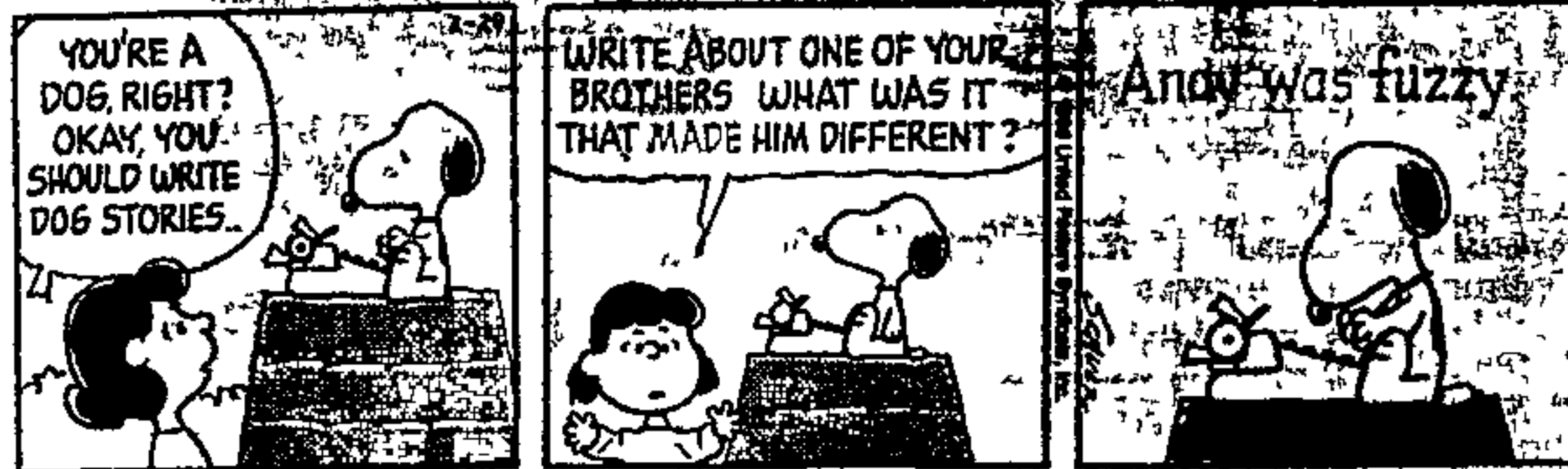
Failure to compensate businesses for the loss of productivity associated with the system could be interpreted as a hidden tax, Barlows chairman Warren Clewlow warned. While larger companies might accept such losses as a patriotic duty, smaller firms could be overburdened by the absenteeism or extra expense of temporary staff.

Britain's territorial army spent R30m a year on advertising explaining the volunteer system to potential recruits and their employers, Col Christopher Newbould of the UK armed forces said. Retaining the credibility of the system in terms of cost-effective use of taxpayers' money and hidden benefits to employers and employees was a high priority.

Business in SA was waiting for the SANDF to put its arguments forward, Clewlow said. The private sector, which was aware of the skills and disciplines benefits associated with military service, would have an open mind on the subject.

PEANUTS

By Charles Schulz



 TOLARAM 2000

Prisons in move to get in step with new era (254)

CLIVE SAWYER *ARC 29/3/96*
Political Correspondent

THE Department of Correctional Services has announced a sweeping programme of demilitarisation to take effect on April 1

Staff at headquarters and provincial offices will no longer wear uniform

Only staff at prisons will wear uniform, but without any form of military rank Use of military forms of address will end, with staff being addressed as Mr, Mrs or Ms

Correctional Services Commissioner Henk Bruyn said staff at prisons would continue to wear the existing uniform for the sake of cost-effectiveness until current stock had been depleted

The future uniform would be designed in collaboration with members of the department Only incumbents of certain key posts would wear insignia, for example commanders and heads of prisons. All military customs, including military parades and saluting, would be stopped The department's badge, flag and sports flag would remain, because they did not have any military connotation, Mr Bruyn said

"A demilitarised system will better support the treatment and development programmes of prisoners and will improve communication and interaction among members, and between prisoners and members This form of management is in line with international tendencies"

Mr Bruyn emphasised that demilitarisation did not mean the discarding of discipline "Discipline and order is the cornerstone of correctional systems world-wide and there will still be a code of conduct"

SA to host meeting of South Atlantic organisation

(254) Star 30/3/96

Cape Town - South Africa will host the fourth ministerial meeting of the Zone of Peace and Co-operation of the South Atlantic, the Foreign Affairs Department said yesterday.

The meeting will take place on April 1-2 in Somerset West.

The 24 member countries of the ZPCSA and 23 other member states were invited.

South Africa was accepted as the newest member at the previous ministerial meeting in Brasilia in 1994.

An initiative by Brazil in the early 80s to mobilise all South Atlantic countries to endorse the idea of a military-free and nuclear-free ocean had evolved into an ideal to bridge South America and West African countries politically, economically and culturally, the ZPCSA said in a statement.

The end of the Cold War saw a shift in focus from security aspects to general environmental, trade and cultural co-operation.

The global emergence of regional groupings had further enhanced opportunities for similar co-operation within the South Atlantic rim.

The profitable use and protection of the common marine environment would be an important outcome.

It would also be of particular importance to SA within the context of South-South co-operation - an important element of SA's foreign policy, the statement said. - Sapa.

Air force flies stray plane for Magnus

ST-31/3/96

(254)

By CRAIG DOONAN

MURDER accused Magnus Malan is being flown between his Pretoria home and Durban at weekends on special military flights laid on at taxpayers' expense.

On trial days the former defence minister is put up at the defence forces holiday resort on KwaZulu Natal's north coast, where he occupies a furnished flat with a panoramic sea view.

The defence force has also provided him with an around-the-clock team of bodyguards, who drive him to court in a maroon BMW with tinted windows.

General Malan and 19 others are on trial in the Supreme Court in Durban for the murder of 13 people at KwaMakhutha in 1987. Six children died in the attack.

Air force authorities confirmed this week that General Malan and some of his co-accused were being ferried to and from Durban on an air force aircraft.

Some of their lawyers fly with them and stay at the holiday complex.

Fuel and maintenance for the Hercules C130 which is used for the flights cost about R15 000 for a return trip.

The special flights have been authorised by the chief of the defence force, General Georg Meiring, according to Defence Minister Joe Modise's military secretary, Brigadier Kobus Botha.

"I spoke to the minister who said he is not aware of it (the flights), and in this specific case the authority needed is with General Meiring. Therefore it's not necessary for General Meiring to consult him on this," Brigadier Botha said.

An air force spokesman, Lieutenant-Colonel Laverne Machane, confirmed General Meiring had authorised special flights for the retired generals and some of the other accused who were in the defence force at the time of the massacre.

The defence force initially said they were scheduled flights.

The chairman of Parliament's joint standing committee on defence, the ANC's Tony Yengeni, said the flights needed to be investigated.

"As an observer, it doesn't sound correct that retired generals should be taken to court by military aircraft," he said.

Another ANC member of the joint standing committee on defence, Dr Ian Phillips, said the agreement that the state pay General Malan and his colleagues' legal costs was under investigation by government. He said he wouldn't consider three flights to be part of the package.

Told that Mr Modise had apparently left the matter with General Meiring, Dr Phillips said "If that's the case I'm outraged. It's something we'll definitely take up at beginning of the week."

The DP's spokesperson on defence, Douglas Gibson, said he intended tabling questions on the matter in Parliament.

"The taxpayers of South Africa have had a guts full of being exploited and I want to make sure this is not the case here. At a time when the military budget has been cut to the bone, it seems quite extraordinary that there's still money for luxuries like this," he said.

The state is paying around R40 000 a court day to lawyers defending General Malan and 11 other former officers. The four senior counsel are paid about R6 000 a day each and their juniors between R3 200 and R4 000.

The taxpayer is also footing subsistence allowances of R250 a court day for four teams of lawyers, as well as consultation fees ranging from R320 to R600 an hour.

The court has been in session for 13 days since the trial began on March 4.

Contacted at his Pretoria home about the travel arrangements, General Malan said "I have no comment whatsoever. I couldn't care two hoots about the whole situation, it's got nothing to do with me. I'm in a court case, how can I respond? Why don't you ask the authorities?"

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Defence exports may reach R3,9bn

Stephané Bothma

THE local defence industry was forecasting a total output of R10,9bn by 2000 of which more than half would not be defence equipment, SA Defence Industry Association executive director Maj-Gen Julius Kriel said.

Addressing a defence industry conference held at Midrand last week, Kriel said the industry was predicting a considerable growth in exports from R1,25bn last year to R3,9bn by 2000 in defence, civilian and nonrelated equipment.

The defence area was a large value growth area. By 2000 the industry expected to be exporting more than half its defence output, Kriel told delegates.

But, he stressed, the industry, with its approximately 800 companies employing about 50 000 people, would probably not survive in the long term if it did not grow from its present situation.

He said the industry was a responsible one which recognised that government would have to weigh human rights compliance considerations against commercial benefits potentially derived from weapons sales.

"However, government must allow industry to operate effectively and responsibly, by way of an arms export control regime which is efficient and rapid in delivering decisions, transparent with respect to criteria and decisions, predictable and consistent and thus sustainable in terms of domestic and foreign policy," Kriel said.

The defence industry, a national military, economic and industrial asset, should have a clear un-

derstanding of the rules of the game, and it was important that government applied these rules consistently and predictably.

"Exporters and prospective exporters must have a reasonable opportunity to state their case squarely to the regulators before decisions are made," he said.

In the past three years the output of association members — which supply about 94% of Armscor's local defence purchases — had grown 33% from R4,5bn to over R6bn, with a significant portion of the growth occurring in the past year despite large defence cuts.

The portion of output which constituted defence equipment had been declining from 76% of total sales in 1992 to 60% last year.

Defence sales had remained at about the same level of R3,5bn throughout the period, while civilian sales as a result of diversification had almost doubled over the same period. "This confirms the efforts of the companies in the industry to diversify their output, by using defence technologies and capabilities for civilian production," Kriel said.

By locally manufacturing most of the defence force requirements, exporting and creating the possibility for countertrade credits against imports, the defence industry had saved SA almost R3,5bn in foreign exchange last year.

Exports of R1,25bn last year made the industry the second-largest exporter of complex manufactured products, after the industrial machinery sector and was about the same size as the motor vehicle component sector, he said.

BD 11/4/96 (254)

Malan trial accused 'entitled to state help'

(254) Star 1/4/96

BY TAMSEN DE BEER

The SADF insists that former defence minister Gen Magnus Malan and other generals, among those on trial in Durban in connection with the KwaMakutha massacre, are entitled to the accommodation and transport provided for them by the military.

A Sunday Times report yesterday claimed that the former officers were receiving special treatment at taxpayers' expense - the main perk being a "gravy plane" which flew Malan and others from

Durban to Pretoria at weekends.

Maj-Gen Gert Opperman said the military was in fact cutting costs for taxpayers by using existing military facilities for the accused.

"The regulations provide that if a person is or has been an employee of the state, and is accused of certain things allegedly committed during the time of service, then they are entitled to the support of the state," said Opperman.

The defence force was making use of scheduled and training flights to transport Malan and his

co-accused to the trial for the murder of 13 people, including six children, in 1987. Opperman said the bill for defence lawyers was also in accordance with regulations.

"If they are found to have acted illegally, then it will be another situation to be dealt with by the powers that be," he said, adding that all costs incurred were recoverable by the state.

Opperman said Defence Minister Joe Modise and President Nelson Mandela had "cleared the principle of support".

Should our navy stay afloat?

Controversy rages on as chief admits SA's sea force is 'going down the drain' (25¢) ARG 3/4/96

ESANN de KOCK
Staff Reporter

WHAT is the South African Navy worth to Joe Bloggs?

So what if the navy falls to pieces if it doesn't get the corvettes? Even defence officers concede there is no discernible foreign naval threat to South Africa!

After a day at sea on the navy's Emily Hobhouse submarine and the P W Botha strike craft – an unlikely combination – there may still be no absolute answers to this question

But, one thing is sure. The navy commands a certain respect, and the skills, knowledge and proud tradition of its members is worth more than just an entry in the history books

Standing on the Groot Krokodil strike craft as it crashes straight into the swell of a choppy sea at only six knots, one recalls South Africa's history and its regular association with the sea

Even though the vantage point is 10 cm above a stainless steel bucket (just in case), the navy looks impressive and the guts of its members does not go unnoticed – even with limited resources and vintage models at their disposal

Even the most ardent corvette opponent would concede a sense of admiration as the huge submarine smoothly surfaces above the swell in the Simon's Town bay

Only metres away from it, with a howling south-easter in my hair, I am tempted to grab the rope in my left hand and grasp the arm of a naval officer to get on

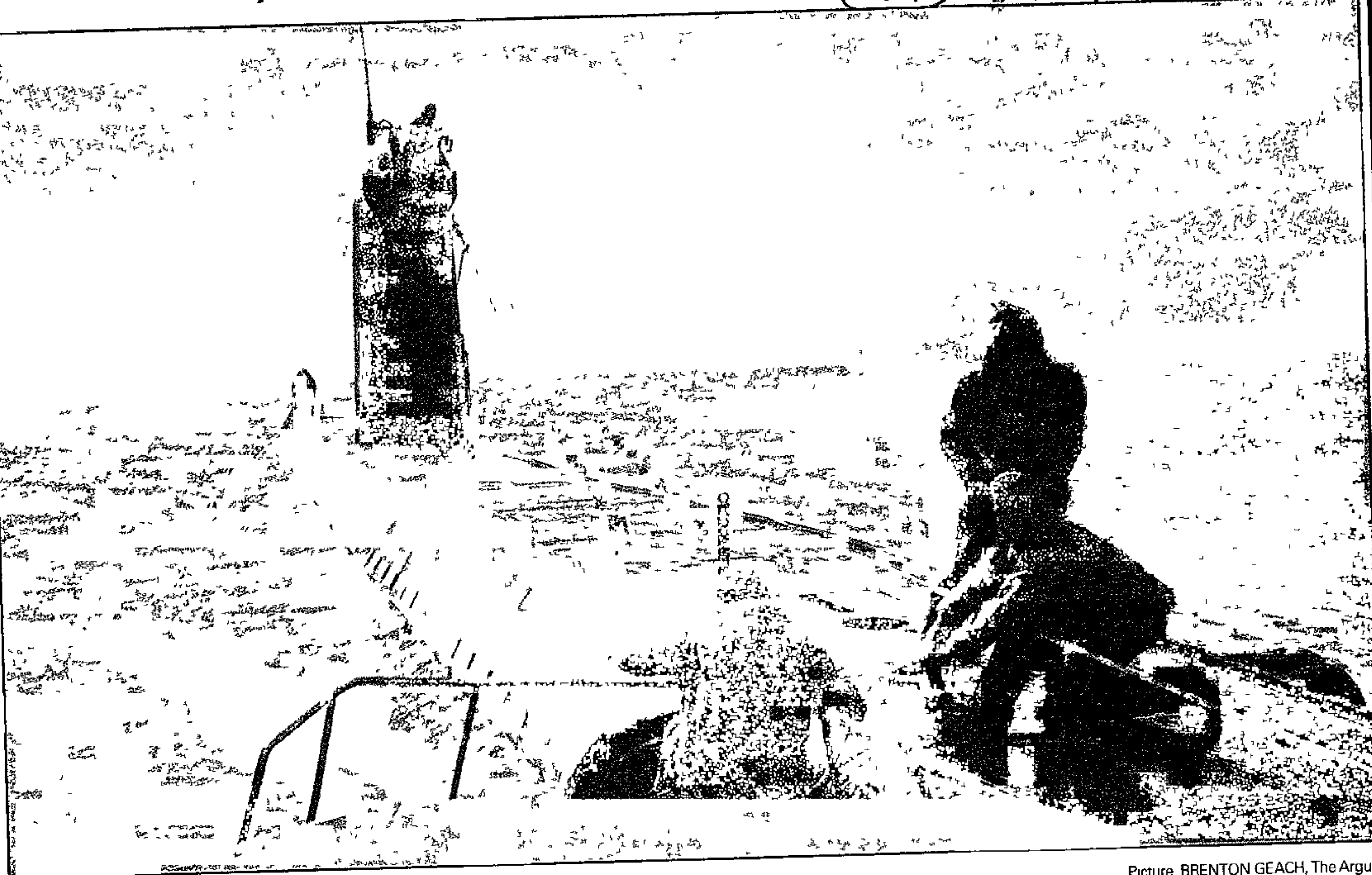
Alas, I cannot let go of the bucket. But the moment is not lost

The history of the Cape of Storms, Cape Agulhas and the bravery of seafarers such as Bartholomew Dias seems more real from this perspective and one stands in awe, thinking of small wooden ships braving the unpredictable waters around the southern tip of Africa

As navy chief Robert Simpson-Andersen told journalists at a press briefing on the state of the navy this week, South Africa's history has been entwined with the sea for the past 350 years

The country's 3 000 km coastline makes it a large coastal state with six well-developed ports, catering for heavy seaborne trade

In monetary value, Vice-Admi-



Picture BRENTON GEACH, The Argus

COMING UP FOR AIR: The Emily Hobhouse surfaces above the ocean and navy personnel secure her for a transfer of passengers

ral Simpson-Andersen says, more than 80 percent of South African imports and exports pass through its ports. The annual value of this economic activity amounts to billions of rands

In economic terms, South Africa is among the top 12 sea-trading nations of the world

So, what is the coast worth to South Africa? "If our ports are ever closed, it would severely affect our economy

"They say if Durban is closed for two or three weeks, it would bring the entire Gauteng economy to a standstill"

The peace-time tasks of the navy, he says, are as important as the wartime tasks

Vice-Admiral Simpson-Andersen says the search and rescue function, support and protection of fishing

and other maritime resources, support of pollution control, assistance during disasters and support of the state's diplomatic initiatives, as well as support of scientific research programmes, are among the essential functions of the navy during peacetime

But without a bigger slice of the annual defence budget, the navy will be unable to continue such functions

Vice-Admiral Simpson-Andersen says the submarines are already 25 years old

Costly to buy, but cheap to operate, they give a small navy credibility

A submarine is like a crocodile. Once it has dived, it is a threat and it is feared

"The power of a submarine allows you to keep your navy rela-

tively small. Costing about R1 000 million new, a submarine lasts for 25 to 30 years and it would take about 12 corvettes to replace three or four subs"

Other vintage models in the navy include 16-year-old strike craft – the navy's only ships with fighting capabilities

"A large number of ships are into injury time," says Vice-Admiral Simpson-Andersen

"Our concern is about the survival of the navy. Never since World War 2 have we found ourselves in this predicament

"When the young people at our academy ask me what the future holds, I tell them 'I don't know'

"I hate to say it. The navy is slowly but surely going down the drain

"For some reason it is a very emotional thing for the government

to say 'yes' to the acquisition of new ships. Why, I don't know"

This year, the navy was awarded less than 10 percent of the total defence force budget

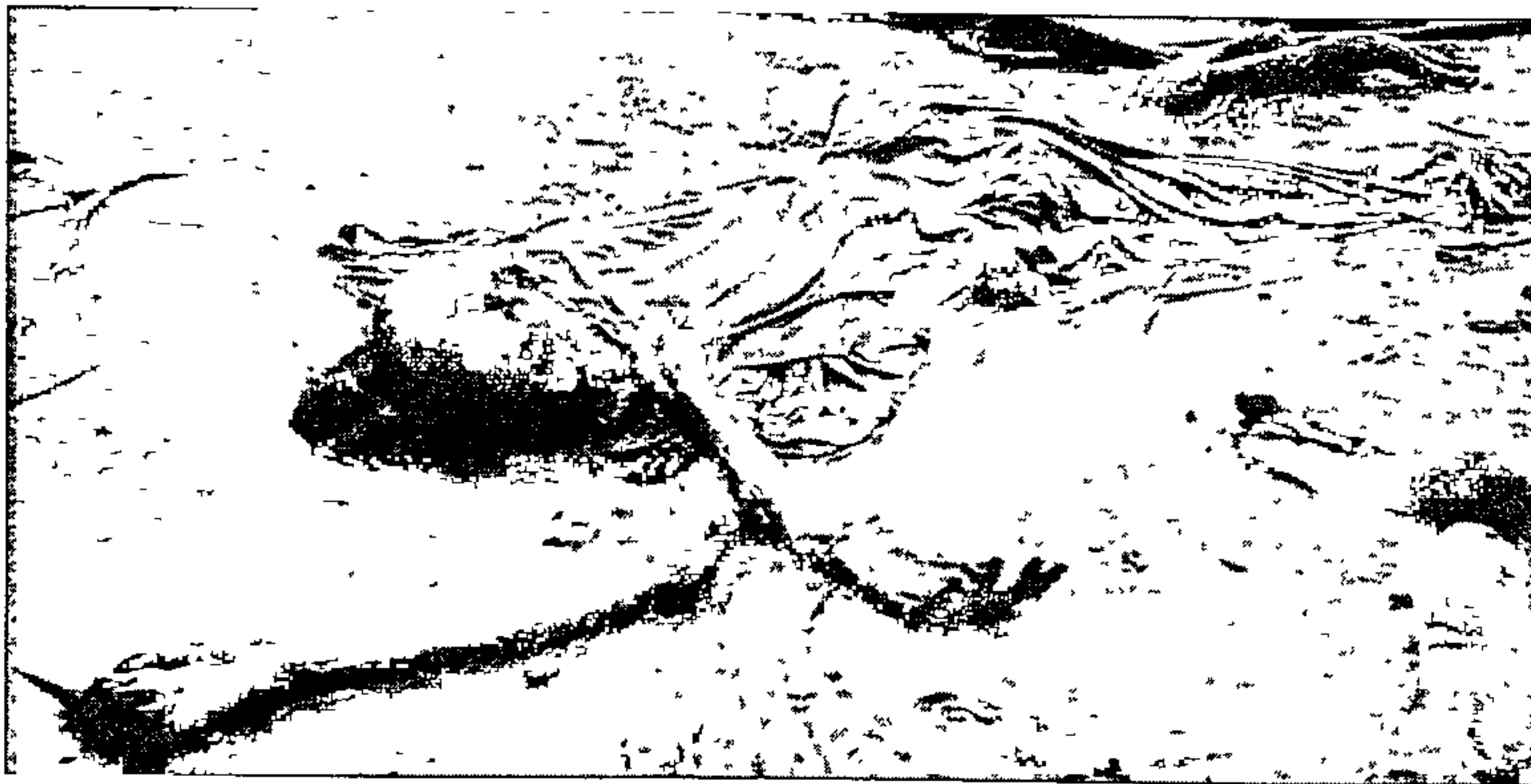
Vice-Admiral Simpson-Andersen says it would need 15 to 18 percent of the budget to survive

Somewhere in the Simon's Town naval base hangs a print with the words of Royal Navy Captain Ronald Hopwood "For the strength of the ship is the service, and the strength of the service is the ship"

It might have been said from the perspective of a man whose country has a truly strong naval tradition – with good reason, too

But somehow it still rings true – even from the perspective of a stainless steel bucket with the Cape Doctor in your hair on a choppy sea somewhere in False Bay

IS THIS BUSINESS SENSE?



BLOOD MONEY The decomposing bodies of slain Rwandans

PHOTO: SIMON COX

Arms and the boys

TERRY CRAWFORD-BROWNE

Apartheid's militarisation and armaments obsessions of the total onslaught era cost South Africa about R130 billion during those 15 years. This could have paid for the RDP twice over.

The recommendations of the Cameron commission and the rationale of the national conventional arms control committee represent vast improvements over Armscor's past practices of exporting to pariah states and terrorist organisations. Human rights, not foreign exchange earnings or jobs, are the criteria under which South Africa's weapons exports are to be judged.

But already there are difficulties. India is reportedly negotiating an R8 billion contract to buy G5 and G6 howitzers, Pakistan wants a R600 million missile system. These fellow Commonwealth members have a history of conflict. That post-apartheid South Africa might sell offensive weapons to either or both countries makes an utter mockery of the committee's guidelines, and of our commitments to non-violent conflict resolution.

The commission's critically important recommendation of parliamentary oversight over exports has already been rejected by Kader Asmal, the committee's chairman. He has declared that civil society should trust "the intuition of the 13 cabinet ministers on the (committee)". Why?

The committee's rationale for permitting arms exports is to reduce the unit costs of weapons required by the South African National Defence Force.

Yet the weapons being exported and/or promoted — missiles to Pakistan, G5s and G6s to the Persian Gulf, Rooivalk attack helicopters to Malaysia — are indisputably offensive. These are countries with the most dubious human rights records.

Moreover, the weapons themselves are incompatible with South Africa's requirements and constitutional commitments to a

defensive rather than offensive military posture. At the South African Defence Industry in the Future conference held in Midrand from March 26 to 28, armaments industry executives insisted on their need for clarity and consistency in South Africa's arms export policy.

They demanded, understandably, that there should be no repetition of last year's cancellation of Denel's prospective R1,2 billion export contract to Turkey because of human rights abuses of Turkish Kurds.

South Africa's armaments industry has in the past exported to the world's most unsavoury dictatorships: Iraq, Rwanda, Sudan and Morocco. Denel now boasts that it exports to 70 countries and of export earnings in 1995-96 of R995 million. Yet even the chairman of Denel, and others, agreed at the conference that it was an industry in steep decline. In contrast to public perceptions of a lucrative, although immoral business, the armaments industry depends on heavy taxpayer subsidies. Instead of contributing to prosperity, it diverts resources from national priorities such as education and health.

Nor is it efficient in terms of job creation. Statistics from the trade and industry department indicate that the general manufacturing industry is at least three times more effective in creating jobs. The armaments industry has in recent years devoured 30 percent of government research and development spending, yet it amounts to only 1 percent of South Africa's GDP.

Armscor's arrogant announcement, the day after the United Nations arms embargo was lifted in May 1994, that it intended to treble South Africa's annual armaments exports to R2,5 billion "to earn foreign exchange, create jobs and thus contribute to the RDP" has been thoroughly discredited.

European armaments manufacturers are reeling under the pressures of glutted markets and United States efficiencies of scale. Last year, France's Giat organisation cost

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French taxpayers Ff12 billion. British Aerospace, which recently faced collapse, was reprieved by the notorious £20 billion Al Yamamah contract with Saudi Arabia brokered by Margaret Thatcher.

Why should South Africa throw good money after bad? The old spin-off benefits of the armaments industry have been superseded by spin-on. The presumed technological benefits of the 1950s and 1960s no longer apply. During the 1980s, South Africa's armaments industry crowded out our general manufacturing capabilities, with negative economic consequences.

Defence economists at the conference urged the closure of the armaments industry as part of a planned restructuring of our manufacturing capabilities. Faced with compelling arguments for closure, militarists fall back on claims of strategic necessity. These are fallacious since even strategists concede that there is no discernible foreign threat.

There are very real threats to security, but these relate to issues of poverty and crime. They require economic and social development rather than a military response.

Finally, we are told that our sovereignty is at stake. South Africa's sovereignty is a stumbling block in the protracted court case against Armscor in Philadelphia which now jeopardises relations between us and the US.

The case includes 67 counts of conspiracy, fraud, money laundering and tax evasion. Given Armscor's history, it is preposterous to claim that US legal action infringes South Africa's sovereignty. Armscor was developed by the previous government to flout the judgment of the world community that apartheid was a threat to peace.

Armscor and its offshoot, Denel, shame South Africa's commitments to human rights.

□ Terry Crawford-Browne is the chairman of Economists Allied for Arms Reduction — South Africa

SA Navy 'going down the drain'

BY NORMAN CHANDLER
Defence Correspondent

Simon's Town - The SA Navy wants a bigger slice of the defence budget - and not only for new ships:

"We are entitled to it to make up for opportunities lost in the past," navy chief Rear Admiral Robert Simpson-Anderson said here yesterday

He painted a bleak picture of a navy "going down the drain", and which is using ships which by rights should already be in the wrecker yards

Journalists were for the first time in years taken on routine patrol in a submarine, seeing at first hand the cramped operational and

living quarters of the boats which should have been scrapped in 1993.

Simpson-Anderson said the existing three submarines had a lifespan which, after renovations to the vessels, would end in 2005, while the strike craft would be usable until 2001 and the mine-sweepers until 2003

"A large number of our 24 ships are in injury time, so to speak, and very few have economical lifespans

"You cannot have a defence force if there is an Achilles heel such as the navy. We have to be realistic in protecting our trade, ports and shipping," he said

The navy, he revealed, will be getting 9,8% of the 1996-97 defence budget, which is less than

R1-billion of the budget's total of just on R10-billion. Since 1980, the navy's share of the budget has dropped steadily, he added

Simpson-Anderson reaffirmed the navy's commitment to the purchase of four new corvettes and also confirmed that the navy was looking at acquiring four second-hand submarines

To replace the three 25-year-old Daphne-class submarines now in operation with the navy would cost R1-billion each. It was therefore necessary to investigate second-hand boats with a reasonably long sea capability

"We are interested in the British-built Upholder class of submarine as they are fine subs," Simpson-Anderson said

(254) Star 3/4/96

Red tape hits plan for statue

Tim Cohen

CAPE TOWN — The R50m project to erect a 23m-high "freedom monument" of an opened hand hit a snag yesterday when it was decided to refer the project to the parliamentary arts and culture committee

This decision was taken following a meeting between President Nelson Mandela, businessman Abie Krok and the proposed artist Danie de Jager whose previous works include the Strijdom head in Pretoria.

The meeting occurred with the president's proposal that an issue of such national importance should be handled by the committee, which could conduct public hearings on whether such a project was needed. If built according to the current plans the sculpture would be about half the size of the Statue of Liberty but would be the world's largest cast bronze structure. The project would be a private and not a state initiative and would be situated near the Voortrekker Monument

Polluters should bear costs — green paper

Wyndham Hartley

CAPE TOWN — The principle that those who cause pollution should bear the costs should guide SA environmental policy, says the green paper on the environment released yesterday.

The document, called Towards a new environmental policy for SA, was released by Environment and Tourism Minister Dawie de Vilhiers.

It stated that environmental protection was in a chaotic state — six mainstream ministries, provincial and local government had various responsibilities. This confusion had reduced environmental management effectiveness.

It stressed that current environmental management was too reactive, and recommended a "proactive approach" in terms of which action would be taken on possible environmental threats even when there "was no clear supporting scientific evidence"

A "conflict-of-interest principle" was also suggested as one of the pillars of future policy. Government departments with a responsibility to promote industry or other interests should not be required to protect the environment from that industry.

"Subsidiarity" — the location of authority for environmental control at the most appropriate level of government — was stressed as a fundamental policy principle.

BD 4/4/96
For example, water quality was best managed at catchment level, while greenhouse gases had to be dealt with on a national basis.

The green paper also identified root causes of SA's current environmental problems: the failure of environmental regulatory institutions to work together in the "holistic" management of environmental problems; unsustainable levels of exploitation of natural resources; unequal access to natural resources often forcing human migration and overcrowding; damaged social structures and poor, dispossessed people, and inappropriate and uncontrolled development in most sectors.

Noting SA's poor enforcement of environmental laws, the green paper blamed a lack of professionals; a policy based on punishment, not incentives; penalties too light to deter offenders, and lack of an integrated policy

The document warned that failure to implement policies needed could put SA products at risk in an increasingly environmentally conscious world.

De Vilhiers stressed the document was the start of a process. Public submissions from all interested parties could now be made, to complement the consultative national environmental policy process which had produced the document. A green paper is expected to lead to a white paper, and a new policy by early next year.

Stephané Bothma

SIMON'S TOWN — The SA Navy was "slowly but surely going down the drain" because of the small portion of the defence budget allocated to it every year, navy chief Vice-Adm Robert Simpson-Andersen said

The majority of the navy's 24 vessels were moving into "the injury time" of their lifespan

Budget constraints 'forcing SA Navy down the drain'

and large amounts of money would have to be spent to extend their lives, crucial to secure SA's 2 880km coastline

Briefing military correspondents at the Simon's Town naval base this week, Simpson-Andersen said if the defence

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budget remained at its current level, the navy would need between 15% and 18% of the budget, about R1,4bn, to survive, as opposed to the 9,8% allocated to it.

"To expand and improve the navy, we need at least R1 600m a year,"

he said, stressing that the navy needed a proper blue water capability to ensure that SA's waters were safe for the 8 983 merchant vessels which entered SA ports on average each year.

He reaffirmed the navy's commitment to the purchase of four corvettes and also confirmed that it was looking at the purchase of four submarines

■ Some newspapers are openly flaunting the rules which restrict them to the factual reporting of court proceedings – in some instances blatantly publishing information acquired outside of court that could influence the very outcome of trials.

WILLEM STEENKAMP

Staff Reporter

THE trial of the generals – in which former defence minister Magnus Malan and 19 co-accused are on trial for the 1987 Kwa-Makutha massacre – is set to change the way court cases are reported

Natal Attorney-General Tim McNally, who is leading the prosecution against the 19 accused, said Press coverage of the case was “pushing the limits in court reporting”

In one instance the Afrikaans Sunday newspaper Rapport published an article that placed the credibility of key state witness Johan Opperman in question

The report was based on information which had not been revealed in court

Mr McNally was later forced to lead evidence based on the article

The same newspaper has – since the first report appeared – continued to run reams of copy based on information supplied by unidentified sources to further question the credibility of Mr Opperman

In the past strict rules applied to court reporting

The Press was not allowed to publish articles that could have an impact on the outcome of a particular case and newspapers were required to report only on court proceedings and evidence led during a case

Mr McNally said the Press started overstepping the bounds on court reporting with the recent Mandela divorce case when intimate details were widely disclosed in the media

“Obviously there is a new spirit of freedom and the Press is pushing the limits in court reporting. It is a bit of a grey area,” said Mr McNally

When asked if the fact that some newspapers were virtually fighting the KwaMakutha case on their own pages did not put added strain on him as the prosecutor in the case, Mr McNally said he could not afford to be influenced by such a “sideshow”

While newspapers could create a certain perception on the possible outcome of a case, a judge would not be influenced by such reports, he said

Referring to the Rapport article, he said newspapers had a certain readership and published accordingly

The fact that he had not yet taken steps against certain newspapers for transgressing the rules on court reporting did not mean this would not happen in the future, he added

Mr Macnally said although the Rapport article indicated there was a grey area as far as restrictions were concerned, other newspapers should not

Magnus trial 'pushing the limits in court reporting'

(254) ARG 6/4

SANDEF rationalisation moves will mean

The merging of seven forces into one has caused 'some imbalances in the staffing of the SANDEF, especially in the SA army'

By **NORMAN CHANDLER**
Defence Correspondent

The South African National Defence Force (SANDEF) is preparing for one of the most painful exercises in its 84-year history. Staff were told at the Easter weekend that rationalisation and retrenchment was inevitable before 1999.

The SANDEF says it is particularly concerned about the "personal and social impact" retrenchment will have, and is setting in

place processes for representation against retrenchment and the right to take matters to a special tribunal.

At least 40 000 people are expected to be affected by the rationalisation process, over and above the natural attrition which over the last two years has seen the SANDEF shrink by 12 000 to 119 000 on strength at present. The SANDEF, according to earlier estimates at the time rationalisation was first disclosed two years ago, is to number about 60 000 at the

end of the process.

The defence force says in a communication bulletin that the merging of seven forces - the former SA Defence Force, *Umkhonto we Sizwe* and Apla (known as the non-statutory forces or NSF) and the armies of the Transkei, Ciskei, Bophuthatswana and Venda homelands - into one force had "caused some imbalances in the staffing of the SANDEF, especially in the SA army".

It adds that the integration process had also opened up a de-

bate on transformation of the defence force "especially in relation to the threat to South Africa and the role of the military in our democratic society. Any imbalances in human resources can therefore only be addressed once the SANDEF is sure of the size and shape (of the force) required in the future".

The bulletin says "the SANDEF will therefore have to rationalise to meet these demands" and adds that it will not be "sustained and creative". The rationalisation

process is being carried out through the Chief Directorate Transformation, and includes a personnel rationalisation work group which is preparing the policy, options and administrative processes to be followed.

The group's recommendations will first have to be approved by the Defence Command Council, the Minister of Defence, and the Cabinet before implementation. Six steps are to be followed in the process, according to the bulletin.

The first will be to determine the size and structure of the force, a procedure described as the cornerstone of rationalisation, while the second will be to determine imbalances between the structure and personnel.

Step 3 will consider alternatives to match the structure and personnel. This could include re-musterings and re-training - which means the possible dis-establishment or amalgamation of existing units to accommodate members of the NSF in order to

fuse their military culture and traditions with the existing military culture.

This phase could also see "forced reductions", explained by the military as "retrenchments, non-renewal of term contracts and early retrenchments".

The fourth step is to identify members for options which may have to be followed, including transfers, re-mustering and retrenchments, whether voluntary or otherwise.

It will be followed by prepara-

tion of military personnel for "whatever action is to follow", including re-training, training for reintroduction into civil society and administrative processes. The final step is the implementation and completion of the rationalisation plan.

The defence force says anyone who is retrenched will receive benefits to which they are legally entitled as well as any others which may be approved by Parliament in the future, particularly in respect of pensions.

which have now to be redressed

Retrenchments

(2514) Mar 9/4/96

SANNDF rationalisation moves will mean retrenchments

The merging of seven forces into one has caused 'some imbalances in the staffing of the SANDF, especially in the SA army' which have now to be redressed

(2514) Star 9/4/96

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Once an obstacle, SA is now part of Africa's nuclear weapons treaty

By DALE LAUTENBACH
Foreign Editor

There is a satisfying irony in the fact that the treaty banning nuclear weapons in and around Africa is named Pelindaba after the place where Africa's only known nuclear weapons capability was developed.

According to research by the Atomic Energy Corporation (AEC) headquartered at Pelindaba, this patch of land some 30km west of Pretoria and near the Hartbeespoort Dam gets its name from a dispute over use of the farmland some 70 years ago. When at last the farm was secured, a farm labourer, probably relieved to keep his job, was said to have commented "Phelile indaba" or the discussion is closed, the matter settled.

Of course in the years ahead Pelindaba became home to quite a different matter as the isolated white regime sought to shake its fist at a critical world and develop a nuclear weapons capacity which was admitted only in 1993.

For the continent, the Pelindaba Treaty which will be opened for signing in Cairo on Thursday and come into force after ratification by 28 of the 53 potential African signatories, represents the closing of an old issue at last made possible by South Africa's declaration.

Following the French nuclear weapons tests in Algeria in 1960, Africa became one of the first regions where conscious efforts were made to denuclearise, according to Abdul Minty, deputy director general of Foreign Affairs, under whom all issues of non-proliferation and disarmament fall.

In 1964 Minty wrote an article entitled "The Apartheid Bomb?" for the ANC publication *Sechaba*. Thirty years later he became the new government's adviser on matters of disarmament and non-proliferation and just last August became deputy DG in Foreign Affairs overseeing the wrapping up of the treaty process. He is also SA's representative on the board of governors of the International Atomic Energy Agency.

Work by an international committee of experts concluded the substance of the African pact at a

meeting in Pelindaba last year.

"It is the full circle," says Minty now "South Africa was the obstacle, now it is part of it."

The substance of the treaty bans nuclear weapons but, more specifically, countries also renounce all rights to development, acquisition, testing or stationing of nuclear arms on their territory. Radioactive waste dumping is also prohibited.

The Pelindaba Treaty, when signed, will spell out the third nuclear weapons-free zone in the world, the others being Tlatelolco for Latin America and the Caribbean, and Rarotonga for the South Pacific.

The latter's recent experience with the controversial French nuclear testing is a measure of just

Declaration is useless without the support of the big five

how useless a declaration can be without the support of the five nuclear powers (France, the US, China, Britain and Russia).

To this end all these treaties contain separate protocols which the five nuclear powers are invited to sign, compelling them to respect the denuclearisation of the zone. France signed the Rarotonga Treaty with the enthusiasm of a new convert - on March 25 this year, with its test data in the bag.

The Pelindaba Treaty has been negotiated and concluded with the support of the UN and the endorsement of the Organisation of African Unity. Minty expects no problem among African states signing up to its terms.

Nor does he expect problems among the five nuclear powers, but until Thursday's ceremony in Cairo, there is still no way of knowing how things will go.

"We've been working for a year-and-a-half to persuade the nuclear powers to sign the protocols," he says. "It's not much use if they don't sign." For its part South Africa has held discussions with Britain, the US and Russia.

China, having no stake in the region, is not considered a problem.

Minty thinks Russia might be a bit slow to sign given the present political turmoil in that country but he hopes that, if not signatures, there will at least be statements of intent from the big five on Thursday.

In Johannesburg recently, US Assistant Secretary of State for Political-Military Affairs, Thomas McNamara, said the US welcomed the Pelindaba pact. He did not believe that American concerns about Libya, nor its interests on the disputed British-owned island of Diego Garcia in the Indian Ocean and within the treaty's territorial reach, would prevent the US signing the protocols.

The development of an African nuclear weapons-free zone resides in the broader debate limiting not just the proliferation of nuclear weapons and weapons of mass destruction but of moving towards disarmament itself, notes Minty.

But Africa cannot sit back smugly in total security. The resolution on the treaty itself is mindful of this and does not mince its words when it comes to urging a similar zone in the Middle East to "enhance the security of Africa and viability of the African Nuclear Weapons Free Zone".

Of course many will question - and quite rightly - why Africa should go to all this trouble when its real issues of security are small arms proliferation and threats to life as basic as poverty, hunger and all the ills associated with underdevelopment.

There's no direct answer to a challenge as wide and in so many ways as obvious as that. But what we're getting right now is the Pelindaba Treaty and the added responsibility for South Africa of headquartering the African Nuclear Energy Commission which it creates.

Among the tasks of this body will be to encourage the constructive application of the nuclear technology that does exist on the continent. South Africa has a capacity in medical and other fields and "this must now be used as a service to Africa", says Minty.

As long as the indaba about weapons, down to the last AK-47, is not considered closed here

(254) Star 9/4/96

THE Cameron commission's regulation proposals for SA's international arms trade highlight sovereignty issues which are also central to the diplomatic wrangle with the US over the Armscor sanctions-busting case.

At the heart of the matter is the quest for a balance between national and multinational controls on who may and may not buy SA military technology. Fuelled by the Armscor row, the debate has come to the forefront as the Cameron inquiry has slowly forced the lifting of the cloak of secrecy traditionally surrounding weapons sales.

Despite these attempts at greater openness, Cameron commissioner Laurie Nathan remains critical of the selective way in which SA has reported sales to the UN conventional arms register. He believes anything less than the full disclosure required by the international body makes a nonsense of its central purpose — promoting peace and security by building confidence among states through greater transparency on conventional arms transfers

But whether Cameron's radical proposals become reality or not, their essential message is one shared by those determined to keep the arms factories ticking over and the US regulatory authorities at bay. All agree that SA must create its own legal and moral framework for arms exports as a basis for day-to-day regulation of the trade by government and its own agencies

The US proposal that the Armscor case be resolved via a no-contest plea bargain in return for limited penalties seeks just the opposite. Besides forcing the new SA to bear responsibility for actions of a past government which the current ruling party actively campaigned against, officials familiar with the case point out that it seeks to impose controls on future arms dealings which they interpret as directly infringing on SA sovereignty.

Armscor has recognised the writing on the wall, domestic and international. Relinquishing its previous dual role of market player and market regulator, the organisation has begun to move into the light by handing its control functions to the defence secretariat and with an initial restructuring of its board

The intention is a separation of powers normal in most democracies. But there is still a way to go — the closure to the media of a recent conference on the future of the arms industry shows the cartel-like think-

SA navigating a minefield in the arms trade debate

(254) (84)
STEPHEN LAUFER

BD 10/4/96

ing and affinity for the shadows which still dominates the industry

Meanwhile, Kader Asmal's Cabinet conventional arms control committee is playing an active role in shaping the new export regime

As government's most significant forum for debate between the export policy doves and cowboys

— Defence Minister Joe Modise and other cabinet ministers sit on the committee — the group has increasingly steered a fine line between the industry's needs and an approach based on the values enshrined in the constitution. Asmal's continued successful stewardship of the control committee could be crucial to resolution of the Armscor case. Providing proof of SA's ability to get its own arms export house in order, it could create the basis for a successful solution to a case thus far dominated by legalistic debate

Interviews with government officials indicate SA has many possible responses to the US proposal of the no-contest plea

Accepting the no-contest offer appears out of the question. It would, say officials, be the equivalent of SA putting nails into its own coffin and an act of submission which would compromise SA's sovereignty in the long term. According to the of-

ficials, while not mentioning culpability, a no-contest plea is the functional equivalent of a guilty plea

Besides allowing the judge to deviate from any penalties agreed as part of the plea bargain, it would allow the US state department to impose a range of sanctions

Countries and companies found guilty of violating US arms laws could have disbarment and denial orders imposed on them by the state department which would effectively bar them from long-term co-operation with US weapons manufacturers. Technology transfers could be forbidden, and joint ventures with US companies prohibited. The SA response to the plea bargain offered by the US government will be formulated in an official letter in the next few weeks

The Asmal option would include argument that SA was prepared to work with the US on a compliance programme limiting sales to bona fide state purchasers as long as it was SA-initiated and policed. SA would share notes with the US, and draw on their broader experience with arms export control regimes, but could not accept US compliance auditors in SA companies

A compliance programme of the kind the US is pressing for would result in on site inspections, audits, and monitoring of the SA arms industry. The problem for the manufacturers is that it would also give the US inspectors access to commercial details which could be used to the advantage of US companies in the same markets

Flanking the evidence of local competence in arms control, the SA government could formally acknowledge past failings in the letter, while at the same time providing evidence of change

Besides highlighting the work of Asmal's committee, the letter could point to the new Armscor board, the Cameron commission, measures to cut unsavoury previous recipients of SA arms loose, and the ongoing search for a new arms industry policy. Acknowledgement of past failings might include offering a sacrificial lamb — privately owned Fuchs, which the US is seeking to indict, could plead guilty to satisfy law enforcement requirements.

The official SA response could also include several legal arguments considered strong by government's advisers.

Their major flaw is, they would need to be tested in the US courts, implying acceptance of their jurisdiction, which the SA government has been trying to avoid.

Among the possible legal arguments is the clean slate doctrine. This is a concept in international law which holds that an incoming government is not obliged to accept liability for the obligations of its predecessor if they are significantly at odds with the policies and norms of the new ruling group

Another position advanced by the lawyers is that the statute of limitations has been reached, making prosecution technically impossible. This contention would have to be tested in court

Perhaps the strongest legal argument available to the SA side is that of sovereign immunity. This is an established tenet in international law and was written into US law in the foreign sovereign immunities act by Congress

The principle says that sovereign governments or their subsidiary entities cannot be taken to court in other countries. The SA negotiator have consistently argued overreg immunity applies to Armscor as state agency and that indicting the company would be tantamount to prosecuting government

SA officials familiar with the Armscor case say they are absolutely determined not to compromise the sovereignty issue

"If we allow them to establish precedent by doing something like this to (President Nelson) Mandela with all of his international prestige, how much more tempting will it be for them in future?"



An SA-made Valkiri 5 rocket system



GROOT KROKODIL PW Botha adopted counter-trade to bypass the arms embargo

The madness of Modise

CT(MR)10/4/96 (254)

TERRY CRAWFORD-BROWNE

As, when "Mad King" PW Botha discovered counter-trade, no one in government or commerce had the guts to contradict his foolishness. Departments of state and their bureaucracies were ordered to promote the idea.

The notion was fostered that counter-trade was a slick and clever means to bypass foreign exchange markets and the prying eyes of sanctioners.

This primitive form of barter was devised during the 1950s by the Soviet bloc, and is frowned on by specialists in international trade because of the opportunities it creates for corruption.

The government blithely ignored the fact that the Soviet bloc was teetering on the brink of bankruptcy. South African G5 and G6 howitzers were traded for Iraqi oil, Romania and South Africa bartered ships for iron ore.

Counter trade is typically used in financial basket-case countries. The import side of the transaction is usually loaded, perhaps by 20 percent, and the export leg is discounted, usually by about 40 percent.

The practice is widespread in the armaments industry to disguise the extent of taxpayer subsidies, which can reach more than 30 percent. This is why Armscor rates itself as its prime exponent in South Africa and boasts that it is negotiating schemes for about R3 billion.

Counter-trade returned to prominence during the corvette debacle last year when the Spanish offered an 18 point programme amounting to R4,8 billion and the British followed with proposals for R3,2 billion. It was money for jam — or so it seemed.

In return for the government's spending R1,69 billion for four corvettes, supposedly to protect our fishing industry, the Spaniards promised to invest R4,8 billion in South Africa and create 10 000 jobs in the process. It was an extraordinary proposal, given the Spanish obsession for fish.

However, examination of the terms by South African fishing executives revealed that if the scheme was implemented it would have resulted in the virtual closure of our fishing industry.

Moreover, they found that there was just not enough hake in South African waters to meet Spanish demands.

The British proposals were even more ominous.

GEC, Britain's largest electronics and defence contractor, proposed a series of joint ventures to

manufacture weapons for export markets.

The international armaments industry was already glutted, however, and the British arms industry is particularly notorious for supplying countries such as Iraq, Indonesia, Nigeria and Malaysia.

Licensing South Africa to manufacture the weapons was therefore a neat strategy to bypass the political embarrassment to Britain of human rights abuses in those and other countries.

Public outcry that South Africa needed houses before corvettes caused Joe Modise, the defence minister to defer the purchase last June.

The issue has resurfaced in recent weeks, however. The South African Navy is now reportedly confident not only of buying the corvettes for R1,69 billion, but also of buying four submarines for a further R4 billion.

The German secret service is understood to have given special priority to winning the contract.

Consequently, the matter has been reopened at the behest of Deputy President Thabo Mbeki.

Acknowledging the emotive issue of housing, the German tender proposes to produce 20 000 prefabricated houses a year as part of a contribution to the RDP.

Since German naval interest in South Africa during the apartheid era included the secret and illegal provision of submarine plans, the question arises why?

Sadly, the insanity in defence circles is gaining momentum.

Despite further cuts in defence spending in last month's Budget, Modise has subsequently announced intentions to re-equip South Africa's armed forces with new aircraft, helicopters, ships, tanks and heavy armour.

He declared that hundreds of jobs would be created for the RDP through 90 joint ventures with armament manufacturers in Britain, Spain, Italy, France, Germany, the United States and Malaysia.

The purchase by the South African National Defence Force of 12 Rooivalk attack helicopters costing R876 million has just been announced. How many schools, houses or clinics might be built with that money?

Even militarists concede that there is no foreign threat to South Africa. Nor is there any need for

the Rooivalks. They are being bought solely to encourage countries such as Malaysia to buy Rooivalks instead of US Longbow Apaches.

These 12 superfluous helicopters will cost R73 million each. Amazingly, and despite presumed economies of scale, the 91 Rooivalks which Denel had hoped to sell to Britain were priced at R120 million each.

It is insane that R876 million of taxpayers' money should be spent on 12 helicopters while 6 000 teachers in the Western Cape and thousands more across the country are being retrenched. Something does not make sense. Who are we deluding but ourselves?

The bureaucrats in the trade and industry department are now succumbing to the madness. They are demanding that foreign suppliers to the government should contribute offsets to the RDP.

In the 1980s, Botha instructed the national airline to buy unproven passenger aircraft from Airbus Industries to repay a favour to Jacques Chirac, whose past relationship with the French armaments industry was close.

A tender to provide air frames to SAA was recently reopened to enable last-minute lobbying by Airbus. The Airbus has proved reasonably successful on domestic routes, but the existing aircraft were apparently bought for entirely the wrong reasons.

Understandably, Boeing Aircraft is unimpressed by the trade and industry department's behaviour and has complained to the US commerce department.

Offsets are merely a variant of counter-trade.

One measure of how well Botha managed counter-trade and the economy is the rand dollar exchange rate. One rand in 1979 was worth \$1,35. Ten years later, the value of the rand had collapsed by 74 percent to \$0,35.

Sadly, the maladministration of our currency has continued, so that the rand is now worth only \$0,25.

Counter-trade is not the free lunch Armscor would have South Africans believe. It inevitably leads to corruption and economic collapse. It represents a fast track to a mafia society. True, a few individuals will grow fat on their commissions, but economically it is disastrous.

□ Terry Crawford-Browne is the chairman of Economists Allied for Arms Reduction — South Africa

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DID PW POINT THE WAY?



GROOT KROKODIL PW Botha adopted counter-trade to bypass the arms embargo

The madness of Modise

CT(MR) 10/4/96 (254)

TERRY CRAWFORD-BROWNE

As, when "Mad King" PW Botha discovered counter-trade, no one in government or commerce had the guts to contradict his foolishness. Departments of state and their bureaucracies were ordered to promote the idea.

The notion was fostered that counter-trade was a slick and clever means to bypass foreign exchange markets and the prying eyes of sanctioners.

This primitive form of barter was devised during the 1950s by the Soviet bloc, and is frowned on by specialists in international trade because of the opportunities it creates for corruption.

The government blithely ignored the fact that the Soviet bloc was teetering on the brink of bankruptcy. South African G5 and G6 howitzers were traded for Iraqi oil, Romania and South Africa bartered ships for iron ore.

Counter-trade is typically used in financial basket-case countries. The import side of the transaction is usually loaded, perhaps by 20 percent, and the export leg is discounted, usually by about 40 percent.

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African nations

in nuclear pact

ARL 11/4/96

(254)

CAIRO. - African nations today signed a landmark treaty declaring the continent free of nuclear weapons.

At a ceremony in the Egyptian capital, 50 of the continent's 53 nations signed the Treaty of Pelindaba, banning the possession, testing or storage of nuclear arms. The treaty also commits parties to destroy any existing nuclear weapons.

The Treaty of Pelindaba, named for the headquarters of South Africa's Atomic Energy Corporation where the agreement was concluded, creates the world's third nuclear-free zone, after similar pacts by Latin American and South

Cabinet orders landmine probe

BARRY STREEK
POLITICAL WRITER

A REVISION of South Africa's policies regarding the manufacture of landmines — which could result in a complete ban by the end of the month — has been ordered by the cabinet

South Africa is one of six countries to ban the export of landmines, but there is growing support for a worldwide ban, particularly due to the cost of removing them and the fact that their victims are usually civilians

One of the reasons for increas-

ing Western support for a ban on the manufacture of landmines, including the so-called "smart" mines, is because China has a large stockpile and it still exports substantial quantities

The South African government, however, has no desire to be part of a Western campaign to isolate China

But it is felt that South Africa needs to send out a strong message to the world that there is no reason for manufacturing or stockpiling mines

Members of the cabinet, particularly those in the ANC, feel South

Africa should demonstrate that it does not have any fears of conventional attacks from across its borders, and a ban on landmines would reinforce this perception

While some sectors of the defence establishment are still arguing that South Africa needs landmines as part of its defence strategy, this position appears to be losing ground

The international position on landmines will be discussed at a conference in Vienna at the end of the month and South Africa's approach, probably calling for a total ban, will be finalised by then

(254) ET 11/4/96

(254)
**Nuclear arms
treaty signed**

BD 12/4/96
CAIRO — African nations signed a landmark treaty declaring their continent free of nuclear weapons yesterday.

At a ceremony in the Egyptian capital, 50 of the continent's 53 nations signed the Treaty of Pelindaba, banning the possession, testing or storage of nuclear arms.

The treaty also commits them to destroying any existing nuclear weapons, and vows to promote "the use of nuclear science for peaceful purposes".

The treaty, named after the headquarters of SA's Atomic Energy Corporation where the agreement was concluded, creates the world's third nuclear-free zone, after similar pacts by Latin American and South Pacific countries.

Madagascar, Somalia and Seychelles did not attend the signing for "political or technical reasons", the Egyptian foreign ministry said.

Four of the five nuclear powers — the US, France, Britain and China — were also present to sign an annex to the pact promising not to threaten or use nuclear weapons against any African country.

However, Russia balked at signing, citing the presence of a US military base on the Indian Ocean island of Diego Garcia, considered African territory under the treaty, the Russian embassy in Cairo said in a statement. — Sapa-AFP.



Keep South free of nukes — Nzo

CT 12/4/96

(254)

CAIRO: Foreign Minister Alfred Nzo has called for Africa, Latin America, the Caribbean and South Pacific regions to work together to ensure global nuclear non-proliferation and disarmament

He was speaking at the signing of the African Nuclear Weapon Free Zone Treaty in Cairo yesterday

The African zone joins nuclear-free zones in Latin America and the Caribbean and in the South Pacific

The three nuclear-free zones had the potential to establish a de facto nuclear weapon-free zone in the southern hemisphere, Nzo said.

The treaty also aims to promote African co-operation in the uses of nuclear technology. The headquarters of the African Commission on Nuclear Energy envisaged by the treaty will be in South Africa.

Forty-nine of the continent's 53 countries signed the nuclear-free pact. Madagascar and the Seychelles did not sign for "technical reasons", and Somalia and Liberia were absent owing to unrest — Sapa-AFP

Massacre reports 'threat' to ANC-US talks

(254) ARG 15/4/96

MARTIN CHALLENOR
The Argus Correspondent

DURBAN - Press reports that the KwaMakhutha massacre was carried out by terrorists could have jeopardised a top-level meeting between ANC president Oliver Tambo and American Secretary of State George Shultz, Natal Attorney-General Tim McNally said today

The trial of former defence minister Magnus Malan and 19 others stemming from the murder of 13 people in Kwa-Makhutha on January 21 1987 continued before Mr Justice Hugo after the Easter recess today

ANC MP Billy Nair gave evidence, outlining his lifetime commitment to the struggle against apartheid. He said he knew the intended target of the attack, Victor Ntuli, as they attended UDF activist meetings in Durban's Diakonia Buildings.

A previous state witness said Mr Nair had been a possible target for the killing but had realised he was being tailed

Mr Nair said today that around the time of the attack he would disguise himself with a



Oliver Tambo

wig, dyed hair, a cap or a fez to elude the police. He used a friend's car when possible

Mr Nair said press reports about terrorists being responsible for the KwaMakhutha massacre were a matter of concern to the ANC and UDF. The implication of the reports was that the ANC was actually responsible. The UDF launched its own investigation

into the attack.

Mr Nair said a very important meeting "that we regarded as a major breakthrough" between Mr Shultz and Mr Tambo had been planned. Previously there had only been informal contact between the American Congress and the ANC.

"If the ANC was held to be responsible for that massacre it would jeopardise the meeting between Mr Shultz and Mr Tambo," Mr Nair said.

Klaus von Lieres und Wilkau SC, for the defence, objected that the evidence was irrelevant.

Mr McNally said "It relates back to the talk of a fiasco when Opperman (Captain Pieter Johan Opperman - a previous state witness) gave his evidence. It relates to the fact that the people involved in that so-called fiasco were not disciplined either by the army or the IFP."

"This evidence is relevant to that in as much as it shows that the KwaMakhutha killings and reference to terrorists that appeared in newspapers had an effect of putting the ANC in a bad light at that time and jeopardised a high-level meet-

ing between the ANC and the American government."

Mr McNally said it put the question of a fiasco in a different light.

Mr Von Lieres said there was no word in the indictment about the US government or what the US government thought was not relevant.

Mr Justice Hugo said that if the state eventually showed that there was motive on behalf of the powers-that-be to show the ANC in a bad light and to jeopardise the meeting the evidence would have relevance.

Mr Nair said that to counter the perception that the Kwa-Makhutha massacre had been carried out by the ANC, the UDF held a press conference "at which Victor Ntuli himself was present."

Mr Ntuli said at the press conference that he was a UDF member "and in no way anti-ANC."

American representatives were present at the press conference, Mr Nair said.

The ANC and the UDF issued statements denying any involvement in the killings. "Subsequently the meeting took place between Mr Shultz and Mr Tambo," Mr Nair said.



Key state witness testifies he trained Inkatha recruits to kill

ARG 16/4/96

(254)

The Argus Correspondent

DURBAN - Military Intelligence sergeant Andre Cloete was keen to work with the Inkatha trainees in Natal "because there would be action", he told the Malan murder trial in the Durban Supreme Court today

Sergeant Cloete trained an offensive group of 40 members from the Inkatha supporters trained by Military Intelligence in the Caprivi in 1986. He worked with them when they returned to Natal

His task was to prepare the group when targets were selected. Sergeant Cloete has been called as a state witness in the case against Magnus Malan and 19 others following the KwaMakhutha massacre in 1987

Mr Justice Hugo told Sergeant Cloete he would be indemnified from prosecution if he answered questions truthfully

Sergeant Cloete now lives in Jeffreys Bay. He is married with two daughters, age nine and five. In 1976, he left school with a Standard 9 and joined the defence force

Speaking in a muffled voice, Sergeant Cloete said he was stationed with One Parachute Battalion in Bloemfontein and was then based on the Bluff, Durban, for 14 years with a reconnaissance unit. From Durban, he did operations in Angola, Zambia, Rhodesia and Mozambique. This involved attacking targets and laying mines

Sergeant Cloete said he then went to the Caprivi with Military Intelligence and put members of resistance movements through weapons and warfare courses that lasted between six weeks and two months

He was told to find a place to train people from KwaZulu-Natal in the Eastern Caprivi and that after the training these people were to come back to

KwaZulu-Natal. The task of the offensive group was to disrupt the ANC and UDF

The offensive group was trained in attacking targets, urban warfare, explosives and house penetration

Sergeant Cloete said the offensive group had to go into houses with firearms to shoot all the targets. It did not matter how many people were inside the house, no one was to be left alive. "You shoot all the people in the house" he told Judge Hugo

Sergeant Cloete said the elite of the trainees went into the offensive group

He said he was keen to come to Natal "because there would be action". This meant the offensive group would attack targets. "I was there to prepare the offensive group if a target was identified"

Sergeant Cloete identified by name five of the seven Inkatha members on trial

(Proceeding)

PARLIAMENTARY COMMITTEE FLEXES ITS MUSCLES

Yengeni slams Roorivalk purchase

(254) CT/16/4/96

IN A ROW that pits senior ANC MPs against each other, the SANDF has come under fire for buying 12 helicopters. **BARRY STREEK** reports.

TENSIONS between Parliament's joint committee on defence and the South African National Defence Force erupted into the open yesterday when the committee's chairperson, Mr Tony Yengeni, strongly criticised the decision to buy 12 Roorivalk helicopters.

He said the decision to buy the helicopters "without consulting the Joint Standing Committee on Defence and before the defence review process is complete, is highly regrettable".

He also called on the national defence force to consult and be accountable to his committee about the purchase of the South African-made helicopters.

The strong statement by Yen-

geni, a senior ANC MP, reflects the determination by parliamentarians of all parties to exercise their right of control over the government, a right which has been strengthened in the new draft constitution which gives parliamentary committees the power to subpoena witnesses and documents.

Parliament is also to be given the specific power to change the national budget, and thus could be used against government departments and institutions that do not consult sufficiently with parliamentary committees.

While ANC chairpersons of committees have been critical of ministers in the past, this has generally been where the ministers have been National Party or IFP



CRITIC: Tony Yengeni

members — but in this case the Defence Minister, Mr Joe Modise, and his Deputy Minister, Mr Ronnie Kasrils, are also senior ANC MPs.

Yengeni's statement therefore reflects the increasing resolution



UNDER FIRE: Ronnie Kasrils

among MPs, particularly ANC MPs, not to be rubber stamps, particularly when it comes to the traditionally secretive security services.

Yengeni pointed out that "an important process of major signif-

cance" was the review of the defence force within the context of the White Paper on defence.

"This defence review must determine the nature of the defence force structure and armaments that the national defence force must have.

"Hence the decision to buy many major weapons systems, including the navy's corvettes, has been delayed until the completion of the defence review later this year."

Yengeni clearly feels the national defence force has attempted to pre-empt the review by ordering the Roorivalks, thereby treating the committee's involvement and powers with contempt.

The committee is to meet this morning to discuss the White Paper and is likely to endorse Yengeni's stand, giving the SANDF a clear message that it will not hesitate to use its powers.

Witness 'told what to say in statement'

BD 18/4/96

(254)

DURBAN — A key witness in the murder trial of former defence minister Gen Magnus Malan and 19 others said yesterday he had been heavily influenced by police investigators while making statements about a 1987 massacre at KwaMakutha near Durban.

Former SA Defence Force military intelligence officer Andre Cloete told the Durban Supreme Court he had turned State witness in the murder case after having been approached last year by members of a police investigation task unit probing murder squad activities in KwaZulu-Natal.

Investigators had told him what to say in his preliminary statement submitted against the accused, Cloete told the court.

He said investigators had informed him his commanding officer, Johan Opperman, had already been approached and was going to testify about the military's alleged involvement in murder squad activities.

Cloete said he had been forced shortly thereafter to make the contents of his statement resemble Opperman's.

Earlier, both Cloete and Opperman said they had helped train 206 Inkatha

recruits, some of whom allegedly carried out the KwaMakutha massacre in which 13 people died.

Malan and the others face charges of murder, attempted murder as well as conspiracy to murder arising from the attack.

Under cross-examination yesterday, Cloete said investigators had threatened him with arrest.

"Are you saying the impression you got was that if you didn't say what they wanted you would be arrested," defence counsel Mike Maritz asked him.

"Yes, your honour," Cloete replied. "I got a feeling I could be arrested."

He said his verbal statement had been translated from Afrikaans into English for submission.

"I tried to give my statement in Afrikaans, but the investigating officers could not understand Afrikaans."

Cloete said he thought Opperman was a madman. Opperman had ordered him to kill all the occupants the house at KwaMakutha. Under cross-examination he said the order was the most outrageous he had ever received.

The trial was adjourned so that counsel could study papers — Sapa

Damning evidence of a loyal soldier

(254) MTC 19-25/4/96

Ann Eveleth

WHEN former Military Intelligence Sergeant André Cloete shifted from his rigid attention-like stand in the witness box on Tuesday morning, lifting his right arm to his face, it seemed as if he might offer an apologetic salute to the generals in the dock.

The salute never materialised, but the impression of the obedient soldier intensified through the proceedings.

Testifying in the mass murder trial of former defence minister Magnus Malan and 19 others, which resumed on Monday in the Durban Supreme Court after a two-week recess, Cloete — the Caprivi instructor of 40 offensive unit members trained by Operation Marion — appeared uncomfortable with his own betrayal of the accused.

He looked less tense about his role in the death of 13 innocent women and children in the January 1987 KwaMakhutha massacre.

While he had thought "long and hard" about his decision to become the state's second star witness in the case against his former superiors, Cloete had dutifully obeyed "orders" from his superior — state witness and former

South African Defence Force Major "JP" Opperman — to "wipe out" United Democratic Front activist Victor Ntuli's entire family, and had trained his men to kill "everybody in the house".

The soldier whose standard nine education took him into "dangerous operations" in Angola, Zambia, former Rhodesia and Mozambique in defence of apartheid before his recruitment into Operation Marion became putty in the hands of the defence.

Testifying — mostly in the short answers expected of military juniors — under cross-examination by defence advocate Mike Maritz that he had been "pressured" by investigators to make his statement resemble Opperman's, Cloete said he felt he would be arrested if he did not agree to testify.

Initially speaking as if the death of "everyone" at a target was a standard operating procedure which would be applied regardless of "whether his target was a hospital, an old-age home or a 'terrorist' cell", Cloete later declared that the order to "wipe out" Ntuli's family had been "the most outrageous" he had ever received.

Earlier Cloete testified that the only reason the KwaMakhutha operation was not a success was that "the target

was not eliminated". Unlike Opperman — who testified that the attack had gone "horribly wrong" when women and children were killed — Cloete exhibited no physical body language to indicate signs of a conscience in torment he had only followed orders, he said.

Those orders, Cloete testified, had come from Opperman. Told by Maritz that Opperman had blamed him for what he called the "fiasco" the attack became, Cloete said "That is not correct".

If Cloete stopped himself from calling Opperman a liar on Tuesday, his inhibitions had vanished by Wednesday when he declared that his former superior was a "madman".

Seizing on the apparent animosity between Cloete and Opperman — whose decision to turn state's evidence had led the Investigation Task Unit to Cloete — Maritz wooed Cloete "Being an experienced soldier like yourself, you would want to do a target evaluation to determine when to attack. You don't just storm into a place. You're highly trained?" he asked.

Cloete agreed, obviously proud of his military career which stretched

over more than 14 years.

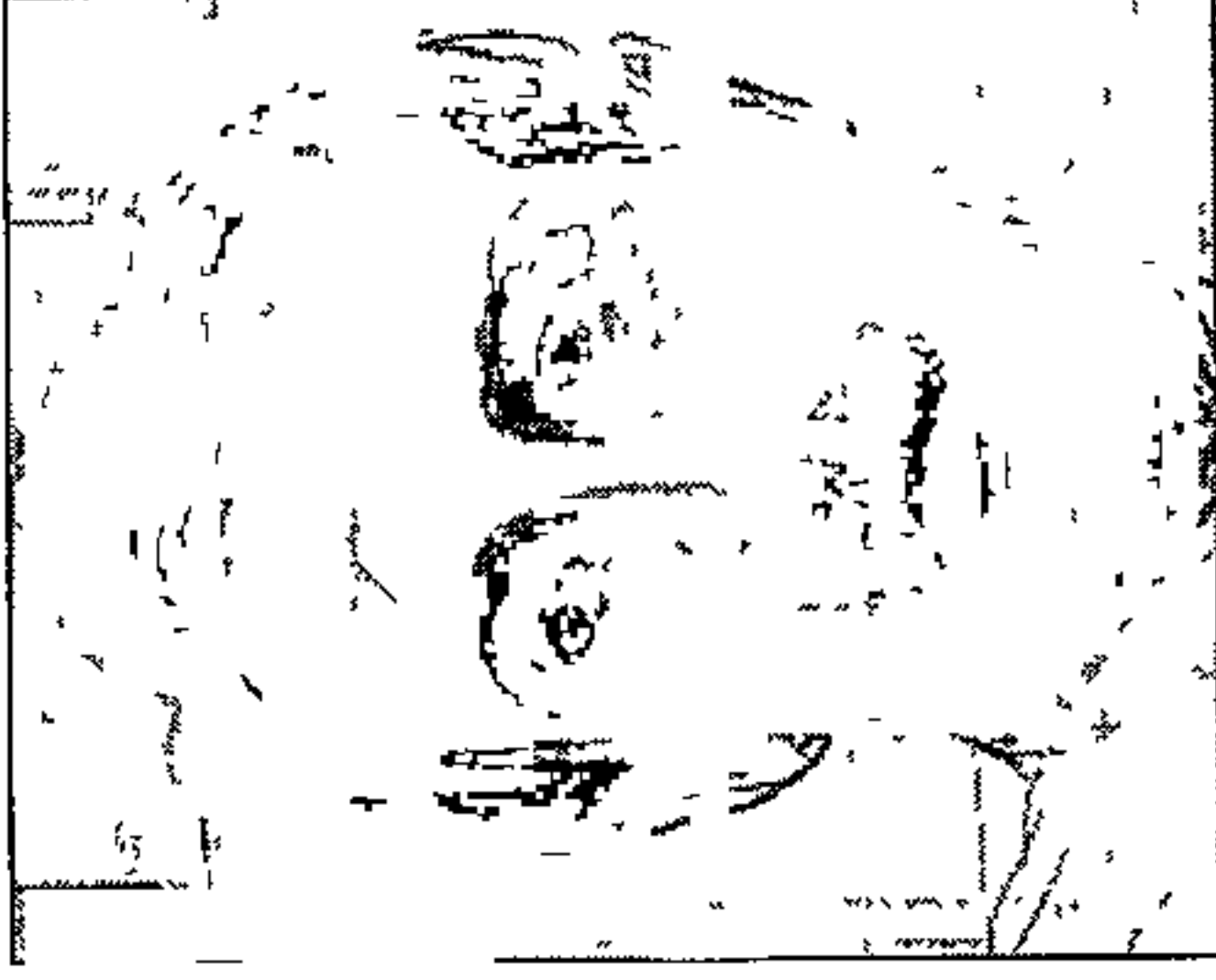
Probing Cloete on why he — a Special Forces "attack specialist" — had not then been in charge of planning the attack, instead of the relatively "inexperienced" Opperman, Maritz said "So it seems Opperman was moving in your field of operation?"

"Yes. Yes, Opperman did have no experience and he was into an area he knew nothing about," declared Cloete.

Both Opperman and Cloete were recruited by Colonel Henne Blauw, but two men recruited by the same man for the same purpose could not be more different.

Opperman, cool and sophisticated despite having only one more year of education than Cloete, described his participation in Operation Marion and the KwaMakhutha massacre in colourful detail. Defence lawyers were reduced to intimidatory tactics over his decision to testify in English, and innuendos about his decision to seek witness protection.

Cloete, on the other hand, having rejected witness protection and clinging to his mother tongue — even complaining that his original statement had been translated into English because the investigators did not



André Cloete: The image of the loyal soldier endures

ILLUSTRATION WENDY KNIGHTS

speak Afrikaans — answered only what he was asked. The image of the loyal soldier endures.

Nevertheless, Cloete's testimony implicated 10 of the accused — including five Caprivi trainees as well as Inkatha Freedom Party deputy secretary general "MZ" Khumalo, former Military Intelligence Major John More, Ferritree base commander Dan Griesel, former senior Natal Command intelligence officer Jacobus Victor, and former Camp Hippo Commander Gerhardus Jacobs.

The trial continues

B2 BUSINESS

Defence budget suffers a severe blow

(254) MitG (PM) 19-25/4/96

As government reconsiders its expenditure, certain ministries will suffer cuts to their budget votes.

Lynda Loxton reports

As parliamentary committees started examining the 1996/97 budget votes of the various ministries this week, it was clear that the Ministry of Defence is hurting the most from the reprioritisation of government spending.

South African National Defence Force (SANDF) finance chief of staff Lieutenant-General Ben Raubenheimer told the defence committee that the defence force budget was 51% lower now than it had been in 1989/90 while the percentage devoted to staff costs had risen from 18% to 33% because of the integration of the defence and liberation forces.

"There is a danger that because of the lack of expenditure on capital budget, a lot of our current inventory will become obsolete just after the year 2000," Raubenheimer said.

He said the SANDF had requested R11,8-billion for 1996/97, but had been told to cut this back to R10,4-billion, or a cut of 2,7% in nominal terms and 8% in real terms.

One cut was a request for R234-million for four corvettes to patrol the coast, which caused an outcry and led to accusations of the SANDF wanting to "buy toys for the boys".

Democratic Party MP Douglas Gibson asked why the defence force did not have multi-year budgets so it could plan ahead. Raubenheimer said although the defence force had wanted to do this since 1968, "government was normally loath to com-



Low flying for defence: If the defence budget continues to be cut, new equipment such as the Rooivalk helicopter will become unaffordable

mit itself too far ahead."

The Treasury was, however, moving into multi-year budgeting, which would help. Gibson said with all its other priorities, the government probably saw the defence force as the easiest budget vote to cut "and we should be trying to get politicians on our side to make sure that we get the cash".

He said that the SANDF should be taking the lead to make the public aware of when equipment would be obsolete "because the public is not all that sympathetic and one has to persuade them over a period that it is in the interests of the country [to buy the equipment]."

The Ministry of Safety and Security was also less than happy with its budget, which had been slashed from the requested R10,1-billion to R9,8-billion. But it pledged to try to live within it, even though that might be rather difficult given the increased policing tasks expected of it as crime soared throughout the country.

The other end of the scale, the

Ministry of Agriculture seemed fairly happy with its Budget vote this year, which rose 7,4% to R863,4-million.

A common theme in all the hearings, however, was the fact that the rollover of unused funds had become acceptable because of logistical or legal obstacles. A main problem had been the need to integrate departments from the South Africa and the former homelands into single national departments and, where need be, transfer functions to the nine new provinces.

MPs expressed concern about the trend towards rollovers, which has already been targeted by the Parliamentary Finance Committee for specific attention.

They said that rolling over hundreds of millions of rand at a time when several sectors were crying out for attention sent the wrong message to the public at a time of growing disillusionment about non-delivery

Several directors general said they believed they were on top of the problem and that spending would start to flow smoothly again this year.

Van Niekerk's hoard

(254)
Top-secret military documents found in disguised electrical circuit box
AR4 20/4/96

■ Top secret documents, the object of a massive police search, were found hidden in the home of a former military intelligence director, the Durban Supreme Court was told this week.

DURBAN-- Top-secret military documents were found hidden inside a wooden case disguised as an electrical circuit box, the Supreme Court here was told

Testifying yesterday in the murder trial of former defence minister Magnus Malan and 19 others, defence force counter-intelligence chief Willem van Deventer said the circuit box had been attached to a wall in the home of former military intelligence director Cor van Niekerk, one of the accused

Brigadier Van Deventer said the documents had been the subject of a massive police search, implemented by an investigation task unit probing murder squad activities

The unit had obtained permission from President Nelson Mandela and Safety and Security Minister Sydney Mufamadi to request assistance during a raid on military intelligence headquarters in Pretoria on June 1 last year, Brigadier Van Deventer said

The unit had also obtained a search warrant from a Pretoria magistrate

Investigators had organised the raid to search for classified documents related to an alleged covert military operation against the African National Congress and its allies in 1987, dubbed Operation Marion, the court heard

The state alleges senior military officers authorised a murder-squad attack on the home of United Democratic Front activist Victor Ntuli at KwaMakutha, south of Durban, in which 13 people were killed - allegedly by trained Inkatha recruits

Brigadier Van Deventer told the court that last year's police raid at intelligence headquarters had failed to produce any documents, in spite of the intervention by Defence Minister

Joe Modise

Mr Modise had to intervene after military intelligence officials questioned whether the investigators should be allowed to scrutinise classified material, Brigadier Van Deventer said

During the search an intelligence officer had called on Brigadier Van Niekerk, who was attending a meeting with an overseas delegation in Cape Town at the time, he said

Upon his arrival in Pretoria late the next day, Brigadier Van Niekerk had said he did not know where the sought-after Operation Marion files were, but told investigators he had removed some of the documents, Brigadier Van Deventer said

Brigadier Van Niekerk had then led him to a fake circuit box, fastened to a wall inside a woodwork room at his home near Pretoria

"The wooden case on the wall was sealed with nails I pried it loose with a small screwdriver Inside was a light green clip-file with Van Niekerk's name on it," he said

The box was fitted with a globe socket and an automatic day-night timer

Brigadier Van Deventer subsequently helped police investigators draw up a list of the classified information in the file, the court heard

Many of the documents had been signed by some of the former military officers on trial, including General Malan, former army chief Jannie Geldenhuys and former SADF chief of staff intelligence Andries Putter

However, none of the documents seized referred to the KwaMakutha massacre

The documents were submitted to the court yesterday and are expected to come under close scrutiny later in the trial - Sapa

Raid turned up top-secret army papers signed by Malan

(254) Star 20/4/96

Top-secret military documents were found hidden inside a wooden case disguised as an electrical circuit box, the Durban Supreme Court heard yesterday.

Testifying in the trial of former defence minister General Magnus Malan and 19 others, defence force counter-intelligence chief Brigadier Willem van Deventer said the circuit box had been attached to a wall in the home of former military intelligence director Brigadier Cor van Niekerk, one of the accused.

Van Deventer said the documents had been the subject of a police search implemented by an investigation task unit probing murder squad activities.

The unit had obtained permission from President Nelson Mandela and Safety and Security Minister Sydney Mufamadi to request assistance during a raid on military intelligence headquarters in Pretoria on June 1 last year, Van Deventer said.

The unit had also obtained a search warrant from a Pretoria magistrate.

Investigators had organised the raid to search for classified documents relating to an alleged covert military operation against the ANC and its allies in 1987, dubbed Operation Marion, the court heard.

The State alleges senior military officers authorised a murder-squad attack on the home of United Democratic Front activist Victor Ntuli at KwaMakutha, south of Durban, in which 13 people

were killed, allegedly by trained Inkatha recruits.

Van Deventer told the court that last year's police raid at intelligence headquarters had failed to produce any documents, despite the intervention of Defence Minister Joe Modise.

Modise had to intervene after military intelligence officials disputed whether the investigators should be allowed to scrutinise classified material, Van Deventer said.

During the search, an intelligence officer had called on Van Niekerk, who was attending a meeting with a foreign delegation in Cape Town at the time, he said.

Sealed with nails

On his arrival in Pretoria late the next day, Van Niekerk had said he did not know where the sought-after Operation Marion files were, but told investigators he had removed some of the documents, Van Deventer said.

Van Niekerk had then led him to a fake circuit box fastened to a wall inside a woodwork room at his house near Pretoria.

"The wooden case on the wall was sealed with nails. I pried it loose with a small screwdriver. Inside was a light green chip file with Van Niekerk's name on it."

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Van Deventer subsequently helped police investigators to draw up a list of the classified information in the file, the court heard.

Many of the documents had been signed by some of the former military officers on trial, including Malan, former army chief General Jannie Geldenhuys and former SADF intelligence chief of staff Admiral Andries Putter.

However, none of the documents seized referred to the KwaMakutha massacre.

The documents were submitted to court yesterday and are expected to come under close scrutiny later in the trial.

Former military intelligence officer Andre Cloete returned to the witness stand briefly yesterday afternoon before the trial adjourned for the weekend. He was diagnosed as suffering a viral infection earlier this week.

He has told the court he helped train Inkatha recruits who allegedly carried out the KwaMakutha attack and that his superior officer, Johan Opperman, ordered the attack after allegedly obtaining authorisation in Pretoria.

He told the court Opperman had to have been "a madman" to order the killing of women and children.

Earlier in the trial, Opperman testified that the attack had been intended to kill only Ntuli, but he was not at home at the time. — Sapa

11:45

Buthelezi denies Malan murder trial revelation

ANC accused of digging up old stories

(254)

ARC 22/4/96

Metro Reporter

THE Inkatha Freedom Party's Cape metro election campaign was eclipsed by revelations that its leader, Mangosuthu Buthelezi, may be linked to the operation at the centre of the murder trial of former defence minister Magnus Malan

Chief Buthelezi, addressing a small gathering of IFP supporters in the Bo-Kaap at lunchtime yesterday, said he had been advised by his lawyers not to comment on documents that allegedly linked him to covert operations against the African National Congress in the 1980s, published in SUNDAY Argus

But he said he had never been "in any way, associated with violence, against anybody, for any reason, let alone political reasons"

He also accused the ANC of dressing up "a pile of old, stale stories" as news because it was going to lose the May elections

"Because the ANC knows that I am innocent of any wrongdoing, they are attempting to engineer a trial by

media," he told the gathering of local government election candidates and party supporters

"In other words, they want journalists to do their dirty work for them", he said

Chief Buthelezi described the Western Cape as a potential "future power base for the IFP" because it provided a viable alternative to the National Party, "which people of colour have struggled against for nearly 50 years"

Chief Buthelezi said the IFP was not a "Zulu party" but a non-racial party, consisting "of and for minorities"

Urging Western Cape voters to support the IFP, he said "It is the only party that has the strength to resist the ANC's hypnotic influence over large sections of the community"

SUNDAY Argus quoted from documents submitted in the Malan trial last week, allegedly found in the home of one of the accused

The newspaper reported that the documents showed that Chief Buthelezi knew about "Operation Marion", a government plan to use the IFP against the ANC

France 'defied UN arms ban with \$3bn deal in SA'

(254) BD 23/4/96

FRANCE sent SA kits for 50 Oryx military helicopters through Portugal while the UN arms embargo was in force, according to documents obtained yesterday

The papers relate to a court action being brought in France next month by Portuguese-based Beverley Securities Inc against Eurocopter International. Beverley Securities is claiming 10%-15% of the value of the helicopter deal — estimated at \$3bn — which it says it facilitated through its contacts in the Portuguese defence force.

Eurocopter and Armscor said they had no immediate comment

The documents said that as a result of Beverley Securities' actions a channel was set up through Portugal so that the embargo could be evaded and aviation spares could be supplied to Armscor by French state firm Societe Nationale Industrielle Aerospatiale

Aerospatiale owns 70% of Eurocopter SA, while Dasa, a subsidiary of Germany's Daimler-Benz, owns 30%

Eurocopter SA owns Eurocopter International, which handles foreign sales.

The documents said the spares consisted of 50 complete Super Puma helicopters in kit form between 1989 and 1994. They said SA used the kits to build its Oryx medium-lift helicopter

"The advantages to the Portuguese were not financial but the upgrading of their 10 Puma helicopters to enable them to meet their Nato commitment to patrol the Azores." In turn they supplied, through Zairean front company Zandumec, spares and components from Aerospatiale which allowed SA to build 50 new helicopters. The documents said only top Aerospatiale executives, among them then chairman Henri Matre and then financial director Jean Picq, knew about the deal

In 1994 Beverley Securities brought a court application against Armscor in Pretoria in a bid to obtain commission on the Oryx deal. The hearing was in camera at the SA government's request — Reuter

Jakkie Cilliers

THE discovery in September 1994 that a consignment of SA National Defence Force weapons supposedly destined for Lebanon had been sold to Yemen led to appointment of a commission of inquiry by President Nelson Mandela.

The Cameron commission published its first report on the Yemen transaction on June 15 last year. The second report was completed on November 21, but released only on March 25.

The focus of the second report was to "comment — in the context of SA's national and international obligations and responsibilities — on the appropriateness of SA's trade policy with regard to weapons and components with reference to weapons and related materials, and

- Decision-making processes with regard to such trade"

From the start, considerable concern was privately expressed, within and outside the defence community, about the wide mandate of the commission. Concern was also evident with regard to the degree to which the commission would conduct a balanced inquiry and its willingness to deal with the complexities of the trade-offs that have to be made by government in decisions on defence exports and the defence industry.

These concerns have all come home to roost. Clearly the mandate of the commission was too wide, it took too long to publish its important second volume (which has largely been overtaken by events) and it has virtually ignored the submissions made and

verbal evidence presented by the defence family and mainstream analysts (both locally and internationally) in the process — choosing to substitute practical policy with questionable generalities and platitudes. Let us briefly examine some of these charges.

Without going into the rather naive philosophy underpinning the Cameron commission's view on the desirable conventional arms transfer policy of the SA government, it is possible to summarise the role of arms exports briefly as follows:

- Government should support arms transfers that meet its own continuing security needs, and those of its friends and allies
- Government should not participate in arms transfers that may destabilise or threaten regional peace, or undermine global and regional security as well as international commitments

It is evident that the recommendations contained in the commission's second volume, will, if taken as a whole, severely restrict, complicate and probably end any significant defence exports.

But what is government policy in that regard? The hard reality is that without the ability to export and compete vigorously against the dominant exporters (the US,

Britain and France), the SA defence industry will not survive. Exports serve to subsidise local purchases (therefore the taxpayer). By advocating literally no exports, the report is, therefore, nothing more than government policy by default. The question is not whether to allow defence exports, but if SA should have a defence industry and the degree of self-sufficiency that the country wishes to maintain in this regard — balanced against its fiscal capacity to do so.

Only within the framework of the extent of self-sufficiency can the commission conduct a study on arms exports. In other words, given government objectives, how can these objectives best be met? It cannot be the task of the commission to prescribe government policy — even if government has no policy.

During late 1994 Armscor proposed a revised national conventional arms control policy to the Cabinet which was followed, in March last year, by the appointment of a ministerial committee to investigate the issue of controlling the trade in conventional arms.

This committee, under the chairmanship of Defence Minister Joe Modise, concluded its work in August last year by submitting a proposal for a policy and process for conventional arms control which was subsequently approved for implementation on August 30 last year.

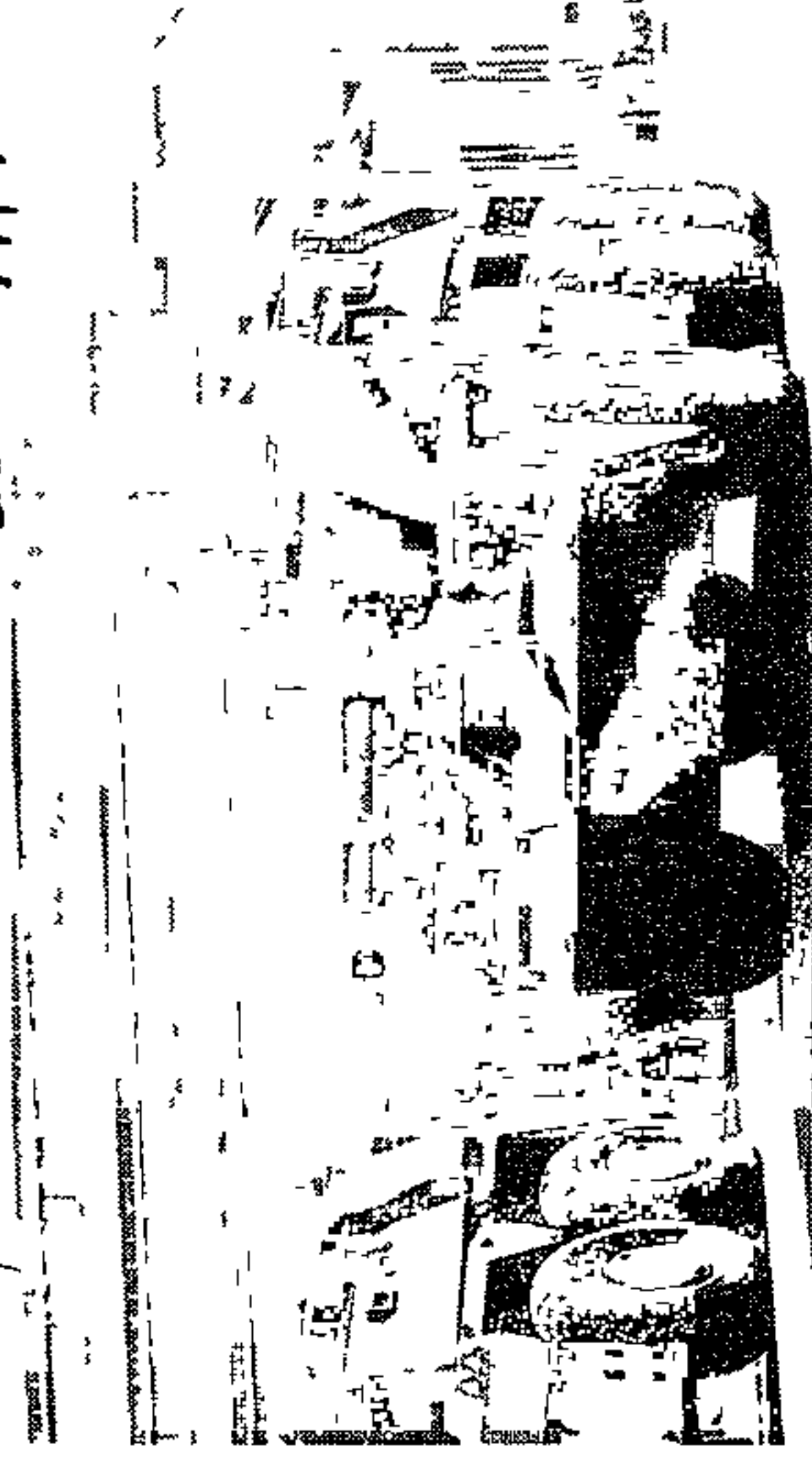
The committee provided for a procedure and structure, consisting of four levels of control:

- Level 1 a permit application, attended to by the conventional arms control directorate, of the defence secretariat

- Level 2 departmental reviews, conducted individually by the defence department (including Armscor), foreign affairs, safety and security, transport (civil aviation), trade and industry (including the non-proliferation council), intelligence (SA Secret Service and the National Intelligence Agency) and the arts, culture, science and tech-

Findings of Cameron inquiry into arms trade pre-empted by govt action

(254)
BD 23/4/96



SA's vaunted G5 mobile cannon forex earner or dodo?

- Level 3 scrutiny of the collated inputs from the various departments, submitted to a scrutiny committee. This committee consists of the secretary for defence (chairman), and the directors general of the departments of foreign affairs and of trade and industry
- Level 4 political supervision undertaken by the national conventional arms control committee

This committee is chaired by Walter Affairs and Forestry Minister, Kader Asmal, and includes the foreign affairs minister and deputy minister, the safety and security minister and deputy minister, the ministers of trade and industry, general services and arts, culture, science and technology, as well as the intelligence services deputy minister.

The revision of the SA conventional arms trade policy was, therefore, concluded shortly after the completion of the Cameron commission's first report, and at the time the commission was embarking on its second phase regarding future arms trade policy and decision-making procedures.

The commission has also called for the restructuring of the Armscor board — a process which was completed some time ago.

To a large degree, therefore, government executive investigations, recommendations and

the commission, and the lack of guidance has rendered its recommendations problematic.

In other cases, the recommendations of the commission are impracticable, or simply naive (for example those calling for parliamentary notification, a default oversight role for Parliament the establishment of a special police task unit, etc.)

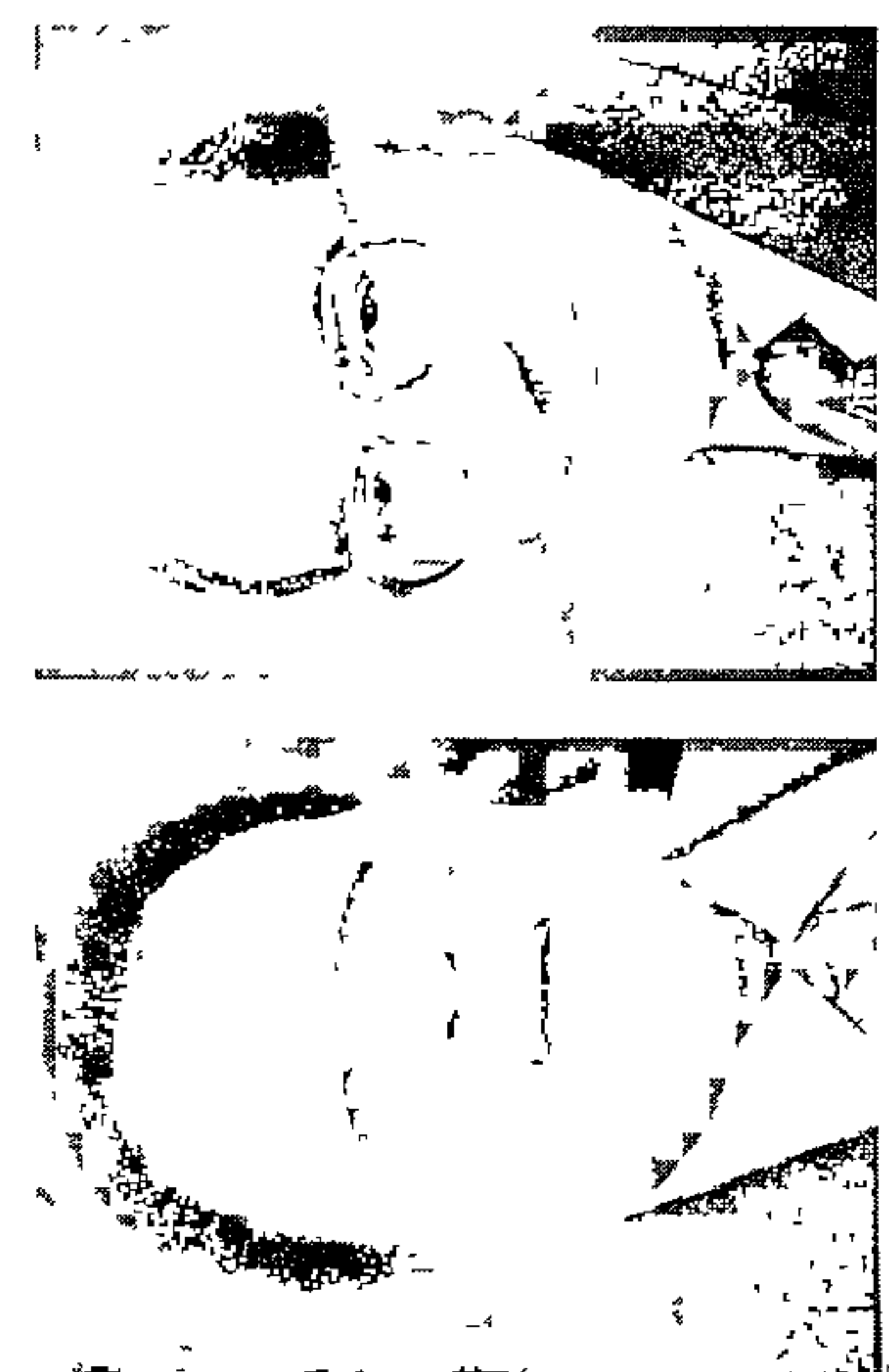
But there is one important exception, namely the call for the adoption of a country classification system (ironically the main feature of the previous arms export regime), in the place of the case-by-case review procedure adopted by government.

The case-by-case procedure implies that a ministerial commission has to process each and every export application (During 1994/95 Armscor completed some 6 000 contracts to the value of approximately R4bn). Even the renowned energy of Asmal must be tested by such a process.

This element of the system is clearly unworkable at Cabinet level in the longer term.

At some stage, the conventional arms control committee will either have to delegate its micro management of defence export permits to Cabinet members to senior public servants or change the system.

There is some moor



Buthelezi not 'untouchable'

DURBAN IFP leader Chief Mangosuthu Buthelezi was strongly criticised by the ANC yesterday for saying there would be violence if he were arrested in connection with hit-squad activities

The ANC's national and KwaZulu-Natal offices said his utterances undermined the judicial system. He was claiming, in effect, to be above the law and should be reminded there were no "untouchables"

Buthelezi told a Cape Town rally on Sunday the country would be reduced to ashes if he were arrested. He has been named in papers at General Magnus Malan's trial as having had knowledge of hit-squad activities in the 1980s

Mr Dumisani Makhaye, ANC spokesman in KwaZulu-Natal, said if the law did not take its course, South Africa would be reduced to a banana republic. "Behind the veil of bravado, Chief Buthelezi is in mortal fear" — Political Staff

Malan trial judge reprimands press

(254) CT 23/4/96

DURBAN: Reporters at the murder trial of former defence minister General Magnus Malan and 19 others were yesterday reprimanded for prejudging matters before the court

The media have speculated about IFP leader Chief Mangosuthu Buthelezi's alleged links with the accused. Buthelezi's name appeared on several top-secret military documents submitted to court last week

Mr Justice Jan Hugo warned reporters yesterday to beware of prejudicial news analysis

KwaZulu-Natal attorney-general Mr Tim McNally, prosecuting in the case, voiced agreement with the judge's sentiments, whereafter state witness and former military intelligence officer Mr Andre Cloete was recalled

Under cross-examination, Cloete denied police investigators had put words in his mouth regarding the alleged role in the massacre of some of the accused

Last week Cloete said he had been influenced by investigators, who allegedly tried to make his statement coincide with the statement of another state witness, Mr Johan Opperman

Yesterday Cloete told the court he was satisfied that the documents reflected his views.

Both Opperman and Cloete have admitted they helped plan a 1987 attack at KwaMakutha in which 13 people were massacred. It was allegedly part of a covert military operation to eliminate members of the ANC and its allies. The state alleges senior military officers authorised the plan — Sapa

Buthlezi 'welcomed IFP military recruits'

ET 24/4/96

(254) (123)

DURBAN: An alleged hit squad member told the Supreme Court here yesterday that IFP leader Chief Mangosuthu Buthelezi had personally welcomed Inkatha recruits back from a secret military training course in the Caprivi Strip in 1986.

Testifying in the murder trial of former defence minister General Magnus Malan and 19 others, Mr Bhekisisa Alex Khumalo said Buthelezi had also slaughtered a beast in honour of the trainees, who were trained to kill ANC members.

"When Buthelezi arrived, we were introduced to him. He shook our hands and thanked us. He showed us a beast that he was going to slaughter on our behalf," Khumalo said.

He told the court he had taken part in the 1987 KwaMakutha massacre at the home of United Democratic Front activist Mr Victor Ntuli.

He had waited in a minibus while 10 "offensive" IFP hit squad members sprayed bullets at sleeping people inside Ntuli's house, killing 13.

The state alleges the attack was part of a covert military plan, Operation Marion, to provide the IFP with a military capacity for combat against the ANC in the 1980s.

Khumalo said IFP supporters had been flown to a secret island base in the Caprivi in 1986, where they were led to believe they were being trained for service in the KwaZulu police force.

"There were instances when our instructors told us to shoot as if we were shooting a 'Hani' or a 'Tambo' or another ANC leader," Khumalo said.

The trainees had gone on strike when they suspected they were not being trained for police duty.

"We had been told we were going to be trained as policemen . . . and

would be issued with police cards."

An IFP representative had been sent to Ulundi to resolve the problem and had received instructions to continue the training, Khumalo said.

The trainees later returned to KwaZulu-Natal, where they continued their training under military intelligence officer Johan Opperman.

Khumalo said he had been ordered to join other trainees on a reconnaissance mission to KwaMakutha where they compiled "target dossiers" on two potential murder squad targets. Ntuli had been one of the targets, he said.

Shortly thereafter, Khumalo was instructed to accompany 10 "offensive" trainees armed with AK-47 rifles. They drove into KwaMakutha late at night to attack Ntuli's home.

"JP (Opperman) said my role was to ensure that it was the right house to be attacked. He said if we came across any problems we should say that we'd been sent by the president or the minister."

Khumalo said he had heard someone say "don't leave anyone".

One of the attackers had forgotten to leave a note at the scene of the massacre which read "This is the beginning chapter one, verse one".

He identified six of the accused as members of the murder squad.

Earlier in the trial, Opperman testified that Ntuli was not at home on the night of the attack. He said the attack had gone "horribly wrong" and was not intended to be a mass murder.

Earlier yesterday, the court adjourned unexpectedly after a legal wrangle about Khumalo's testimony. Khumalo requested legal advice after defence counsel Mr Klaus von Lieres warned he might incriminate himself under cross-examination.

The trial resumes today — Sapa

Buthelezi 'personally met Caprivi recruits'

Star 24/4/96

(254)

Alleged hit squad member testifies in Malan trial that IFP leader slaughtered a beast in honour of group trained to kill ANC members on their return from secret base

SAPA
Durban

An alleged hit squad member yesterday told the Durban Supreme Court that Inkatha leader Mangosuthu Buthelezi had personally welcomed Inkatha recruits back from a secret military training course in the Caprivi Strip in 1986.

Testifying in the murder trial of former defence minister Magnus Malan and 19 others, Bhekisisa Alex Khumalo said Buthelezi had also slaughtered a beast in honour of the trainees, who were trained to kill ANC members.

"When he (Buthelezi) arrived, we were introduced to him. He then shook our hands and thanked us for having returned (from the Caprivi).

"He then showed us a beast that he was going to slaughter on our behalf," Khumalo said.

Khumalo also told the court he had taken part in the 1987 Kwa-Makutha massacre at the home of United Democratic Front activist

Victor Ntuli. He said he had waited in a minibus while 10 "offensive" Inkatha hit squad members sprayed bullets at sleeping people inside Ntuli's house, killing 13.

The State alleges the attack was part of a covert military plan, Operation Marion, to provide Inkatha with a military capacity for combat against the ANC in the 1980s.

Khumalo told the court that Inkatha supporters had been flown to a secret base in the Caprivi in 1986, where they were led to believe they were being trained for service in the Kwa-Zulu police force.

He said the trainees had not known where they were and did not know the identity of their instructors. They had received weapons and weapons training and were divided up into four groups.

"There were instances when our instructors told us to shoot as if we were shooting a Hanu or a Tambo or another ANC leader," Khumalo said.

They had later received ad-

vanced training in urban and guerrilla warfare, the court heard.

The trainees had gone on strike when they suspected they were not being trained for police duty, Khumalo said.

The trainees had later returned to KwaZulu Natal where they met Buthelezi and continued their training under the instruction of military intelligence officer Johan Opperman.

Khumalo said he had been ordered to join other trainees on a reconnaissance mission to Kwa-Makutha on the South Coast where they compiled "target dossiers" on two potential murder squad targets. Ntuli had been one of the targets, he said.

Shortly thereafter, Khumalo was instructed to accompany 10 "offensive" trainees armed with AK-47s. They drove into Kwa-Makutha late at night to attack Ntuli's home, the court heard.

Khumalo identified six of the accused in the dock as members of the murder squad.

The trial resumes today.

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CAPE TOWN CIRCUIT.

(Established 1892)

Priest in Charge
The Rev. D.N. Mgungo

Ethiopian Orthodox Church in Southern Africa



Parts not obtained illegally, says Denel

Stephen Lauffer

25/4/96

A SENIOR Denel Aviation official has denied that SA's weapons manufacturers illegally obtained kits and spare parts from France via Portugal which enabled them to build 50 SAAF Oryx transport helicopters in the last years of UN military sanctions.

The allegation surfaced this week with reports that Portugal-based Beverley Securities was suing Eurocopter International in France for commission arising out of the deal estimated at R3bn Eurocopter SA is owned by Aerospatiale, manufacturer of the SAAF's original medium-lift Puma helicopters, and Dasa, a subsidiary of Daimler Benz.

Denel's aerospace strategy and alliances director Kobus Eksteen said the court case was "somebody trying their luck." His company had been contracted by Armscor in the late 1970s to upgrade the Eurocopter Puma, which produced several Oryx versions.

Another Denel official confirmed that Atlas Aircraft Corporation — renamed Denel Aviation yesterday during the Aviation Africa '96 exhibition — had built new Oryx helicopters in SA from about 1989. The delivery period for the Eurocopter kits in contravention of the UN arms embargo was alleged to have begun in 1989 and to have continued until sanctions were lifted in 1994. Eksteen said the new Oryxs had been entirely manufactured in SA.

Denel was also developing a "fire and forget" missile for use on the Rooivalk attack helicopter which could compete with the US manufactured Hellfire, Eksteen said. The US has denied Denel the use of the Hellfire on the Rooivalk because of the unresolved Armscor sanctions-busting case, and the SA government has claimed the ban influenced the British decision not to buy the SA-built attack helicopter.

De Waal Steyn reports that civil aviation deputy director Japie Smit, delivering the exhibition's opening address on behalf of Transport Minister Mac Maharaj, said all restricted measures set up by the International Civil Aviation Organisation since 1962 were lifted last year. Air transport had a direct regional influence which would become more profound as improving relationships with neighbouring states and corridor policies resulted in growing cross-border transport activity, he said.

The exhibition, which runs until Saturday, drew about 7 000 people yesterday.



Exhibitions at the Aviation Africa 96 exhibition, which opened at Johannesburg International Airport yesterday, ranged from weapons and jet engines to small home-built aircraft. Pictures ROBERT BOTHA

Arms industry top earner — Modise

CT 25/4/96 (254)

KUALA LUMPUR: The South African defence industry was a top currency earner and equipment to the value of \$272 million (about R1,15 billion) had been exported in the past financial year, Defence Minister Joe Modise said yesterday.

He told an armaments exhibition here that imports over the same period were about \$28m (R118m).

Modise said the cabinet's commitment to maintaining a healthy defence industry was highlighted by the national conventional arms control committee's approval of exports.

Although conflict in South Africa had been reduced, the country still needed to maintain a core defence force capable of meeting any eventuality.

"South Africa realises the crucial role it has to play in Africa and the southern hemisphere generally," Modise said.

He said that South Africa's

participation in the Defence Service Asia exhibition underlined the special relationship it had developed with Malaysia.

Trade between the two countries had risen from R678m in 1994 to R1 091m last year.

Modise said the country's policy of regional confidence building would be pursued through developing an Indian Ocean alliance.

"Hence our relations with Malaysia and other South-East Asian countries will continue enjoying prominence."

South Africa's stand was the largest at the exhibition.

Modise said South Africa was still waiting for the world to come up with an alternative to its G5 and G6 field artillery guns.

He invited exhibitors to take part in South Africa's Defence Exposition, to be held at Waterkloof Air Force base near Pretoria from November 12 to 16.

Sapa

Arms exports earn millions for S. Africa

(254) (315)

Kuala Lumpur - The South African defence industry was a top currency earner, and equipment to the value of US\$272-million (about R1,1-billion) had been exported in the past financial year, Defence Minister Joe Modise said yesterday.

He told a defence exhibition in Kuala Lumpur, Malaysia, that imports over the same period came to about US\$28-million (about R118-million)

Modise said the Government's commitment to maintaining a healthy defence industry was confirmed when the national conventional arms control committee approved exports.

Although conflict in SA had been reduced, the country still needed to sustain a defence force capable of dealing with any eventuality

Star 25/4/96
"South Africa realises the crucial role it has to play in Africa and the southern hemisphere generally," Modise said.

He added that SA's participation in the Defence Service Asia exhibition underlined the special relationship it had developed with Malaysia. Trade between the two countries had risen from R678-million in 1994 to more than R1-billion last year.

Modise said the country's policy of regional confidence building would be pursued by developing an Indian Ocean alliance. "Hence our relations with Malaysia and other south-east Asian countries will continue enjoying prominence"

Defence Service Asia '96 boasted 30 companies and 504 products, of which the SA exhibition was the largest

Modise said South Africa was still waiting for the world to invent an alternative to its G5 and G6 field artillery

He invited all exhibitors to take part in the Defence Exposition of SA, Dexsa '96, at the Waterkloof Air Force in November - Sapa

Malan witness accused of providing arms to hostels

Apr 25/4/96 (254)

Self-confessed hitman under attack during cross-examination

SAPA
Durban

A State witness in the murder trial of former defence minister Magnus Malan and 19 others, who has admitted taking part in the 1987 KwaMakutha massacre, was yesterday accused of complicity in crimes ranging from murder to arms-dealing

During cross-examination yesterday, Bhekisisa Alex Khumalo, who was called on Tuesday to testify in the Durban Supreme Court trial, refused to comment on his involvement in other crimes

Leading the cross-examination, defence counsel Klaus von Lieres und Wilkau alleged Khumalo had admitted to three separate attacks

on United Democratic Front supporters in Natal

He claimed Khumalo had also admitted to dealing in homemade weapons and distributing ammunition to various hostels

Earlier this week, Khumalo told the court that, some time after the KwaMakutha attack, he had travelled to Johannesburg where he had served as a bodyguard for senior IFP official Themba Khoza. During that time, he had shared a flat with Inkatha colleague Peter Msane, one of the 20 accused

The 20 are charged with murder, attempted murder and conspiracy to commit murder arising from the KwaMakutha massacre

Justice Jan Hugo had adjourned proceedings for two hours on Tuesday to enable Khumalo to

seek legal advice in case his evidence incriminated him. When court resumed, Khumalo identified six of the accused in the dock as members of the alleged murder squad

Under cross-examination yesterday, however, Khumalo said he was uncertain whether two of the six alleged members had helped carry out the KwaMakutha attack

Von Lieres yesterday highlighted various alleged inconsistencies between Khumalo's police statements and his testimony

Earlier in the trial, defence advocates suggested that police investigators may have pressured witnesses when taking statements related to the trial

Malan and his co-accused have pleaded not guilty

Car evidence causes a stir in Malan trial

The Argus Correspondent

(254) # ARG 26/4/96
DURBAN - Magnus Malan gave a Jetta motor car to Inkatha official Melchizedec Zakhele Khumalo for political party work, the Malan trial has been told

Cross examination of Inkatha fighter Bhekisisa Alex Khumalo continued in the Durban Supreme Court yesterday

The trial stems from a massacre at KwaMakhutha in KwaZulu-Natal in January 1987 when 13 people were gunned down

General Malan, 11 senior defence force officers, security police colonel Louis Botha, six KwaZulu policemen and M Z Khumalo have pleaded not guilty to a charge of attempting to murder Victor Ntuli or alternatively conspiring to murder him, 13 counts of murder, and four more counts of attempted murder

Questions put by Klaus von Lieres und Wilkau, SC, and Jeff Hewitt, SC, for the seven Inkatha people on trial, revealed their defence - they denied they had anything to do with the KwaMakhutha massacre

In his evidence, Bhekisisa Khumalo said the hit squad was wrong to kill 13 people at house 1866 KwaMakhutha

Mr Khumalo said he saw a Jetta car owned by Mr M Z Khumalo at a donga in Ulundi where the hit squad practised with AK-47 rifles the day before the KwaMakhutha killings

Mr Hewitt, representing Mr M Z Khumalo, told the witness he had made a very, very serious error. Previous evidence had been that the car was bought only in August 1988

Mr Hewitt referred to a statement by previous State witness, military intelligence operative Pieter Johan Opperman, that a three-ton truck, a 4 X 4 vehicle and a motor car for Mr M Z Khumalo was decided upon after a signal was received from General

Malan on August 31 1988. This vehicle was a Jetta, Mr Hewitt said. Before that Mr Khumalo had driven a Mercedes Benz

The Jetta was purchased by the military, Mr Hewitt said, acquired with military funds. As a result of the huge mileage Mr Khumalo had run up on his own car for Inkatha activities, "he was provided with a new Jetta for Inkatha activities," Mr Hewitt said

This meant that Mr M Z Khumalo did not own a Jetta at the time Mr Bhekisisa Khumalo said he had

Mr Bhekisisa Khumalo said Captain Opperman told him that people living at the Ntuli house were United Democratic Front (ANC-aligned) members. On his reconnaissance of a few days, he saw women and children there but did not see Mr Ntuli

Mr Khumalo did not establish if Mr Ntuli was living in the house and did not know if Mr Ntuli was going to be there when the killers struck

Mr Khumalo said he did not know Mr Ntuli

If the reason of the attack was to kill Mr Ntuli, the attack would not have taken place at the house. Mr Khumalo said he had to observe the house because the house was to be attacked

Mr Khumalo said he told Captain Opperman about the women and children in the house

In cross-examination, Piet de Jager, for General Malan and three others, quoted from a statement by a Mr Molefe, which has not been handed in as evidence, but has been distributed to the seven defence teams. Mr Molefe said Captain Opperman told him the target was Mr Ntuli

The house had been targeted because the home of a Bongi Buthelezi had been attacked on many occasions and the people launching the attacks had come from the house of Mr Victor Ntuli. Mr Khumalo did not know this

Proceeding

Defence dept 'bought car for top IFP official'

(254) BD 26/4/96

DURBAN — The former government's defence ministry had authorised the purchase of a brand new Volkswagen Jetta for IFP deputy secretary-general Zakhele "MZ" Khumalo after a massacre of 13 people at KwaMakutha in 1987, the Durban Supreme Court heard yesterday.

This emerged during cross-examination of confessed IFP murder squad operative Bhekisisa Alex Khumalo, who is testifying in the murder trial of former defence minister Gen Magnus Malan and 19 others, including MZ Khumalo. They have pleaded not guilty to charges of murder, attempted murder and conspiracy to commit murder arising from the massacre.

Leading yesterday's cross-examination, defence counsel Jeff Hewitt said a secret military signal issued by the defence ministry in September 1988 had led to the purchase of MZ Khumalo's car to assist him with "IFP activities".

Hewitt said MZ Khumalo had requested a new car due to "the enormous amount of kilometres" he travelled while performing IFP duties.

The Jetta became the focus of the proceedings after Bhekisisa Khumalo alleged he had noticed it parked at the scene of a "mock hit squad attack" near Ulundi on the day before the KwaMakutha attack, January 21 1987.

However, Hewitt said the military signal proved that the car had been

bought only in 1988 and could therefore not be linked to the massacre.

The attack was allegedly intended to kill United Democratic Front activist Victor Ntuli and carried out by an IFP murder squad that received training from the SADF at a secret island base in the then South West Africa's Caprivi Strip.

IFP trainees were allegedly transported back to KwaZulu-Natal to take part in a covert operation, Operation Marion, aimed at undermining the ANC and its allies in the province.

MZ Khumalo is alleged to have been partly responsible for the recruits' activities after their return to the province. Earlier in the trial the court heard the 1988 military signal had been prompted by a meeting between MZ Khumalo and one of Malan's officers. Khumalo had allegedly requested a meeting with Malan after some of the trainees became "restless", the court heard. The signal also allegedly instructed military officers to speed up Operation Marion.

Earlier yesterday, Bhekisisa Khumalo said the military intelligence officer allegedly responsible for ordering the massacre had been informed beforehand that Ntuli did not appear to live at the target house. He said he had reported this information to Opperman, who later ordered the murder squad to carry out the attack. — Sapa.

Truth body wants more TV coverage

Stephen Laufer

THE truth commission hearings had begun to "flush out" perpetrators, and it had added impetus to their inclination to talk and name others, commissioner Russell Ally said in Johannesburg yesterday.

His remarks followed the announcement that the first public hearings of the human rights violations committee in Johannesburg would start at the Central Methodist Church on Monday.

The commission was "very disappointed" at the SABC's failure to provide live TV coverage of its hearings beyond the opening ceremony in East London, especially in view of the ease with which funding was found for

sports broadcasts, commissioner Yamin Sooka said.

The commission's work was of national importance, and it was essential the electronic media should accompany it to the rural areas.

Talks were under way between the commission, Deputy President Thabo Mbeki and SABC CE Zwelakhe Sisulu in an attempt to obtain funding for greater coverage.

Commissioners aimed to hear nine or 10 cases each day next week in Johannesburg, excluding the May Day holiday, Sooka said. Witnesses would cover the period 1960-1993, and would include "some prominent cases," although names remained confidential until the hearings for security reasons.

BS 26/4/96

Inkatha official got new car after massacre

254

Abour 26/4/96

Magnus Malan trial told of
authorisation by defence force

SAPA
Durban

The former government's defence ministry authorised the purchase of a brand-new Volkswagen Jetta for Inkatha deputy secretary-general Zakhele "M Z" Khumalo shortly after the 1987 KwaMakutha massacre, the Durban Supreme Court heard yesterday

This emerged during the cross-examination of self-confessed Inkatha hit squad operative Bhekisisa Alex Khumalo, who is testifying in the murder trial of former defence minister Magnus Malan and 19 others, including M Z Khumalo

Leading yesterday's cross-examination, defence counsel Jeff Hewitt said a top-secret military signal issued by the defence ministry in September 1988 led to the purchase of M Z Khumalo's car to assist him with "Inkatha activities"

Hewitt said M Z Khumalo had

requested a new car due to "the enormous amount of kilometres" he travelled while performing Inkatha duties

"It was because of this that he was provided with a new Jetta for Inkatha activities," Hewitt said

The military signal has been submitted as a court exhibit in the case against Malan and his co-accused, who are on trial for murder, attempted murder and conspiracy to commit murder arising from the KwaMakutha massacre, in which 13 people were shot dead

The attack was allegedly carried out by an Inkatha hit squad that received military training from the SA Defence Force at a secret island base in the then South-West Africa's Caprivi Strip

Earlier in the trial, the court heard that the signal was prompted by a meeting between M Z Khumalo and one of Malan's officers Khumalo allegedly met the officer because Inkatha recruits under his command had become "restless"

South Africa refuses to support landmine ban

(254) MCG 26/4 - 5/2/96

South Africa continues to support the manufacture of 'smart mines' despite foreign opposition, writes **Justin Pearce**

SOUTH AFRICA has again refused to support an outright ban on landmines, in defiance of the wishes of Parliament's Portfolio Committee on Foreign Affairs. This week South Africa went to the Review Conference on the United Nations Convention on Conventional Weapons (CCW) with a position virtually unchanged since the original review conference last year, which called for a further conference after a failure to reach consensus. The position taken to both conferences is that CCW should allow the continued manufacture of "smart mines", mines which self-destruct after a set period of time, and that armies should phase in the use of "smart mines" to replace existing stocks.

Supporters of "smart mines" argue that they fulfil the defence function of conventional mines without the long-term risk to civilians. Opponents

argue that "smart mines" are equally capable of maiming civilians.

Following last year's conference, the Portfolio Committee on Foreign Affairs decided in favour of implementing a ban on the production, use and transfer of all types of anti-personnel mines — a position which was overridden by the Department of Foreign Affairs when it took its position favouring "smart mines" to Geneva this week.

A representative of the Department of Foreign Affairs said South Africa's position at the conference must not be seen as reflecting the government's principled position on landmines. The

government's concern was to unite countries behind the convention, and for this reason the convention had to be one which would be acceptable to most governments.

However, more and more countries are calling for an outright ban on all kinds of anti-personnel mines. Germany, Canada and Australia are the most recent countries to add their voices to the anti-mine campaign, bringing to 29 the total number of countries supporting this position. Mozambique, heavily mined during more than 20 years of civil-war, also supports a total ban.

According to Foreign Affairs, the South African position is not immutable, and could yet change by the time the review conference ends next week.

Cabinet is still divided on the issue. As recently as the beginning of April, indications were that cabinet would support an outright ban, but this position had changed by the time the delegation went to Geneva.

The International Campaign to Ban Landmines has flown people who lost limbs in landmine explosions to be present at the conference, to remind delegates of the human cost of landmines.

Malan trial's missing files

(254) M+G 26/4 - 2/5/96

Eddie Koch

KWAZULU-NATAL Attorney General Tim McNally will subpoena the Department of Military Intelligence to supply a vital batch of military documents which have gone missing from the top-secret collection implicating General Magnus Malan and other officers in a conspiracy to murder African National Congress supporters.

Last week the AG handed a set of documents to the court which show Home Affairs Minister Mangosuthu Buthelezi knew of the military's plan to set up a covert offensive unit for Inkatha. One of these new court papers explicitly refers to these units as a "hit squad" and suggests Buthelezi was aware the paramilitary unit was designed to play this role.

In 1989 Buthelezi had a meeting with Brigadier Cornelius van Niekerk, one of co-accused in the Malan murder trial, to discuss operations of Inkatha's paramilitary unit, which had been trained by the military's special forces in the Caprivi strip.

A summary of that meeting prepared by Van Niekerk says: "The chief minister [Buthelezi] hinted that 'offensive actions' were still a requirement, meaning the use of 'hit squads'." But significant documents which describe the paramilitary group's operations between October 1986 and February 1988 are missing.

These is the period immediately before and after the KwaMakutha massacre, for which Malan and his co-suspects are being charged, and investigators believe the documents may have been removed or destroyed. They are eager to lay hands on them because they believe they will

shed light on claims by the defence lawyers that KwaMakutha was a renegade operation not sanctioned by the military hierarchy.

Buthelezi has responded to press reports about the new documents by dismissing them as ANC propaganda. "In their panic over the certainty of losing the elections in May, they [the ANC] have dressed up a pile of old stale stories as new news .. They want journalists to do their dirty work for them," said the Home Affairs Minister.

He did not, however, explain why a top-secret document written by a senior military officer had indicated he had advocated the continued use of hit squads in KwaZulu-Natal.

The collection of military papers was found in Van Niekerk's home in a wooden box fitted into the wall and made to look like an electrical circuit box.

Investigators were led to files by Van Niekerk after Defence Minister Joe Modise insisted that military intelligence collaborate with the Investigative Task Unit. They have not explained why Van Niekerk hid the papers or why he later handed them over.

The core of the state's case against Malan and the 19 other officers accused of conspiring to carry out the KwaMakutha massacre relies on the collection of documents. Yet none of the papers refer directly to the KwaMakutha killings, and inves-

tigators believe the missing documents will contain information that fills this vital gap

● One of the secret reports in the file handed to court contains intriguing details about how military intelligence responded to *The Weekly Mail's* original exposé of Inkatha's hit squad training at the hands of the military's special forces.

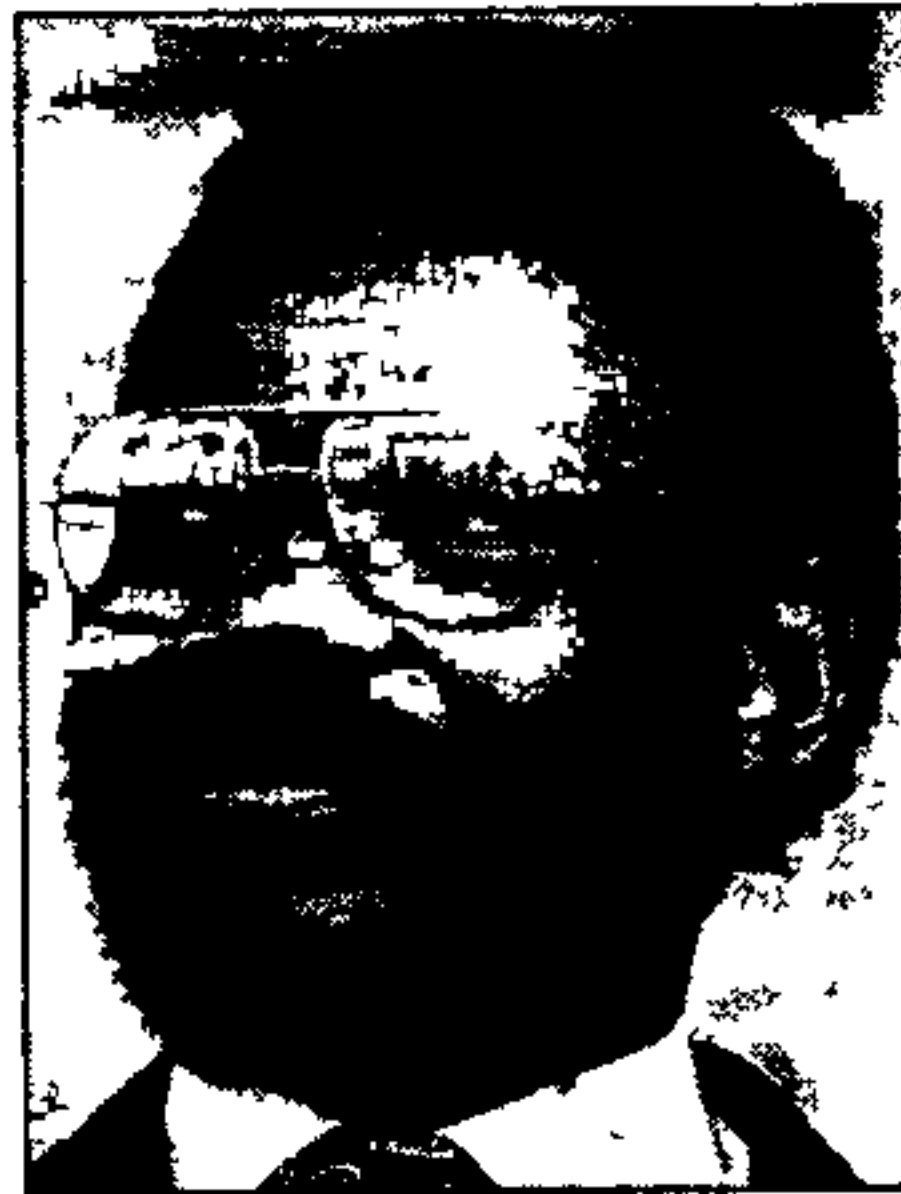
The report, drafted by Van Niekerk, says: "Chief Minister Buthelezi's image will be negatively affected if these reports gain more prominence" and goes on to suggest a programme of damage control

It goes on to say that the possibilities for damage control were limited because the first reaction of Buthelezi's officials and the public relations division of the military was to deny the validity of *The Weekly Mail's* report.

The report says Malan, then defence minister, was likely to face difficult questions in Parliament about the newspaper's exposé and, if this happened, it

would not be wise to deny the military's involvement in training Inkatha.

"Training of Inkatha must be placed in the right perspective ... it was designed to protect the chief minister and was not guerrilla training." Other documents in the collection appear to contradict this and show the Inkatha squads underwent a large amount of training in counter-insurgency and offensive guerrilla warfare.



Mangosuthu Buthelezi: How much did he know?

Koeberg: Awaiting a national strategy

ARG 27/4/96

(254)

■ The 10th anniversary of the Chernobyl disaster which shook the world has rekindled a long simmering row over the continued operation of South African only nuclear power station at Koeberg, writes Staff Reporter **ADELE BALETA**

TEN years ago on April 26 the worst nuclear power accident in history took place at the Chernobyl nuclear power plant in the Ukraine

A combination of design faults and bad operating practices resulted in a power surge causing an explosion in the reactor which led to large amounts of radiation being released into the atmosphere

Hundreds of people died from the rising incidence of thyroid cancer and radiation sickness in children in Belarus, in Ukraine and in Russia, which have been directly linked to the Chernobyl disaster

Plant and animal life as far away as Britain has been affected by the radiation

The grim anniversary of the catastrophe with its lethal short and long term effects has rekindled the long simmering row over the possible dangers of nuclear power in South Africa

Environmental and labour groups have demanded that South Africa's only nuclear power station at Koeberg be shut down before there is a meltdown

But, Eskom management said "Don't worry, we are confident that Koeberg is an asset to the people of South Africa and does not pose any kind of hazard"

They said an accident like the one at Chernobyl could never happen at Koeberg. They pointed out that the two plants were designed differently and operated with "different philosophies"

The electricity giant's management added that a plant such as Chernobyl would never have been licensed for operation in the Western world because "it relied on the competence of its operators to compensate for

Mr Kantey said food grown as far away as 2 000km might not be edible. Farm produce from anywhere in South Africa could be contaminated with radioactivity

"There is no such thing as engineered safety. The explosion of space shuttles in mid-flight is proof of that. In the real world there is a margin of safety, but there is no absolute safety. The issue is not engineering but the possibility of human error"

The campaign questioned the role of the Council for Nuclear Safety "which is supposed to regulate the nuclear industry, but they have not done a very good job until now"

Citing an example of their claim, the campaign stated that a major spillage had occurred at Radiation Hill (where nuclear waste is stored) near Pretoria

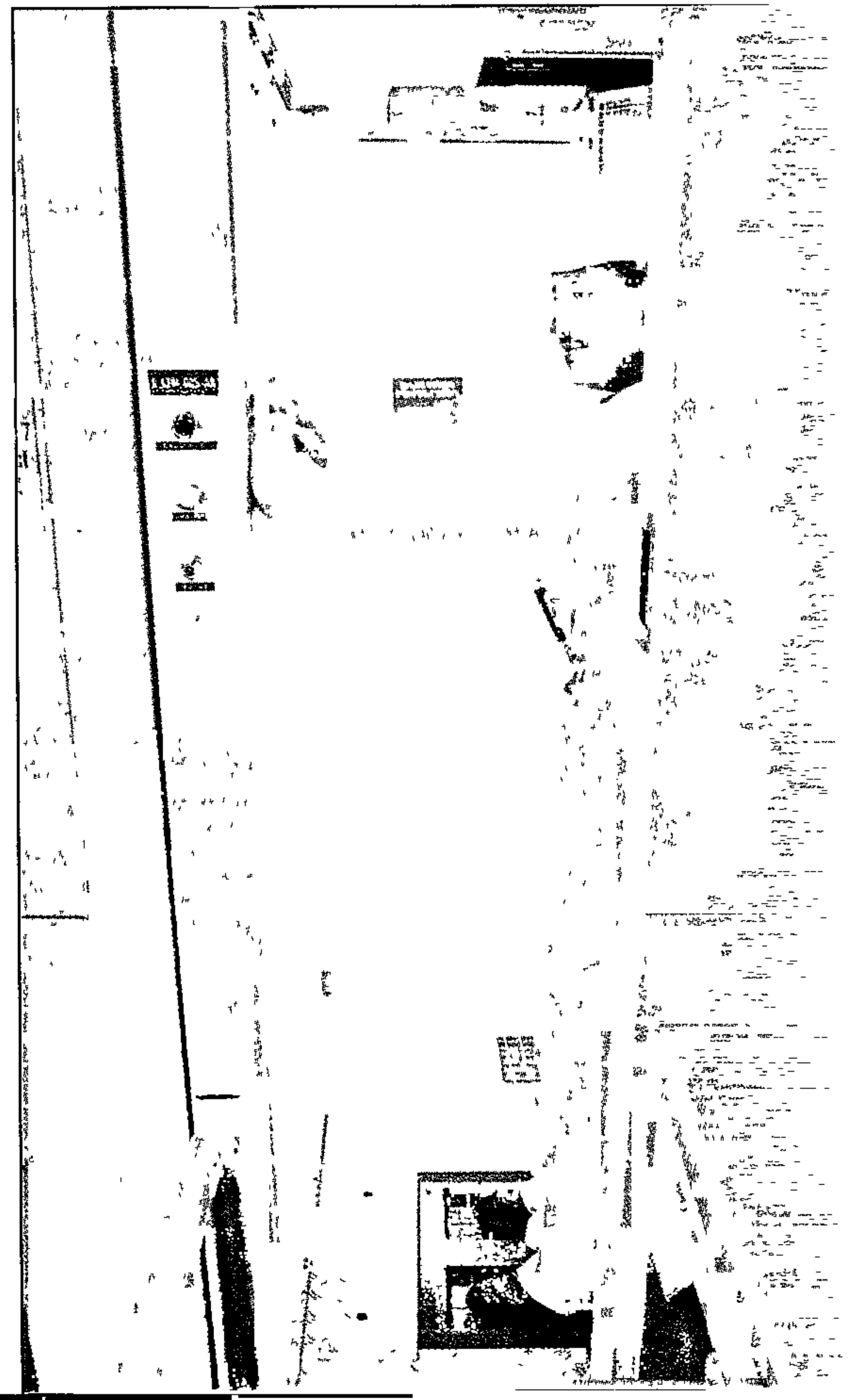
"It was only made public months after the event and the AEC has still not been brought to book for that"

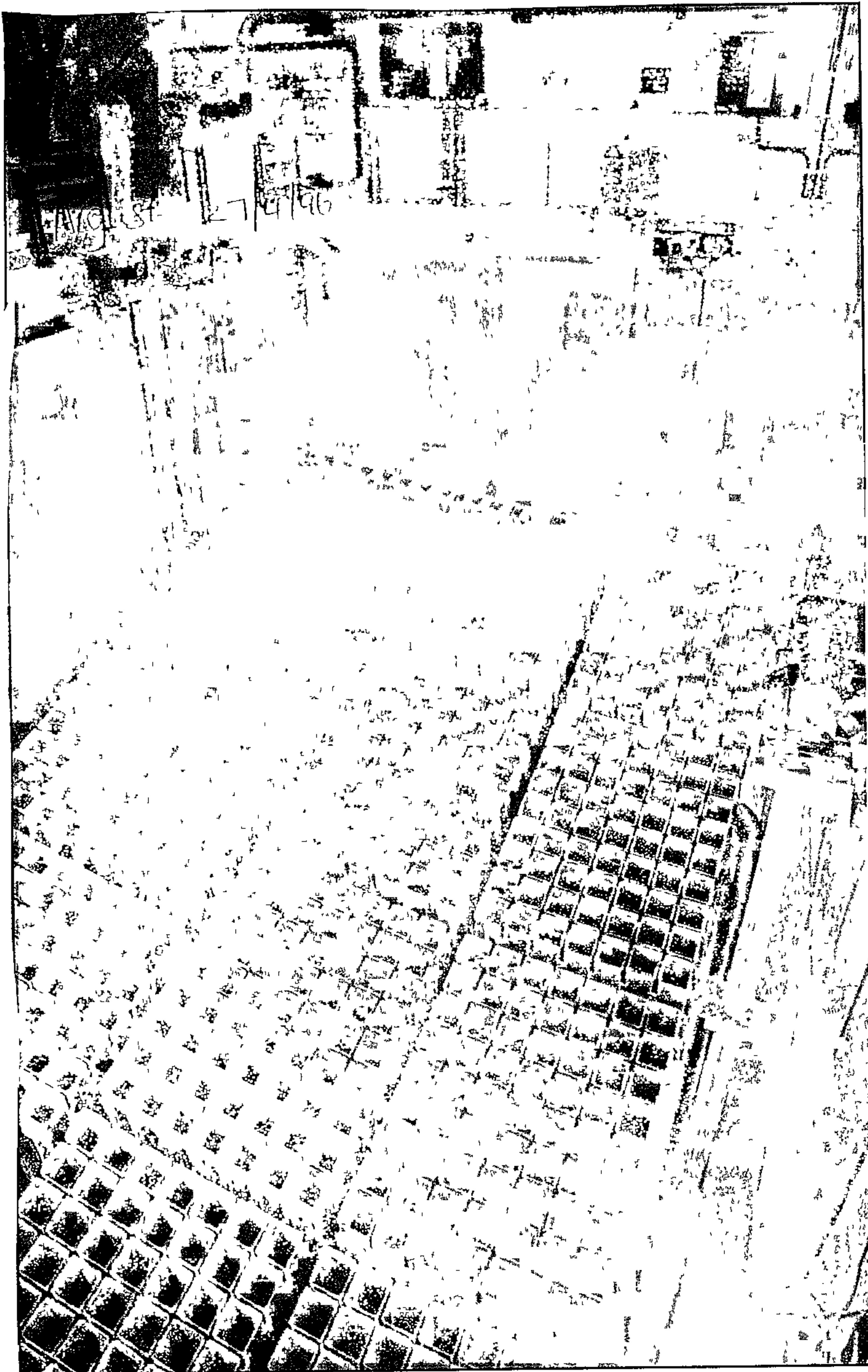
Another issue is the disposal of nuclear waste. There is no national strategy in place, but a proposal is expected at the end of the year

In the meantime Koeberg has bought four casks valued at R20 million for storage and transportation of nuclear waste. There are two spent nuclear-fuel pools at Koeberg. The pools have accumulated high-level nuclear waste. The power station was commissioned in 1984 and these two pools would be filled by the end of next year

Storage casks will remain empty and on site at Koeberg until a national strategy on nuclear waste disposal is in place

Storage of nuclear waste - which remains radioactive for 250 000 years and must be insulated against all dangers of leakage into the environment - is an on-going issue world-





Pictures ANDREW INGRAM, Staff Photographer

□ **POOL ROOM:** One of two spent-fuel pools containing high-level radioactive waste at Koeberg. As yet, no strategy is in place for disposing of waste, because no plants in the world have been decommissioned. No sound precedent has been set for nuclear waste-disposal.



NUKE COFFINS: Four German manufactured casks valued at R20 million and to be used for the storage and transportation of radio active waste arrive at the Koeberg Power Station. The two dome shaped nuclear reactors are visible in the background.

It said that it had passed several reviews by competent authorities to attest to its safety and reliability. "It has always passed with flying colours."

But, the South African anti-nuclear campaign comprising Earthlife Africa, Eco-Programme and the Workers Organisation for a Socialist Africa believe that Eskom's argument for continued operations at Koeberg are spurious.

The campaign agrees that there can be no comparison between the Russian and Western nuclear-power generating systems, but adds that the crucial point is that the reactors contain similar amounts of lethal radio active material.

Campaign spokesman Mike Kantley said "A different set of circumstances can lead to a different set of accidents with equally devastating effects. The risks at Koeberg may be small, but the consequences are the issue.

"If one extrapolated from the Chernobyl incident it could mean the evacuation of between two-and-a-half million and three-million people from the greater Cape Town area for anything up to 30 years."

monitored regularly. The area is ideal as there is no ground water and its seismically safe."

The anti-nuclear campaign has lashed out at Koeberg saying its expensive and yet it contributes only six percent of South Africa's electricity which has an overcapacity of between 20 and 30 percent.

They argue that cheaper and safer ways of producing energy – solar, wind and wave energy – should be investigated. They add that coal-fired power stations and gas stations are good alternatives.

But, Eskom management flatly deny these arguments. They say that the costs of running coal-fired stations are rising adding that coal reserves are running out.

The cost of gas was four times the cost of coal, they said.

They also argued it would be too expensive (more than R2billion) to decommission the plant.

The plant's lifespan ends in the year 2015 and Eskom believed with increases in demand for electricity the continuation of Koeberg until then was critical.

The anti-nuclear campaigners want Koeberg mothballed immediately.

'Let safety be your shadow, it's always with you'

■ Ten years ago saw the Chernobyl nuclear power station disaster. This week **ADELE BALETA**, Staff Reporter, visited the Koeberg nuclear power station on Cape Town's doorstep to find out if a similar disaster could happen here.

ONE of the prominent warnings marking the way to Koeberg nuclear power station once you make it past the first of many security checks is "Let safety be your shadow, it's always with you"

Blesbok graze peacefully on the rolling lawns, birds flutter by and a jogger negotiates an uphill slope in the foreground to Unit 1 and Unit 2 – the two nuclear reactors at the plant

The magnificent backdrop of Table Mountain about 30 km away is a reminder of the approximately three million people in Greater Cape Town who live in Koeberg's shadow How safe are they in the event of a nuclear accident?

On the eve of the 10th anniversary of the Chernobyl catastrophe The SATURDAY Argus went to South Africa's only nuclear power station to find out.

The nuclear reactors – housed in huge domed cement structures – were out of bounds as they were in operation, busily splitting uranium nuclei and releasing energy harnessed and converted to electricity. What was required to gain entry into this

maze of impressive engineering was an ID book and the patience of Job as you are made to swipe your security card through security slots at the entrance of every door Then you also have to cope with several body searches

Our party made its way through the turbine hall and then onto the changerooms where we donned overalls, over-boots and hard-hats in preparation for the visit to the controlled zone where there is some radiation After clipping radio-activity monitors onto our overalls we were reminded of why a forwarding address of the visitor was required

"We do an immediate check on radio-activity levels and another check later and we need to know where to contact people if necessary"

Our destination is one of the 24-metre spent-fuel pools containing deadly radioactive fuel waste collected since Koeberg was commissioned 12 years ago

The circuitous route was marked with several safety-precaution reminders

Several areas – marked "hot spots" on the piping encircling the outside wall of the reactor – contained high levels of radioactive material

The pool room which is 20 metres above ground level is monitored by the Vienna-based nuclear industry watchdog the International Atomic Energy Agency via cameras stationed at two corners inside the room

Manager of Radiation Protection Mark

Argus 27/4/06
Mahee says pictures are taken at random intervals which enables the agency to check that fuel is not removed with the intention of making nuclear weapons

If there is a radioactive leak in the pool the filtration system removes the radio activity This applied to every system in the plant, he said For every possible accident there was a plan, he assured

Gazing into the purple-tinged water with its uniformly stacked racks containing the lethal radioactive waste is an unnerving experience

As we leave the pool area, our over-boots are removed We return to the control room exit where we have to undergo a rigorous test SATURDAY Argus photographer Andrew Ingram enters the radioactive test cubicle and triggers off the alarms Bells ring as the system indicates radioactivity on the heel of his boot He is led into a room and tested with another instrument The needle swings violently to the end of the scale

Andrew reconciles himself to giving up his boot and the radioactive dust particle is removed by scrubbing the boot with soap and water This was after an attempt to remove the offensive particle with masking tape proved unsuccessful He got his boot back

The control rooms form the core of the plant, one control room for each reactor

The reactors can be shut down from any of these rooms, monitored by inspectors from the SA Council for Nuclear Safety There are at least seven council inspectors

on site daily There is also a medical centre and fire-fighting centre

The nerve centre for emergency operations is one level underground, less than a kilometre away from the reactors and other buildings

It's from this room that emergency operations would be handled, says the Emergency Planning co-ordinator Louis Koen

There are several hotlines on the desk – some of which can access a conference of four people at once

There are hotlines to the Cape Metropolitan Council and the SABC

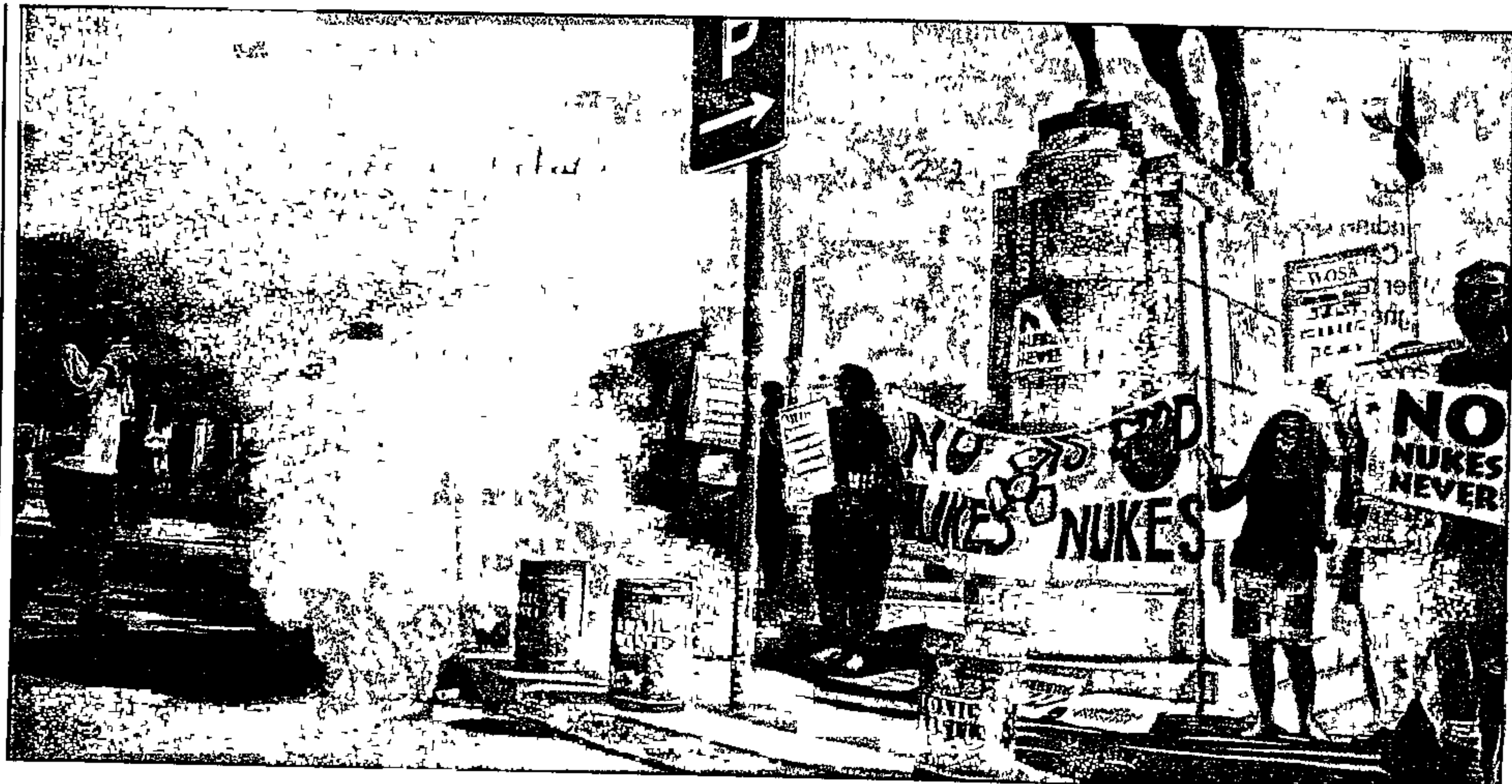
In a general emergency – such as an accident with a radioactive plume over Koeberg, stretching as far as Atlantis – all emergency staff are mobilised and in place within 30 minutes

Koeberg is linked to civil protection units that can operate within a 16km radius of Koeberg The emergency staff would organise an evacuation and if one lived within 5km of the station a warning would be issued immediately As a precautionary measure people would be asked to stay indoors In the case of squatters they would be evacuated

Mr Koen said it was unlikely that areas up to 16 km away would be affected by a release of radioactive material which in any event would travel downwind

A fixed public address siren system – which was routinely tested – would be used as well as public address units fitted to official vehicles of the Western Cape Regional Services Council

Business is thriving in Cape Town's biggest marketplace - the Weekend Argus Classifieds



ALL FIRED UP: Demonstrators release a flare outside parliament in protest against the continued operation of the Koeberg Nuclear Power Station. Picture: DOUG PITHEY Staff Photographer

'Hiroshima, Nagasaki, Chernobyl and Cape Town?'

ADELE BALETA
Staff Reporter

ON THE 10th anniversary of the Chernobyl disaster, a group of about 50 placard bearing protesters have gathered outside Parliament to demand the immediate shut down of Koeberg nuclear power station. The Anti Nuclear Campaign gathered yesterday to commemorate the Chernobyl disaster and to protest against the continued existence of the nuclear industry in South Africa.

Police arrived at the scene and asked whether permission had been granted for the protest.

A spokesperson for the group, Liz Linsell, said the campaign - backed by Earthlife Africa, Eco Programme and the Workers Organisation for Socialist Action - had not asked for permission, but believed it was their democratic right to protest.

Protesters lit a flare, which produced a bright orange plume of smoke, to jolt memories of the deadly radio-active cloud that spewed from Chernobyl.

Some of the protesters covered themselves in red paint to represent radioactive contamination.

Fake toxic waste barrels and posters reading "No Nukes Never", "No Nukes is Good Nukes" and "Hiroshima, Nagasaki, Chernobyl, Cape Town?", were among other props used to drive the anti-nuke message home.

The explosion at the Ukrainian power plant in 1986 has been described as one of the worst catastrophes in history. At least 32 people were killed at the site, but thousands more are thought to be suffering from the effects of radiation exposure.

According to reports by the United Nations and the Ukrainian government, birth defects have doubled in parts of the Ukraine where Chernobyl's nuclear fire dumped most of its radioactive poison. Miscarriages, cancers and heart disease have risen sharply. The campaign claims South Africa's nuclear ener-



RED FACED: A protester with a painted face, meant to symbolise radioactive contamination, tries to raise awareness of the consequences of a nuclear accident.

gy continues to receive the lion's share of scarce resources last year 70 percent of the Department of Energy and Mineral Affairs' total budget went to nuclear energy and this year it was still 56 percent (nearly R500 million in 1996/97 budget). "This situation is ridiculous, considering that Koeberg produces only five percent of Eskom's electricity."

The Cape Town protesters said awareness of the dangers of nuclear power was minimal. They said this was the result of misinformation and a lack of transparency by the Atomic Energy Corporation.

Koeberg awaits national strategy - Page 23

The high price of justice

(254) M+C 29/3-3/4/96

Millions of rands of taxpayers money is being used to defend apartheid's generals **Anne Eveleth** has been counting those costs and identifying the legal teams in the dramatic 'Malan' trial

OPENING the Durban Supreme Court trial of former defence minister Magnus Malan and 19 others earlier this month, KwaZulu-Natal Attorney General Tim McNally declared that "justice is a priceless commodity"

While the value of justice may be "too great to be measured" the price of reconciliation is far more tangible — and rising, with the South African taxpayer footing the bill. So far the defence of 19 accused by at least 18 lawyers — many of whom cut their legal teeth in the service of apartheid — has cost the state at least R1 8-million in 12 court days to date with final costs due to be at least R7-million if the case ends in three months.

Of the 20 accused, only Inkatha Freedom Party deputy secretary general Zakhele "MZ" Khumalo appears to have secured his own funds to pay Advocate Jeff Hewitt, SC, former Durban Regional Court prosecutor Mike Lasich and IFP attorney Patrick Falconer. This leaves the state holding the bag for six of the seven high-powered legal teams — and the accused are getting the best defence their former employers could provide.

Former Transvaal Attorney General Klaus Von Lieres rose to the challenge of defending the six alleged Inkatha Freedom Party hit-squad members among the accused despite having retired on grounds of ill-health last year. The Legal Aid Board is paying his fees as well as those of instructing attorney IFP MP Koos van der Merwe.

The Ministry of Defence also left no stone unturned in its pursuit of the optimal defence teams for Malan and 11 other Defence Force accused, deciding to use four separate teams in consideration of "potential clashes of interest" among the accused. A Defence Force spokesperson said Sam Maritz SC — described by colleagues as "one of the best advocates in the country" — and his second Piet de Jager are known for their defence of police generals in the Harms Commission while De Jager more recently represented the SADF in the



Costly team Some of the top lawyers who are costing the state a fortune in fees (left to right above) Johann Engelbrecht, Sam Maritz, Mike Maritz and Klaus von Lieres. At right is Jeff Hewitt whose fees are paid by IFP accused MZ Khumalo

Kumleben Commission of inquiry into ivory and rhino horn smuggling.

Together with Pretoria state attorney Abraham Trumple, they represent Malan, Colonel Jan van der Merwe and Major-General Neels van Tonder.

Mike Maritz, SC, who, together with Jaap Cilliers and attorney Chris Naude represents Brigadier John More and Colonel Adrian Victor; is reputed to be "even more accomplished" than his namesake, having an established practice in various branches of law, including civil law through which he has represented Armscor General Jannie Geldenhuys, Vice-Admiral Dries Putter and General Kat Liebenberg are represented by reputed right-

wing Pretoria advocate Henrie de Vos SC, Etienne Coetzee and attorney Percy Rudman.

Brigadier Cor van Niekerk, Lieutenant-Colonel Dan Griesel and Lieutenant-Colonel Jakes Jacobs are represented by Johan Englebrecht, SC, known for his defence of

right-wing mass-murderer Barend Strydom. Englebrecht is assisted by Tokki van Zyl and attorney Adolf Malan.

While the constitutional right to a fair trial is widely accepted as a fundamental democratic right, some legal organisations have criticised the "elite" nature of the defence afforded the accused. Durban Legal Resources Centre lawyer Ranjit Purshotam said it appeared the government had "drawn a distinction by defending high-powered accused with high-powered

lawyers while rank-and-file accused get low-powered legal representation.

"In normal *pro deo* or legal aid cases, the accused don't get to choose their legal representation, and they don't usually get senior silk."

The Legal Aid Board — which confirmed this week it has already paid R87 472 in pre-trial legal fees and expenses to Von Lieres and Van der Merwe for their defence of the six Caprivi-trained accused — defended its decision. Peter Brits, a spokesperson for the board, said Legal Aid did not "concern itself with the profile of the case, but rather with how legally difficult the case is".

Brits said Legal Aid pays Von Lieres R6 750 each day he appears in court, while Van der Merwe gets R4 050. The combined fees for approximately 12 court days this month amount to R129 600.

The board also pays hourly rates of R300 to Von Lieres, R200 to Dorling and R180 to Van der Merwe for consultation and preparation outside of court. While in Durban the legal team stays at the Durban Club, which Brits said falls within the R300 daily accommodation costs allowed for each lawyer, amounting to about R10 800 for 12 days of accommodation.

Brits said the team's fees were determined according to a "sliding tariff" accounting for the complexity of the matter, the anticipated duration of the trial, the number of accused, and the experience of the legal practitioner.

The Malan trial was considered "very complex" was expected to continue in excess of 25 days. Von Lieres was defending six accused and was senior



counsel with more than 10 years experience, all of which accounted for the higher tariff, while the fact that McNally had decided to prosecute affected the decision to employ Von Lieres, said Brits.

Purshotam disagreed. "The Malan case is a simple case of murder and killing. If public funds are used, the criteria should be the severity of the crime, not the status of the accused."

The four legal teams representing Malan and the other Defence Force accused are also substantial, each comprising a senior advocate at R6 000 per court day, junior advocate at R3 200 to R4 000, and an attorney at approximately R3 600, a South African National Defence Force spokesperson said. The past 12 days in court would have cost the defence force a minimum of R613 800.

The lawyers also receive between R600 and R320 per hour each in consultation and preparation fees, depending on their legal ranking, with a single hour of consultation for all four

teams costing at least R5 120. Although the SANDF did not provide current totals, such fees already paid to Von Lieres' team by legal aid suggest more than 100 hours of consultation and preparation. A similar amount for the SANDF teams would cost about R512 000.

The SANDF also pays a R250 daily subsistence allowance to each lawyer amounting to at least R36 000 so far, while "the accused are being accommodated in a National Defence Force facility near Durban and are entitled to have certain travel and accommodation costs refunded by the state," the defence spokesperson said.

A further legal team is employed by the South African Police Services to defend former security policeman Colonel Louis Botha. Advocate Anton Killan of SAPS Legal Services said the legal costs for the team amounted to R290 202 by the end of February. Kobus Booyens, SC, and junior counsel Johan Wessels received R5 000 and R3 000 per day, respectively, for pre-trial work, while instructing attorney Leon Venter was employed by the Port Elizabeth state attorney.

Booyens — known in Durban for his defence last year of Inkatha's self-confessed hit-squad killers Romeo Mbambo, Geina Mkhize and Israel Hlongwane on whose behalf he argued in mitigation that the three had acted on the orders of high-ranking IFP and KwaZulu Police officials — will also receive R80 000 for each month spent in court defending Botha, while Wessels will receive R50 000.

The state is also footing the R5 000 monthly rent bill for a flat in Durban accommodating the three lawyers, as well as air travel costs for Wessels between Durban and Port Elizabeth. Botha is staying with relatives while in Durban, said Killan.

Arms deals to remain undisclosed

(254)

Marion Edmunds

TWO of the Cameron Commission's key recommendations to lift the veil of secrecy on South Africa's arms export industry failed to find support in Cabinet.

Water Affairs Minister Kader Asmal — who heads the Cabinet committee scrutinising arms trade policy and arms export applications — had already rejected elements of the the Cameron Commission's proposals in Parliament by the time the report was officially released and presented to the media.

Asmal had told a Parliamentary Defence Committee his Cabinet committee — the National Conventional Arms Control Committee (NCACC) — disagreed with the report's proposal that parliamentarians be given the power to review and veto arms sales.

Asmal said he did not think it necessary for Parliament to have this oversight capacity, because the public should trust "the intuition of the 13 cabinet ministers on the NCACC".

Cameron Commissioner Laurie Nathan believes parliamentary oversight of arms exports is essential as "an independent evaluation and it is probably the most effective way of safe-guarding human rights and international security concerns".

Asmal has also rejected the commission's proposal to classify countries according to their status as potential customers: those to whom arms should not be sold, those to whom arms could be sold and those where the situation is unclear.

Asmal has said that to publish such a list would be to create diplomatic tensions.

The head of the Institute for Defence Policy, Jakkie Cilliers, supports the commission in this instance.

He believes processing arms export permit applications cases by case, as the NCACC is doing, will inevitably lead to inconsistency in decision-making. "This approach becomes a logistical nightmare and creates a logjam in the processing of applications for marketing and export permits."

Cilliers believes there are some excellent recommendations in the Cameron Commission but his chief criticism is that the report is written from an ideological position

"It was written . . . to restrict the sale of weapons." he says. "If the commission's recommendation were implemented in their entirety, they would ultimately shut down the defence industry."

New insignia for defence force

CT 30/4/96 (254)

STAFF WRITER

THEY SHOULD wear the new
insignia that will be a symbol
of 20th-century defence. Colonel
Honourable Colonel [unclear]
said the new insignia will help to
strengthen the unity of the
defence force and replace it with
the new insignia.

The [unclear] protecting the
new insignia [unclear] a
[unclear] of integration and unity.

and [unclear] General [unclear] in
[unclear] other [unclear] [unclear]
[unclear] [unclear] Command.

He said the new insignia
could be worn with pride and
integrity during the transition
process to build a
national defence force that
will represent the [unclear]
of the [unclear] people.

The old insignia will be dis-
played in the military [unclear]
and [unclear] of the S.A. Air Force
and the S.A. Medical Service.

PUBLIC SECTOR - GOVT. - DEFENCE

1996

MAY - JULY

Liebenberg report under the spotlight again

DURBAN: A top-secret military report that allegedly recommended military assistance to Inkatha in the 1980s came under the spotlight again yesterday in the murder trial of former defence minister General Magnus Malan and 19 others.

The report, co-authored by former army chief General Kat Liebenberg, allegedly led to the formation of an Inkatha paramilitary unit.

Some of the unit are alleged to have carried out a 1987 massacre at the KwaMakutha home of United

Democratic Front activist Mr Victor Ntuli in which 13 people died.

Malan and his co-accused have pleaded not guilty.

The report details assistance that was recommended to Inkatha, including an "offensive element".

Under cross-examination yesterday, SA National Defence Force counter-intelligence chief Brigadier Willem van Deventer said "offensive element" might imply a force to carry out attacks.

Defence teams have suggested the report contains no direct reference to hit-squad activity.

Liebenberg, whose ill health has led to two court adjournments, appeared before the Goldstone commission in August 1992 in connection with alleged hit-squad activity. The report was not submitted as evidence at the time.

State witness Superintendent Christopher Maron, a member of the police unit that investigated the killings linked to the accused, also testified yesterday.

Earlier in the trial former Military Intelligence officer Mr Andre Cloete who subsequently turned state witness, told the court he had

been pressured into turning state witness because he believed failure to co-operate with police investigators might lead to his arrest.

Investigators had put words in his mouth regarding the circumstances of the KwaMakutha massacre, Cloete said.

Maron denied these claims in court yesterday, adding that he had merely "guided Cloete" in accordance with a statement obtained earlier from another state witness.

The trial resumes tomorrow — Sapa

ET 1/5/96
(254)

Dogs of war 'illegal in new Constitution'

CT 2/5/96 (254)

BARRY STREEK
POLITICAL WRITER

THE recruitment of mercenaries, or the formation of mercenary armies in South Africa, is likely to be illegal after the new constitution comes into force

This will almost certainly bring the activities of the Pretoria-based company Executive Outcomes under parliamentary scrutiny.

Executive Outcomes has supplied South African mercenaries to Angola, Sierra Leone and elsewhere

It would also make it illegal for South Africans to be involved in activities such as Bob Denard's mercenary activities in the Comores

The constitutional committee has already accepted the draft chapter on security services which lays down that there should only be one lawful military force in South Africa

One of the negotiators involved in the drafting of the chapter, ANC MP Dr Ian Phillips said yesterday that making "private armies, rambo militia and rogue secu-

urity services" illegal would give greater security to the people as a whole.

"It recognises one lawful military force in the country, a single police service structured to ensure effective, efficient and community-based policing, and only permits other formations under framework legislation"

Phillips said the draft constitution did not specifically ban mercenary activity, but its provisions would clearly prevent any mercenary activity in the country

The draft says that apart from the security forces established in terms of the constitution, "armed organisations or services may be established only in terms of national legislation"

This would not preclude the establishment of a municipal or metropolitan law enforcement agency, although the powers of these agencies had to be regulated by national legislation

Phillips said these provisions meant mercenary activity could only be legal if national legislation was adopted permitting it and he believed this was extremely unlikely

Ministers named in Malan murder trial

M+G 3-9/5/96

(254)

State Security Council secret documents link current Cabinet ministers to cross-border violence in Lesotho in the Eighties. **Eddie Koch** reports

SECRET documents handed in at the Malan trial last week link two current Cabinet ministers to violent raids into Lesotho in the 1980s

Minutes of the State Security Council (SSC) show Minister of Mineral and Energy Affairs Pik Botha was authorised — along with three other ministers in the National Party government — to use force as a way of making Lesotho stop its support for African National Congress guerrillas

Deputy President FW de Klerk was present at the same SSC meeting. The minutes, dated December 20 1985, say Botha — then Pretoria's foreign affairs minister — reported to the council that the government of Chief Leabua Jonathan in Lesotho had been warned to stop support for the ANC and that the council then authorised use of "violence across the border"

That week, nine people were killed when two homes in Maseru were attacked in commando-type raids

Six were said to be ANC members and the other three citizens of Lesotho

The South African Police and South African Defence Force denied being responsible at the time, while the Lesotho National Liberation Army (LNLA) issued a statement saying its guerrillas had carried out the attacks

The top-secret SSC documents were made available after being handed to court in the Magnus Malan murder trial last week

Earlier evidence in the Malan trial shows that the military's special forces ran a base in the foothills of the Drakensberg near the Lesotho border, where dissident forces from the

LNLA were trained and armed

Johan Opperman, a Military Intelligence officer who provided the state's main evidence against Malan and his co-accused, told the court that AK-47 assault rifles used by an Inkatha hit team to carry out the 1987 Kwa-Makutha massacre had been obtained from this base at Ferntree in Natal

Three weeks after the December 20 raid, the South African government imposed a blockade on all goods from this country entering the mountain kingdom and Jonathan was deposed in a coup led by officers in the Lesotho army, but widely believed at the time to have been orchestrated by Pretoria

Botha's wife died this week, thus

he was not available to answer questions about whether the Lesotho raid and coup — that placed military strongman general Justin Lekhanya in power — was linked to the security council's decision

The documents show that after receiving the report from Botha, the security council agreed that pressure on the Lesotho government to end support for ANC guerrillas had to be stepped up as part of a general programme to contain Umkhonto we Sizwe insurgent operations

Although the SSC's documents rarely mention the use of violence as an instrument in the government's "total strategy" to counter resistance against apartheid, this set of minutes says explicitly members of the council agreed that "*geweld oor die grens* [use of violence or force across the border]" should be used to discipline the Lesotho government

Rare glimpse into security council

Eddie Koch

A NEW batch of secret documents handed to court in the Malan murder trial last week, provide a rare glimpse into the workings of the State Security Council (SSC) set up to co-ordinate the National Party's "total strategy" against insurrection in the 1980s.

Apart from the light they shed on the military's links with Inkatha, the documents provide details about some of the measures used by the "securocrat" government to defend the apartheid state.

The papers show at least two current Cabinet ministers who sat on the SSC, FW de Klerk and Pik Botha, were aware of the paramilitary operation at the centre of the Malan trial.

They also provide evidence that Military Intelligence had plans to extend Operation Marion, a clandestine programme to use Inkatha as a bastion against the African National Congress, into the other homelands at the time.

A set of SSC minutes, dated February 3 1996, shows De Klerk and Botha were present when Operation Marion was discussed. An appendix to these minutes indicate — under the heading *Paramilitary Element* —

that members of the council were instructed to ensure "support for Chief Minister Buthelezi ... is kept clandestine to protect his image. The highest level of security must be given to the support programme."

The same minutes, together with another document dated December 20 1985, give intriguing accounts of:

- How Botha planned a buy-out of Capital Radio, then broadcasting independent news from the Transkei

"Minister Botha reported the Transkei had been consulted about broadcasts from Capital Radio but, despite promises, the situation has not improved. It is being considered to buy out the radio station in order to bring the situation under control"

- Weapons sales to China. A section of the minutes — headed *Marketing and Export of Weapons to the Peoples Republic of China* — says Armscor had been told to work with the "greatest circumspection in this regard because the government had no official trade links with the communist country".

- Compulsory uniforms at white schools. An item with De Klerk's name attached, then minister of national education, calls attention to "efforts by undermining elements to create dissatisfaction with the authorities by using misconceptions about the



Implicated: Pik Botha (left) and FW de Klerk were 'aware of the paramilitary operation at the centre of the Malan trial'

PHOTO HENNER FRANKENFELD

unprocedural application of rules regarding compulsory school uniforms". It recommends that the National Intelligence Service investigate these activities and that the work of the End Conscription Campaign in white schools be "resisted".

- Plans to extend projects like Operation Marion to other homelands. An appendix to the minutes says: "it must be accepted that if the Republic of South Africa's special support for KwaZulu is successful, it will open the way for similar projects in other national states (including the Transkei, Bophutatswana, Venda and Ciskei)".

Defence teams in the trial this week

argued that the documents at no stage state that the "offensive" paramilitary unit provided to Inkatha would be used to attack ANC members.

However, Brigadier Willem van Deventer, head of counter-intelligence for the the military, told the court during his testimony that the word "offensive" would be used to mean attack.

A document in the collection, which summarises a meeting in 1989 between Inkatha leader Mangosuthu Buthelezi and Brigadier Cornelius van Niekerk, says: "The chief minister ... hinted that 'offensive actions were still a requirement, meaning the use of hit squads'."

The exact text says "The meeting approved that stronger action must be taken against Lesotho and that the following measures be taken, in stages of intensity as needed against Lesotho: diplomatic negotiations, closing of the border, repatriation of migrant workers, violence over the border"

A note in the margin delegates follow-up action to Botha, Magnus Malan, then minister of defence, Louis le Grange, then minister of law and order, and DJ Nel, then deputy information minister

In the middle of January 1986, South Africa sealed all its border posts with Lesotho causing serious economic hardship in the country. Media reports at the time speculated that "behind South Africa's contentious 'blockade' of Lesotho lies Pretoria's unshakeable belief that the mountain kingdom has become the ANC's main operations base against South Africa."

Days later, Jonathan was toppled and replaced by Lekhanya and it was reported that Botha's ministry brokered a deal with the new government to lift the blockade in return for all ANC activists being detained and deported

The new government then chartered an Air Zimbabwe aircraft and flew from Maseru to Lusaka with 60 ANC activists on board. Another two groups of ANC members were deported from Lesotho to Zambia soon after

General implicated in indemnity bid

(254) ARG 4/5/96

DURBAN - The handwriting of former defence force chief Jannie Geldenhuys appears on a top-secret document requesting indemnity for senior SADF officers linked to the military training of Inkatha members, the Supreme Court here has heard

The SADF document was one of several submitted on the last day of the State's case against former defence minister Magnus Malan, General Geldenhuys and 18 others

General Geldenhuys' notes, which appear on the document addressed to General Malan, refer to an informal meeting between himself and General Malan in 1988 when they allegedly discussed the document's contents

General Malan, General Geldenhuys and the other 18 accused have pleaded not guilty to charges of murder, attempted murder and conspiracy to commit murder arising from the 1987 KwaMakutha massacre of 13 people, which was allegedly carried out by a SADF-trained, State-sanctioned Inkatha hit squad

The SADF document refers to the military's concerns regarding possible criminal prosecution arising from the Inkatha training operation, dubbed Operation Marion

"Offensive actions are part of Operation Marion's task," the document says

"The assurance is therefore desired that these officers enjoy protection in terms of Article 103 of the Defence Act in case they are charged

■ Incriminating, top-secret SADF documents were presented on the last day of the State's case in the "Trial of the Generals"

while conducting Operation Marion

"There are continuous attempts to build in cut-off-points to protect those involved and to train the groups so that they can eventually operate independently without army help," the document says

Counsel for the accused have denied that senior military officers were involved in criminal activities related to the training of Inkatha members. They have suggested that the KwaMakutha massacre was planned by a "rogue" Military Intelligence officer, Johan Opperman, who indulged in a "lone murder frolic"

The State alleges that Inkatha members received military training at a secret island base in the Caprivi Strip in 1986 before being transported back to KwaZulu-Natal for "offensive" operations against the African National Congress and its allies

The documents also refer to a meeting between IFP deputy secretary general Zakhele "M Z" Khumalo, one of the accused, and Malan's staff officer

Earlier in the trial the court heard that Khumalo had travelled to Cape Town for the meeting to discuss the future of the Inkatha recruits, who had apparently become "restless"

According to the document, Khumalo request-

ed military assistance to acquire a permanent base camp for the recruits. However, military officers expressed concern about the meeting, claiming direct contact between Khumalo and senior officers could link the army to the Inkatha programme

"Mr Khumalo was under the wrong impression that Department of Military Intelligence personnel could help him at a departmental level to acquire ground for a base camp

"It has since been explained to him that these actions will link the army to the ground

"He (Khumalo) must carry out the acquisition through KwaZulu channels," the document says

The submission of the documents yesterday followed lengthy negotiations between the State and defence teams, resulting in certain formal admissions regarding the content of the documents

Prosecutor Tim McNally told the court the admissions enabled him to close the State's case without having to call witnesses to testify about their authenticity

Shortly after midday Mr McNally formally concluded the State's case and Mr Justice Jan Hugo adjourned proceedings until May 14

Defence teams requested an adjournment of several days to consider whether or not to apply for the discharge of some of the accused on grounds of insufficient evidence

Defence counsel remained tight-lipped about who they would bring to testify and what evidence would be submitted

Barend 'signed sensitive document'

DURBAN - Former finance minister Barend du Plessis co-signed a top-secret document linked to the covert military training of Inkatha recruits in 1990, according to evidence submitted in the Durban Supreme Court

His signature appears with that of former defence minister Magnus Malan on a letter entitled "Special Defence Account, Approval of expenditure on sensitive defence activities"

Malan and 19 others, including several other former senior Defence Force officers, are on trial for murder, attempted murder and conspiracy to commit murder arising from the 1987 "hit-squad" massacre of 13 people at KwaMakutha outside Durban

Malan and his co-accused have pleaded not guilty to the charges

The "Special Defence Account" document, which was among several submitted in court yesterday, refers to plans to change the accounting procedure governing "sensitive defence activities"

It also includes a list of at least 45 "sensitive" defence operations also signed by Du Plessis

Military assistance to Inkatha, dubbed Operation Marion, is shown as number 41 on the list

The document describes the purpose of the operation as "To put Inkatha in a position to neutralise the onslaught from Umkonto we Siswe"

A total of R2,31 million was spent on the operation in the 1987/88 and 1988/89 financial years

A further R3,5 million was spent in the 1989/90 financial year and nearly R200 000 in the 1990/91 financial year, the document shows

The document also refers to two meetings involving then State President F W de Klerk, who was "informed about a broad spectrum of sensitive operations", the document says

In a written affidavit admitted as evidence Du Plessis said he recognised the format of both the document and the list of operation names

"While I cannot recall the detailed contents of either the original letter or the two pages of the annexure (list), I do remember the change in the procedure relating to the funding of pro-

jects from the Special Defence Account

"I recognise my handwriting and my signatures, but I cannot specifically recall whether my remarks and signatures in fact appeared on the original documents of which I have been given copies, or whether they appeared in those particular places on the original copies," Du Plessis said in his affidavit

He also denied knowledge of a project named Marion

"I cannot recall a description of it. However, if it did appear on any such document in the way it appears on these copies, I would have marked it with an asterisk," he said

Following the submission of the documents on Friday, KwaZulu-Natal Attorney-General Tim McNally closed the State's case and the trial was adjourned to May 14

Defence teams requested an adjournment of several days to consider whether or not to apply for the discharge of some of the accused on grounds of insufficient evidence

Defence counsel remained tight-lipped about who they would bring to testify and what evidence would be submitted - Sapa

'Army chief's script on secret document'

By **BOBBY JORDAN**

Durban - The handwriting of former SADF chief Jannie Geldenhuys appeared on a top-secret document requesting indemnity for senior officers linked to the military training of IFP members, the Durban Supreme Court heard yesterday.

The SADF document was among several submitted on the last day of the State's case against former defence minister Magnus Malan, Geldenhuys and 18 others.

Geldenhuys' notes on the document, addressed to Malan, referred to an informal meeting between himself and Malan in 1988 when they allegedly discussed the document's contents.

Malan, Geldenhuys and the other accused have pleaded not guilty to charges of murder, attempted murder and conspiracy to commit murder arising from the 1987 killing of 13 people in KwaMakutha, allegedly carried out by an SADF-trained, state-sanctioned IFP hit squad.

The document referred to concerns over prosecution arising from the training operation,

dubbed Operation Marion.

"Offensive actions are part of Operation Marion's task," the document said. "The assurance is therefore desired that these officers enjoy protection in terms of article 103 of the Defence Act in case they are charged while conducting Operation Marion. "There are continuous attempts to build in cut-off points to protect those involved and to train the groups so that they can eventually operate independently."

Counsel for the accused have denied that senior officers were involved in criminal activities related to training IFP members, suggesting the massacre was planned by military intelligence officer Johan Opperman.

The documents also refer to a meeting between IFP deputy secretary-general Zakhele Khumalo, one of the accused, and Malan's staff officer. The court heard earlier that Khumalo had travelled to Cape Town for a meeting to discuss the future of the IFP recruits.

According to the document, Khumalo requested military aid to acquire a permanent base for

the recruits. However, officers expressed concern about the meeting, saying direct contact between Khumalo and senior officers could link the army to the IFP programme.

"Mr Khumalo was under the impression military intelligence personnel could help him at a departmental level to acquire ground for a base camp. It has since been explained to him that these actions will immediately link the army to the ground. He must carry out the acquisition through KwaZulu channels," the document said.

The submission of documents yesterday followed lengthy negotiations between the State and defence teams, resulting in formal admissions on the content of the documents.

Prosecutor Tim McNally told the court the admissions had enabled him to close the State's case without having to call witnesses to testify on the authenticity of the documents.

Soon after midday, McNally concluded the State's case. Mr Justice Jan Hugo adjourned proceedings until May 14 - Sapa

(254)

Star 4/5/96

Secret memo links FW to Inkatha army

(254) (10) ST 5/5/96
By CRAIG DOONAN

DOCUMENTS presented in the trial of former Defence Minister Magnus Malan suggest former State President F W de Klerk may have approved funding for the Inkatha paramilitary force which allegedly carried out the Kwamakhutha massacre in 1987.

The prosecution has already produced documents which allege Mr de Klerk and former Minister of Foreign Affairs Pik Botha were present at a state security council meeting in 1986 when Operation Marion — the SA Defence Force's clandestine training of 200 Inkatha recruits in Caprivi and their subsequent deployment in Kwazulu Natal — was discussed.

But the latest document — a top secret letter from former Chief of the Defence Force Jannie Geldenhuys which was sent to General Malan in March 1990 — says Mr de Klerk had been briefed on a broad spectrum of sensitive projects and had approved their continuation.

In the letter, General Geldenhuys says "As you know, the present State President has been briefed on two occasions about a broad spectrum of sensitive projects and reacted as follows 'Approval in principle has been given for the running of stratcom projects the defence force must continue with the operations'".

Operation Marion is among at least 45 approved projects listed in an annexe to General Geldenhuys's letter, in which he asks General Malan to approve funds spent, or due to be spent on the secret operations. Operation Marion is listed as number 41 and R6,5-million had been spent or was due to be spent on it from 1987 until 1991.

The letter contains signatures of approval for the funds of both generals Geldenhuys and Malan as well as former Minister of Finance Barend du Plessis.

Operation Marion's aim is described in the annexure as "To put Inkatha in a po-

sition to neutralise the onslaught against it from Umkhonto weSizwe"

This evidence is regarded as vital in the state's case as the defence has argued that the project was set up to train bodyguards to protect Chief Mangosuthu Buthelezi and Inkatha VIPs — and not to kill members of the ANC and its allies, as the prosecution alleges.

Frik Schoombee, Mr de Klerk's spokesman, said the Deputy President was not prepared to react "piecemeal" to reports about the Malan trial, but was instead preparing a submission for the Truth and Reconciliation Commission.

"A comprehensive submission is being prepared and will be submitted as soon as it's finalised," he said.

The state has now closed its case in the Malan trial and although Chief Buthelezi's name has come up frequently in documents and in verbal testimony it appears there has not been enough direct evidence to link him to an offensive group of Caprivi trainees which was allegedly responsible for the Kwamakhutha massacre.

However, he and other witnesses may still be called by the defence.

Kwazulu Natal Attorney General Tim McNally, who led the state's case during six weeks of court sittings, said it had not been necessary to call further witnesses.

"Those witnesses who were regarded as necessary for the state's case have already given their evidence and it's important to maintain a focus in the leading of evidence. One doesn't just call witnesses for the sake of calling witnesses, one calls witnesses for the sake of proving a fact," Mr McNally said.

The trial resumes on May 14 when there may be an application for the discharge of some of the accused because of insufficient evidence.

The seven defence teams will then either close their cases or call the accused or other witnesses to the stand.

Arms committee proposes blacklist

Stephen Laufer

254
THE ministerial committee responsible for the control of SA's conventional weapons sales had recommended that at least 12 countries be blacklisted, committee chairman and Water Affairs Minister Kader Asmal said in Pretoria at the weekend.

Among states to be refused SA arms shipments was Libya, despite a recent visit there by Foreign Affairs Minister Alfred Nzo, who expressed support for Col Muammar Gaddafi's government.

Also blacklisted are Nigeria, which has been criticised internationally for its poor human rights record, and several states gripped by internal conflict

MD 6/5/96
including Sudan, Somalia, Yemen, Burundi, Liberia, Afghanistan, the former Yugoslav states, Armenia and Iraq. Zaire, which is suspected of supplying weapons to Unita forces in Angola, also appears on the list.

Asmal said his committee had considered 812 marketing permit applications containing 8 737 products since its inception in September last year. The 470 export permits to 58 destinations approved had a total value of R865m. Among the countries recently approved for SA arms sales were Israel and Algeria.

He said a conventional arms exports inspector-general would be appointed to audit all arms trade.

Landmines set to get the chop in SA defence force

254

ARG 6/5/96

The Argus Correspondent

PRETORIA - Anti-personnel landmines will no longer be used operationally by the SA National Defence Force

This was stated by the South African delegation to the first review conference of the 1980 Convention on Certain Conventional Weapons which ended in Switzerland on Friday

In a statement the delegation said the South African government, committed to the global elimination of anti-personnel land mines, had decided to unilaterally suspend the operational use of these mines by the SANDF

In addition the Defence Force will shortly report to the cabinet on the future military use of these weapons

The government had also decided to extend its moratorium on the export of landmines to cover all types of landmines

Also on the local arms front, the government has called for responsible action and restraint on arms transfers

Addressing delegates at the defence industry information session at the Kentron conference auditorium, Water Affairs and Forestry Minister Kader Asmal said that the government was committed to a policy of responsibility and restraint on arms transfers

Professor Asmal - who is also chairman of the National Conventional

Arms Control Committee (NCACC) - said effectively policed and restrained arms control practices would contribute to international peace and security, particularly to states of the sub-region and the continent

Restraint had to be pursued in a spirit of genuineness and determination as part of the government's responsibility towards the democratic dispensation in South Africa, he said

He said South Africa also wished to be a responsible and respectable producer, possessor and trader of advanced technologies in the field of armaments and related goods

After South Africa's appalling past record on arms sales, it was necessary to achieve a re-orientation of thinking among all who operated in this previously highly secret and now more open world

A responsible arms transfer policy was one in which the humanitarian, ethical, political, legal and strategic reasons for exercising restraint took precedence over the economic and commercial motivation, he said

Deputy Foreign Affairs Minister Aziz Pahad said it was incumbent on the government and society to ensure that actions on arms sales were responsible and above reproach

International arms transfers had not only become an accepted international phenomenon, but also a powerful instrument of foreign policy

Modise: Senior level change needed

254

MICHELLE LERNER
Staff Reporter

ARG 8/5/96



PICTURES ANDREW INGRAM, The Argus
FLYING THEIR COLOURS: Marching past the battalion, members of the South African Navy proudly display their new flag. The ceremonial flag, containing the new South African flag, was unfurled yesterday in an elaborate ceremony

1994 came from previously "non-statutory" areas, including Apla, Umkhonto we Sizwe, and former homeland forces

He decried "underfunding" of the defence force budget and the naval allocation portion. Parliament announced eight percent cutbacks this month, with less than 10 percent of the total earmarked for the navy

He reasserted his position that ships and submarines, earlier called "obsolete", must be replaced and updated, touching on the sensitive issue of whether the country should invest in four high-tech warships at a cost of R1,7 billion

This addresses an ongoing debate over the navy's role in the context of a new South Africa and the absence of a foreign threat

A defence review will start in Parliament later this month to hammer out the issues

Mr Modise said South Africa needed a strong naval force to deter would-be aggressors and protect shipping interests. He said the economy would "collapse" if seaborne trade was blockaded

He also suggested naval forces could be used in the future to support peace operations elsewhere in the world

The South African Navy has officially scrapped its old insignia on the ceremonial flag, and will now proudly display the colours of the "rainbow nation"

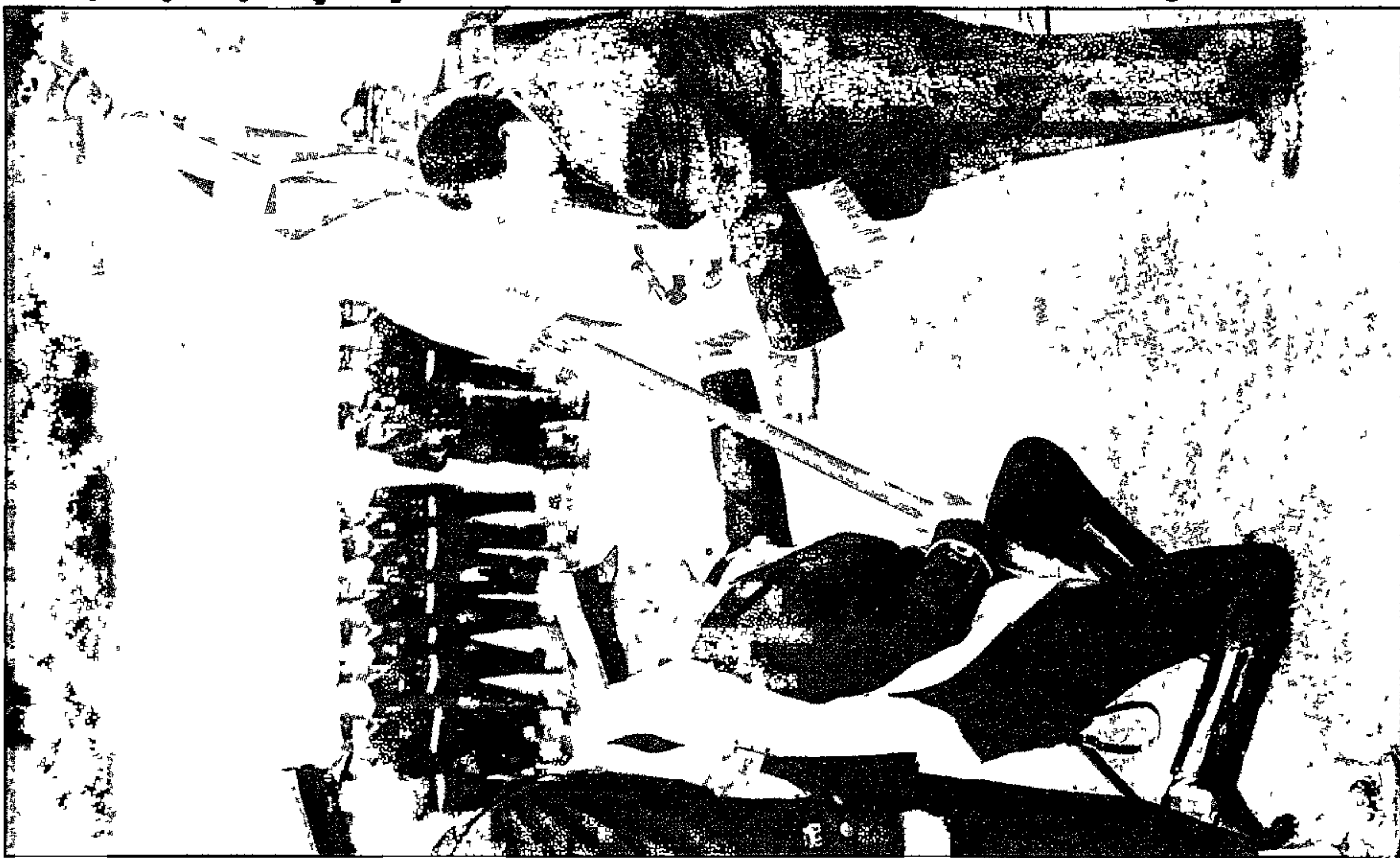
But while the move symbolically represents a dedication to change in the armed forces, says Minister of Defence Joe Modise, practical changes at senior levels of power have yet to take place

Mr Modise bemoaned the lack of racial integration among senior personnel, and said the navy would not be viewed as a credible force until it represented the true makeup of South African society

"Since 1965, the navy has proven that people of all races and backgrounds can live in harmony, even in the close confines of a ship," said Mr Modise, after accepting the gold-fringed flag amid much pomp and ceremony

"But this must occur not only at the junior ranks. Only when our armed forces broadly represent the population can they become a fully legitimate and acceptable force to our people"

Mr Modise revealed that 43 percent of new recruits since August



HANDOVER: A naval officer takes the flag in a symbolic gesture from Minister of Defence Ine Modise

The new SA Navy's 'rainbow recruits'

SAS Wingfield Naval Base in Cape Town has taken integration of the South African National Defence Force to heart, and has made huge strides towards overcoming the inevitable glitches in its path. But it still has a way to go, the new recruits say. Staff Reporter LINDSAY BARNES investigates.

ON THE outskirts of Goodwood lies SAS Wingfield, a logistic training base that along with the rest of the South African Navy, became somewhat multi-racial as many as 20 years ago. This experience helped ease the stressful period of integration of the former South African Defence Force, Umkhonto weSizwe, Apla and former homeland forces into the new South African National Defence Force, a process which began in April 1994 at Wingfield.

A primary source of the base's success is the determination of its leadership that the process go as smoothly as possible, and various innovative methods were employed to do just that.

The first intake of "rainbow recruits" to Wingfield was 70 to 80 strong, according to Gerry de Vries, Officer Commanding SAS Wingfield. This included women of all races, many of whom would be the first of their gender in their chosen fields.

As a way of breaking the ice, they and the existing apprentices and instructors were taken to Saldanha for a team-building exercise for a week in December 1994.

On recruitment, all naval personnel are sent to Saldanha for a stiff 12 to 13-week period of basic training before they are dispersed to other naval bases for their specific branch training. Those destined for the logistics sector are sent to Wingfield, the operations types to SAS Simonsberg in Simon's Town, and those destined to be officers, to Gordon's Bay.

During the ice-breaking week, they were split into their musterings with the more senior apprentices so they could gain a sense of unity, and competed against other teams in a range of activities.

One of the high points of the week was a variety concert or "sods opera", as it is referred to in the navy.

Each group had to come up with a skit in which the entire group could participate. The winning skit involved a white apprentice negotiating lobola for the hand of an Indian apprentice from a Zulu apprentice - about as "rainbow" representative as you can get.

According to the organiser of the event, lieutenant-commander Colin Ames, much was learned by everyone involved, including the general observation that white people cannot sing or dance. But when they returned to Wingfield, all former SADF members could toy-toy with the best of them.

Wingfield's leadership had anticipated certain problems with the sudden integration, such as language, resistance to change by the old guard, and cultural clashes, but none of these materialised.

"We handled the issues as if they were routine problems and concentrated on drawing the recruits into the navy culture," said Commander De Vries. As a culture reflects the nature of the business and people involved, the naval culture is expected to undergo some adaptations.

With English as the chosen medium of instruction, this year's 284 trainees embarked on their three-year apprenticeship, acquiring the skills needed

for sea-going artisans. The number of recruits has doubled in two years as part of the SA Navy's commitment to the national RDP programme.

The navy has a divisional management system peculiar to its seagoing function.

There is a distinct rank hierarchy through which requests, statements or complaints are channelled. But should a recruit not get satisfaction from a superior, he or she may bypass that person and direct the request to the next level.

A system of forums and collective bargaining channels has been introduced, through which several individuals with the same or similar problems can lodge their grievances with higher authorities - right up to the minister of defence if necessary.

This is an example of changing naval culture and an officer commanding cannot prevent such an issue from reaching higher authority.

Since its inception about a year ago, the collective bargaining system at Wingfield has been used twice with some success, according to Commander De Vries.

"Personnel in senior positions have been sensitised to racial incidents and cultural differences. The navy has issued guidelines here and enhanced tolerance is a primary objective. At Wingfield, experts were brought in to give the old guard lectures on the different cultures found in South Africa, while others volunteered to go on courses in black languages."

Another interesting exercise involved the welfare officer who gathered a group with a wide cross-section of races and cultures. While many listened and observed, she asked several seemingly innocent questions which each member of the group answered in turn, ranging from what toys they played with as children to what part music had played in the family.

The answers brought to light vast differences in backgrounds and opened everyone's eyes.

Warrant officer Mervyn Metcalfe, the mechanical training officer for Wingfield, said there had been some integration problems, mostly at an individual level, but that the overall success rate had been pleasing. This was echoed to some extent by a mixed group of recruits who gathered to discuss their integration.

Aspects of naval life still rankled them, such as the medals worn by former SADF members, which made some recruits feel as if they had simply been absorbed into an existing system.

Another cause of mixed feelings was the apparent erratic sequence of training they were getting from officers who used trial and error methods to determine what worked well in integration. Some recruits were not aware of the collective bargaining forums.

Attitudes of black inferiority still persisted among older ex-SADF recruits and this was a difficult thing to address but with education, was possible.

Said Commander De Vries: "For integration to work it must come from the heart and not from some misguided sense of duty."

Drastic cuts in Defence Force

HENRY LUDSKI
POLITICAL WRITER

THE SA National Defence Force is to be significantly scaled down as part of an effort by the government to shift its emphasis — and resources — into addressing socio-economic problems and Reconstruction and Development programmes.

A White Paper tabled in Parliament yesterday by Defence Minister Joe Modise outlined the government's plans to transform the SANDF into an all-volunteer force comprising a "relatively small regular force" supported by a significantly larger part-time force.

Modise said the absence of a foreseeable military threat provided "considerable space for rationalisation, redesign and right-sizing", which is expected to lead to large-scale retrenchment and demobilisation of SANDF personnel.

He said the SANDF had been "greatly

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inflated" by the integration of soldiers of the former liberation armies and homeland forces and this was "neither cost-effective nor appropriate to the security situation".

He added: "The greatest threats to the South African people are socio-economic problems like poverty, unemployment, poor education, the lack of housing and the absence of adequate social services, and the high level of crime and violence."

Modise said the challenge was to rationalise the SANDF and contain military spending without undermining the country's core defence capability.

The department of defence would ensure that the process of rationalisation did not discriminate against members of any of the former forces which now make up the SANDF.

The White Paper also includes comprehensive control measures on the import and export of arms!

Ban on landmine exports

MAG 10-16/5/96 (254)

Justin Pearce

GROWING anti-landmine sentiments in South Africa and abroad have prompted the Department of Foreign Affairs to announce a permanent ban on the export of the mines by South Africa, confirming a moratorium which has been in place for the past two years.

A suspension has also been placed on the use of mines by the South African National Defence Force (SANDF)

Foreign Affairs Deputy Director General Abdul Minty said the decision to suspend the use of mines had been initiated by Foreign Affairs, and the suspension will be in effect until it has been discussed in Cabinet.

The SANDF is to present a report to Cabinet on the strategic value of landmines to its operations, and on this basis Cabinet will decide whether to make the ban permanent.

What is definite, however, is South Africa will no longer export anti-personnel mines

South Africa has in the past manufactured and exported landmines, but manufacturers and the SANDF have kept tight-lipped about how many mines were made, where they were exported to, and when the manufacture ceased. The SANDF is known to have stockpiles of conventional mines, which it said last year would be replaced by "smart mines" which self-destruct after a set period of time

The South African decision came at the end of the United Nations review conference on the Convention on Conventional Weapons (CCW), which finished in Geneva last week. In the run-up to the conference which was intended to give additional muscle to the original CCW, South Africa had been criticised for not insisting the CCW be amended in a way which would oblige signatories to place an outright ban on the use, manufacture or transfer of mines in their national territories. Instead, South Africa went along with a position which allowed for conventional mines to be replaced by "smart mines".

The import and export ban adopted by South Africa applies to "smart mines" as well as conventional mines

At the conference, five more countries added their names to the list of states supporting a convention which would impose a complete ban on landmines, bringing to 34 the number of countries favouring this position. While the position held by South Africa remained the majority one at the conference, the drift of other states towards the total ban position put increasing pressure on South Africa to take a harder line.

At the conference, South Africa did not support the idea that the CCW should require signatories to ban landmines completely, on the grounds that this would dissuade other countries from supporting the ban

The International Campaign to Ban Landmines (ICBL) has described the UN protocol as "a shameful betrayal of the tens of thousands of innocent civilians who live in mine-affected regions and those of future generations who will fall victim to this inhuman weapon"

ICBL's concerns include the convention's endorsement of smart mines, and the fact that it only restricts devices which are "primarily" intended as anti-personnel mines



Denel makes a fortune on landmines

Sowetan 13/5/96 (254)
Company's advanced techniques has made it a world leader

By Abdul Milazi
Labour Reporter

LANDMINES, which have become a deadly plague threatening millions of citizens in war-ravaged countries, are turning into a lucrative business for South African arms manufacturer Denel.

Since 1991 Denel has secured contracts of more than R40 million for the clearing of landmines in Mozambique and Angola. The South African company is currently on the short list of five countries vying for a contract to clear minefields in Bosnia.

Manager of Denel's research and explosive detection arm Mechem, Dr Vernon Joynt, says there are about 110 million landmines buried in war-torn countries around the world. Angola and Mozambique have about 17 million mines between them.

Mechem's advanced anti-mine techniques and mine protected vehicles makes the company a world leader in mine clearing.

Mines cleared

To date Mechem has cleared 25 000 mines in Angola and 12 000 in Mozambique without a single personnel member being injured.

Joynt boasts that his company's unique detection system enables the detection and disarming of landmines to be conducted at less than half the cost of the conventional methods used by overseas companies.

"Our system also covers more ground in less time because it uses a concentrating device to collect explosive vapours and specially trained dogs to detect them," said Joynt.

He said the system, known as Mechem Explosive and Drug Detection System (MEDDS), was developed for explosives and drug detection at border posts and airports. It was successfully used by the South African government to stem the smuggling of weapons, bombs and mines during the liberation struggle.

Buried explosives

"It was realised that MEDDS could be adapted to detect buried explosives, because they give off vapour. The system works best in dense vegetation, as encountered in Angola and Mozambique, because plants absorb the explosives' vapour and the concentrator system picks them up," says Joynt.

He says the proposed moratorium on the manufacturing of landmines by the United Nations will not affect Denel, because the bulk of their sales were in mine-protected vehicles.

"South African landmines were only manufactured for domestic use because they were expensive and could not compete with the Chinese and Italian cheap ones," says Joynt.

Armoured vehicles, he says, have been Denel's specialty since the company invented the Hyena for the Rhodesian war in the

early 1960s.

They have since built the Casspir, Mamba and Buffel series' which are bestsellers on the international market.

Although armoured vehicle sales were doing well worldwide, says Joynt, the company hopes to make additional millions of rands if it wins de-mining contracts in the Horn of Africa in countries like Ethiopia, Sudan, and Somalia, which shares about a million landmines between them.

"The figures provided are only estimates, there are probably more. The problem is that there are official minefields and then there are landmines which were buried at random by guerilla armies and other individuals. These are not known," says Joynt.

He says during the First World War anti-tank and anti-personnel mines were used in minefields which were carefully documented by the armies involved.

"This orderly and formal methodology was shattered when, in more recent years, insurgents and guerilla groups acquired mines," he argues.

In countries that fell victim to the informality of modern warfare, there were very few formal minefields, he says. "Exceptions, such as anti-personnel minefields laid by electric power companies to protect their pylons, are rare."

Joynt says "So informal are the minefields, that in some cases they were laid by peasant farmers, who were given a bag of seeds and a box of mines and told how to protect their crops by having a minefield around them."

Competitive edge

"The biggest problem facing the rehabilitation of countries which have been ravaged by these wars is the removal or destruction of the numerous unrecorded minefields."

Mechem marketing manager Dick Walrond said the system's complete adaptability gave them a competitive edge over foreign companies that were still using the conventional radar or metal detector systems.

"The entire operation may be carried out within the Mechem system or portions of the system may be integrated to any prescribed level with manual and traditional methods."

"For example, Mechem have developed a low-cost pyrotechnic device which may be placed on or near a landmine to burn out explosive," says Walrond.

Walrond argues that the costs are a fraction of that of thermite grenades used in Explosive Ordnance Demolition (EOD) method.

With Mozambique targeted for major economic developments by the Southern African Development Community (SADC) and the planned hydro-electric scheme which would supply the whole of Southern Africa, Mechem is poised to make a special killing in the clearing of the deadly mines before development can take place.

AFFIRMATIVE ACTION DELAYED

Integration issues frustrate SANDF

CT 14/5/96 (254)

INTEGRATION PROBLEMS are said to be frustrating plans to streamline the SANDF through a major rationalisation and deployment that would slash expenditure in areas now considered low priority. **HENRY LUDSKI** writes.

THE SA National Defence Force is to be radically restructured in a new government defence strategy that will be debated in Parliament today

However, two years after the democratic election the SANDF continues to face serious problems — and dissension — over the integration of members of the former liberation armies into the security forces and the absence of a coherent affirmative action programme

Integration problems are said to be seriously frustrating plans to streamline the SANDF through a major rationalisation and deployment that would slash government expenditure in areas now considered a low priority

Deputy Defence Minister Ronnie Kasrils told a National Assembly Portfolio Committee on Defence yesterday that a mechanism to ensure that the defence force became representative of the South Africa population was long overdue

Outlining how the racial pro-

file of the defence force had changed since the integration of former uMkhonto weSizwe (MK) and Azanian People's Liberation Army (APLA) members, Kasrils said the government was nevertheless unhappy about the low percentage of black officers occupying senior positions

Even though there had been "tremendous changes" in the SANDF it could not be denied that there had been serious "teething problems, tension and resistance" in the security forces, he said

Responding to criticism by PAC leader Mr Clarence Makwetu that the defence force was not yet representative enough of Africans, Kasrils said integration and affirmative action in the defence force were "central to our democracy"

He added that after the adoption of the Defence White Paper everything possible would be done to ensure that the new defence policy was implemented

Integration, as well as rational-

sation and deployment of soldiers, are among the issues Minister of Defence Joe Modise is expected to raise today when the Defence White Paper is debated in the National Assembly

The debate follows months of soul-searching among MPs and the security establishment on the strength and mission of the defence force in the new South Africa

The White Paper, which represents a radical departure from the defence policy of the previous government, outlines defence force plans to shift its emphasis towards addressing South Africa's biggest enemy — poverty and the socio-economic inequalities caused by apartheid

The debate is also expected to focus on parliamentary control of defence matters, the greater involvement of members of civil society in the defence force, and the prioritisation of defence co-operation with other Southern African states

● Yesterday the Parliamentary Joint Standing Committee on Defence, after debating religious freedom and the rights of non-believers and other issues, adopted the White Paper

SANDF has only one woman, one black chaplain

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BARRY STREEK

15/5/96

THE South African National Defence Force has only one woman chaplain, who is white, and one black man out of its 156 chaplains, ANC MP Ms Thenjiwe Mtintso said yesterday.

"We are told that a black woman is in the process of being appointed," she said during the debate in the National Assembly on the Defence White Paper.

Mtintso, the highest-ranking woman in uMkhonto weSizwe — its commander and then ANC representative in Uganda — said SANDF members were frustrated at the slow pace of change in the force.

She also said it would be unrealistic to use 11 languages in military operations. "I can imagine an order to shoot going: 'Hlasela, attack, skiet, thunya.' That would be extremely chaotic and would endanger the lives of military personnel," Mtintso said.

Deputy Defence Minister Ronnie Kasrils said the most important asset the SANDF had was not its equipment and military hardware but the men and women who served it. Kasrils said they allowed the government to fulfil its constitutional obligation of defending the country's territory and people.

The SANDF was, and should always remain, a defence force of national unity. To ensure this the rank and file and the leadership had to reflect the diversity of the nation and a programme of affirmative action and equal opportunity had to be implemented.

Special education and training courses and career development planning had to be introduced, Kasrils said.

SAPA reports that during the debate the parliamentary joint standing committee on defence chairman, Mr Tony Yengeni, said the government should take immediate, extreme measures to end the violence and lawlessness in KwaZulu-Natal.

'SA bought material for chemical weapon'

ET 16/5/96 (254)

THE former government paid \$1,6 million (about R6,88m) into an account in Croatia in 1992 for a sensitive substance needed for a secret chemical weapons project, a senior investigator told legislators yesterday.

The money was part-payment for a sanctions-busting consignment needed for one of the many secret defence projects launched under apartheid and which are slowly coming to light.

Mr Jan Swanepoel, head of the Office for Serious Economic Offences, said the paper trail had led investigators to Croatia, but he predicted it would take another 18 to 24 months to wrap up the investigation.

"We expect that some of the witnesses from whom we want statements and who are overseas will not want to cooperate with us, which will mean that we will need to get court orders to compel them to talk to us," he said.

The defence force said in a memorandum to parliament's watchdog committee on public spending that the project was part of "a programme for the defence against chemical weapons (which) included research into the protection against incapacitating agents".

Defence Force chief General Georg

Meiring declined to give the committee any details of the programme referred to in documents only as Project B.

He said he had not yet seen the text of a cabinet order lifting the veil of secrecy that has covered the project since its inception and even after its cancellation on the eve of the 1994 transition to democracy.

"I might say something I am not allowed to say," said Meiring.

In another memorandum, the defence department said "Because of the nature of the chemicals, the worldwide control over these chemicals as well as the international implications that could result from knowledge of such transactions, an intricate delivery and payment structure had to be created."

A justice ministry official told Reuters that a statement about the nature of the project would be made within days.

ANC legislators castigated Meiring for his refusal to give details of Project B.

Ms Barbara Hogan said the chemicals could have been part of a plan to attack ANC camps in exile with chemical weapons — Reuter

Malan wants case dropped

ET 16/5/96

(254)

DURBAN Seven former senior military officers, including former Defence Minister General Magnus Malan, applied yesterday for criminal charges against them arising from the 1987 KwaMakutha massacre to be dropped

This followed 12 other discharge applications in the Supreme Court here on Tuesday, bringing the total number of applications to 19 out of the 20 accused

The remaining accused, former security policeman Colonel Louis Botha, is expected to apply today

The applications follow the conclusion of the state's case against the accused on charges of murder, attempted murder and conspiracy to murder

Defence counsel claim the state has failed to submit sufficient evidence against the accused

The state alleges that the accused planned or executed the KwaMakhutha massacre, which allegedly formed part of a covert military plan to help the IFP in an offensive drive against the ANC and its allies in the 1980s — Sapa

Top left

SANDEF asked to explain irregularities

(254) Afan 16/5/96

Cape Town - Senior SA National Defence Force officers have been asked by Parliament's public accounts committee to explain why the defence force had written off R21,796-million when closing down its secret chemical weapons project, Project B

Also known as Project Coast, it was abandoned in 1993 when South Africa signed the Chemical Weapons Convention and certain "substances" had been destroyed, the defence force said in a written submission to the committee

The final closure of Project B was being attended to, but this was "a particularly difficult and intricate exercise" because of the sensitivities involved, defence force chief Gen Georg Meiring said

He declined to provide further evidence as to what Project B was about, saying he was still awaiting further instructions from the Cabinet, which recently authorised the Office for Serious Economic Offences (OSEO) to investigate irregularities surrounding the case

The Cabinet recently gave its approval for the secrecy surrounding Project B to be lifted and said a state-

ment would be issued in due course

According to newspaper reports, millions of rands of state assets were transferred into private hands when two front companies for Project B, Roodeplaat Research Laboratories and Delta G, which were set up in the 1980s, were privatised

Meiring acknowledged that the two companies existed, saying they would have been set up in such a way that they could do business

Chemical weapons project queried

overseas

When the decision was taken to close the project down, a study was done to assess the front companies' costs over the next two to three years and what their assets were. The sale of the companies had taken place with the approval of the ministers of finance and defence

The defence force was not involved with the companies after

their privatisation, nor would it be liable for any further losses they made, Meiring said

He did not have details on how much money had changed hands, what assets the companies owned or the names of the individuals involved

Committee chairman Ken Andrew (DP) and Barbara Hogan (ANC) found it unacceptable that this information was not readily available and were worried it "would get lost in a pile of memoranda"

Meiring undertook to answer their queries within the next few weeks. OSEO head Jan Swanepoel told the committee his office was looking only at the financial aspects of the case

The investigation would take at least 18 months to complete, but there was no indication what evidence would be uncovered, he said

The possibility that certain funds had been transferred overseas and then been brought back to South Africa was being looked at. The transfer of \$1,6-million (R6,8-million) into a Croatian bank account by the defence force was also being investigated - Sapa

Secret project probe goes abroad

By JEAN LE MAY

Office for Serious Economic Offences chief Jaap Swanepoel has secured permission to extend abroad the investigation of secret defence force chemical and biological warfare research projects

Swanepoel told Parliament's public accounts committee this week that the go-ahead from the justice minister had been given after a two-year wait. The office has been investigating the flow of funds in a network of private companies started with state funds.

The directors of a front company - most of them former SADF officers - walked away with about R17-million after Roodeplaat Research Laboratories was liquidated. Another front, Delta G, was sold to pharmaceuticals giant Sentrachem.



Georg Meiring

The auditor-general said in his report last week that as a result of the termination of the project and destruction of a stockpile of raw materials, R21,796-million had been written off in 1994-95. Further expenses of R669 340 were incurred finalising the project.

Swanepoel said. "With regard to Roodeplaat and Delta G, we are looking at the flow of

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funds overseas ... we want to know if any money came back. We are particularly interested in \$1,6-million (about R7-million) that went to Croatia. We expect some of the witnesses may not be prepared to cooperate and ... some of the records may have been destroyed in view of the time that has elapsed."

Defence force chief Georg Meiring was panned by the committee this week when he failed to answer questions.

Committee chairman Ken Andrew said it was obvious that "people in high places" were trying to suppress the truth. "Meiring knew he was going to be questioned ... and should have been prepared. Instead of finding out how much he could tell the committee without breaching the Official Secrets Act, he did nothing."

Spotlight on chemical weapons

(254)

ARG 18/5/96

JEAN LE MAY
Staff Reporter

IT WAS obvious that "people in high places" were trying to stop the truth coming out about the former South African Defence Force's chemical and biological warfare programme. Public Accounts committee chairman Ken Andrew said

Mr Andrew deplored the fact that Georg Meiring, chief of the South African National Defence Force, refused to give details of the programme when he was questioned by Parliament's watchdog committee last week

It was referred to in parliamentary documents only as Project B, but General Meiring confirmed that while it was being run as a covert operation it was known as Project Coast

"General Meiring knew he was going to be questioned about the project and he should have been prepared," Mr Andrew told SATURDAY Argus

"He knew that the Ministry of Defence had written to the Office for Serious Economic Offences saying the cabinet had decided that the secrecy about Project B should be lifted, but instead of finding out how much he could tell the committee without breaching the Official Secrets Act, he did nothing"

A SATURDAY Argus investigation last year disclosed that the Office for Serious Economic Offences (OSEO) was investigating the flow of funds in a network of private companies started with state funds

Last week it disclosed that the directors of a front company - most of whom were former SADF officers - walked away with about R17 million after Roodeplaat Research laboratories was liquidated. Another front company, Delta G, was sold to pharmaceuticals giant Sentrachem

The auditor-general said in his report that as a result of the termination of the project and the destruction of a stockpile, R21,7m had been written off in 1994/95 by the Defence Force. Further expenses totalling R669 340 had been incurred in 1994/95 in finalising the project

Jaap Swanepoel, head of the OSEO, told the committee that "we have waited for almost two years for the Minister of Justice to give permission to go overseas and permission has now been given"

"With regard to Roodeplaat and Delta G, we are looking at the flow of funds from here to overseas which will entail get-

■ Chief of the SANDF Georg Meiring was in the firing line last week for dodging questions put to him by Parliament's watchdog Public Accounts committee on the former SADF's secret chemical and biological warfare programme.

ting bank statements here and overseas

"We want to know if any money came back. We are particularly interested in \$1,6 million (about R7m) that went to Croatia. We expect some of the witnesses may not be prepared to co-operate and we expect a delay. Some of the records may have been destroyed in view of the time that has elapsed"

Last week a defence force memorandum to the Public Accounts committee said Project B was part of a programme of research "for defence against chemical weapons"

In 1993, after South Africa signed the Chemical Weapons Convention, former minister of defence Kobie Coetsee ordered that the stockpile of raw materials, referred to in the memorandum as "substances", should be destroyed.

This was done the same year "and the SADF ensured there were no environmental ill effects"

General Meiring said that because of the sensitivity of the project, finalising it had been particularly difficult. However, the SADF succeeded in doing so "in an orderly and proper manner". He felt he should not say anything further because of the OSEO investigation

"I am in an invidious situation - I might say something I am not allowed to say," he said

General Meiring said that privatisation of the front companies started in 1989

Committee members criticised him for his reticence when he said he was unable to give details of the privatisation of the companies "especially because there has been a great deal of publicity about them," said committee member Llewellyn Landers

Mr Landers asked what procedure was used when they were privatised "It was strange that companies started with taxpayers' money should be given away," he said

Asked by a committee mem-

ber how the selling price was established and how it was that people were compensated to the tune of R30 million, General Meiring said that after the companies were privatised and handed over to the directors, their businesses were run by the directors

A committee member said he wanted to know what had happened when the SADF was in control "Surely you should be able to answer questions about what happened when the army still had control?" he asked

General Meiring said the reason why he did not answer questions was "not that I don't want to, but that I can't"

Mr Landers said an OSEO investigation should not affect the committee's work

"The SADF backtracks and tries to avoid providing this committee with information and this is an important matter. Who were the people who bought the companies and on what basis were the companies sold to them?" he asked

General Meiring said he did not have the information, but that he could get it for the committee

Another committee member, Barbara Hogan, said she found this reply "unacceptable". It was extraordinary that the army should withhold information "There has been a lot of media coverage and it seems to me that what we have here is a delaying tactic," she said

Last year's SATURDAY Argus investigation uncovered a huge network of companies in the same stable as Roodeplaat and Delta G, with interlocking directorships

It found that another advanced chemical company in the stable, Protechnik Laboratories, was sold to Armscor. Among the directors were former SADF officers Philip Mijburgh (a nephew of former SADF chief Magnus Malan), Wouter Basson and Wynand Swanepoel, as well as Cape Town advocate Chris Marlow

Most of the companies were financed from an off-shore company, WPW Investments, registered in the tax haven Cayman Islands. It found that millions of rands had flowed into the companies through loans from WPW

Included in the network were companies involved in chemicals, the supply of anti-chemical-warfare equipment, military research using animals in experiments, air transport and aircraft maintenance and property investment

Cameron commissioners reply to 'misinformed' allegations?

Edwin Cameron and Lawrie Nathan

WE HAVE noted with appreciation the widespread response of parties to the second report of the Cameron commission. The report, presented to the president in November last year and released by the Cabinet in March this year, comments on SA's arms trade policy and decision-making procedures. These are matters which are of national and international importance. And our country's response to them may constitute an important test of our national commitment to openness and moral values.

While government, public and editorial reaction has generally focused on the content of the report, Jackie Cilliers raises a number of process-related issues. (Business Day April 23)

His criticisms are based on inadequacies and misperceptions. They invite a response.

The burden of Cilliers's article is that the second report has been overtaken by events. He claims that the Cabinet's revision of conventional arms trade policy was concluded shortly after the completion of the commission's first report in June last year. He wonders why government did not stop the commission from embarking on the second report if it did not intend following the commission's recommendations. Although Cilliers's thrust is to negate the work of the commission, indirectly he does an injustice to the Cabinet and Parliament. He is misinformed on several counts.

First, the Cabinet has not concluded its revision of arms trade policy. Kader Asmal, head of the newly formed national conventional arms control committee (NCACC), has stated on numerous occasions that the Cabinet committee's policy review is continuing. Asmal recently informed the parliamentary committees on defence and foreign affairs that the NCACC review included an assessment of the commission's proposals — particularly those dealing with transparency and the involvement of Parliament in the arms control process.

Deputy Minister of Defence Ronne Kasrils has likewise confirmed this in open sessions of the joint standing committee on defence.

Ironically, Cilliers is baffled as to why for several

months the Cabinet delayed the release of the commission's second report. The reason was precisely to give the NCACC an opportunity to consider its response before being expected to respond publicly to the document. The commission had the benefit of a meeting with a full session of the NCACC in February for just this purpose.

Second, Cilliers does not seem to appreciate that the heady days of executive rule-by-decree are over. In our new democracy, Parliament has a role to play in formulating and approving government policy. The parliamentary defence and foreign affairs committees have declared their intention to play such a role in relation to arms trade. In due course they will debate both Cabinet policy and the second report of

Parliament will also have to consider draft legislation which replaces existing laws on arms imports and exports.

Third, Cilliers seems to misunderstand the independent nature of commissions of inquiry. Government may not interfere in the fulfilment of their mandates, halt their proceedings or seek to influence their findings.

The commission into Armscor was the first appointed under the new constitution. Government has observed this principle fully.

Further, commissions are appointed to comment on, rather than to formulate, government policy. The Cabinet is not obliged to follow any commission's recommendations. Nevertheless, it is expected to take the recommendations seriously for the very reason that commissions are established, they have no vested interest or line function responsibility regarding the matter under investigation.

The Cabinet has so far accorded the commission's findings and recommendations great respect. Although the NCACC disagrees with aspects of the second report, it invited us to present our findings at a full session. Prof Asmal distributed the executive summary of the report at a joint sitting of the parliamentary defence and foreign affairs committees. And we have frequently been asked by the NCACC Secretariat to comment on new procedures and mechanisms for arms control.

In any attempt to substantiate the suggestion that the commission has been overtaken by events, Cilliers asserts that our call for the restructuring of the Armscor board was completed some time ago. Again, this is misinformed or misguided.

(254)

BD 22/5/96

Restructuring

The commission made the call for Armscor's restructuring in its first report, concluded in June 1995. Armscor's CEO and the chair of the board of directors resigned after the release of the first report.

The new head of the board, Ron Haywood, subsequently began a process of restructuring the board and the organisation — along the very lines that the first report proposed.

But all this is relatively incidental history, and it would not be necessary to cite it if Cilliers had not been so patently misinformed.

More significantly, Cilliers claims that the commission "virtually ignored the submissions and evidence presented by the defence family and mainstream local and international analysts" at our public hearing in Cape Town in June last year. This is a serious charge. We take it that it is made for polemical purposes. Doubtless Cilliers find the commission's recommendations unpalatable.

But even a casual reading of the second report shows that his claim is extravagant and misplaced. The report cites or quotes from parties falling into the categories he claims are ignored at least 30 times. The real burden of Cilliers' complaint is no doubt that the commission disagreed with aspects of his submissions and those of the arms industry.

His remarks fleetingly that our proposals and philosophy are naive. That of course is his right.

The commission's proposals are based on the necessity to respect human life, fundamental rights and international peace and security in arms transfers. It accordingly concludes that SA should export arms only for the purpose of self-defence, the legitimate maintenance of good governance, and UN peace operations.

This "naive" position is captured more elegantly by President Nelson Mandela: "Our morality as democratic government dictates that we have to act in accordance with internationally accepted norms and standards. We are obliged to further world peace and security. In our approach to the sale of arms, we are resolved to act responsibly. Arms are for the purpose of defending the sovereignty and territorial integrity of a country, not to undermine any considerations of humanity nor to suppress the legitimate aspirations of any community."

It is this philosophy that the commission seeks to put into practical effect. Morality in arms transfers is doubtless a "naive" concept. So is reconciliation in our national life, and justice in our political order as a whole. But, as a nation under constitutional governance, we have committed ourselves to these concepts. The commission seeks no more than to draw the lesson through in an area where observing them may be more than usually exacting.

□ Judge Cameron chaired the Cameron commission, of which Nathan was a member.

Asmal demands 16 cases of pollution be prosecuted

Wyndham Hartley

CAPE TOWN — Water Affairs Minister Kader Asmal has taken aim at industrialists polluting SA's water supply with an announcement that he has asked attorneys-general to prosecute 16 cases of pollution.

Delivering his budget speech in the National Assembly yesterday, Asmal said the co-operative approach of the past, often mistaken for weakness, was at an end and he expected organisations to observe their constitutional responsibilities to the environment.

Promising "more bite and less bark" in protecting water resources, he said if organisations were prepared to accept their responsibilities with regard to the environment they could expect co-operation and support from government — "but I am not prepared to stand back and watch the wilful abuse of the environment and indeed the water resources on which our future depends".

"I have already asked the attorneys-general to prosecute in 16 cases where I believe the law has been contravened and I will follow up these cases vigorously."

Asmal also announced that he is to bring a Constitutional Court action against the KwaZulu-Natal government to force the handover of forestry functions to the central government as well as to clarify control of water in the province.

He said while the new constitution vested control of indigenous forests in the provinces, these functions had to first be transferred to central government.

Asmal also warned unless there was regional co-operation among southern African countries on issues to do with water it would become the focus of conflict rather than a medium for collaboration and common benefit.

He reported to Parliament that he had held numerous meetings with his counterparts in the Southern African Development Community and this had led to the

signing of the Protocol on Shared Watercourse Systems.

It was also announced that the Japanese government had agreed to provide R175m for the provision of water in KwaNdebele and they were also looking at the funding of the Mooli River to the Mgeni River augmentation scheme.

He said the enormous task of handing over water schemes under the control of his department to local authorities would begin this year.

This was, Asmal said, a huge task involving 6 100 boreholes and 4 355km of pipeline linking 77 waterworks, all serving more than 10-million people.

He suggested that the privatisation of these functions could be considered because many of the schemes would collapse in the hands of new district councils which had few funds.

Before this could be done clear regulations and legislation to protect both consumer and provider would have to be formulated.

KwaZulu finance group takes swipe at government

Farouk Chothia

MARITZBURG — The KwaZulu-Natal legislature's finance committee lashed out yesterday at government departments for failing to involve corresponding legislature committees in drafting budgets, and to supply them with monthly expenditure and revenue statements.

Committee chairman Dumisane Makhaye (ANC) said in a unanimous report tabled in the legislature that a resolution had been taken during the past financial year that committees would play a vital role in drafting budgets for the new financial year.

Yet all departments had failed to heed this resolution. This was of concern as committees could not be expected to be rubber stamp bodies for departments, Makhaye said.

Makhaye said the finance committee had been unable to scrutinise the education and culture budget as department officials failed to answer crucial questions adequately. The committee was to meet education and culture MEC Vincent Zulu (IFP) on Friday to discuss concerns.

Makhaye said the committee was disturbed to learn also that the

provincial government still did not have an asset register. However, the committee had been informed that a register would be available in the next four months.

Makhaye said the committee felt the RDP provincial directorate had played an "apparently ineffective" role in facilitating delivery. The committee wanted the directorate to table in the provincial cabinet, within a month, proposals to improve its capabilities.

Makhaye said the committee believed that the developmental role of the Kwa-Zulu Finance and Investment Corporation, which was given R72m seed capital, did not seem to be well "articulated" either. Economic affairs and tourism MEC Jacob Zuma (ANC) should give a report to the legislature within two months on steps taken to restructure the corporation. Observers said the committee's stance was likely to renew tension between the legislature and the corporation. Corporation chairman Marius Spies said last week that a transformation programme was under way and "outside interference" was not needed.

Malan trial has cost R1,2m

CAPE TOWN — So far the SANDF had spent R1,2m defending former defence minister Gen Magnus Malan and co-accused on trial in KwaZulu-Natal, Defence Minister Joe Modise said yesterday.

This was the largest portion of the R1,69m that had been spent on defending 207 defence force members in court, mainly on negligent driving charges, since 1993, he said in a written reply to Douglas Gibson (DP).

Other large amounts had been R215 370 spent defending K Gwenzu who had been found guilty of murder.

In 1993/94 the defence force had spent R69 253 defending 42 cases, in 1994/95 R94 187 defending 62 cases and in 1995/96, R1 527 183 defending 103 cases — including the Malan trial.

"When a member of the SANDF is criminally charged as a result of his/her action in the course and scope of his/her duty, said member is entitled to legal representation at State expense as prescribed by treasury instruction W5," he said. — Sapa

See Page 4

Service Corps aims to help members set up businesses

Stephané Bothma

(254) (25)
BD 29/5/96

THE Service Corps — started with the aim of creating opportunities for the SA National Defence Force's members to find employment in civilian life — will be developed into a broader delivery mechanism which will leave people with skills to venture into business, Defence Minister Joe Modise said yesterday.

Taking over the former Devon air force base from Public Works Minister Jeff Radebe, Modise said besides the established programme of the Service Corps, the defence force would also engage in networking with other departments to assist the youth and unemployed. Other departments involved include water affairs, education, safety and security as well as arts and technology.

The Devon base, south of Johannesburg, was given to the air force before the public works department took control of the 400ha piece of land.

"In the Service Corps we are no longer interested in just creating a skilled jobseeker, we are creating a person that will initiate a business venture which will provide employment opportunities for others," Modise said.

He said SA's neighbouring countries were in a similar state of transition. "They need to demobilise more ex-combatants and resettle a large number of refugees," Modise said. The Service Corps already had requests for advice and assistance from countries such as Angola, Mozambique, Lesotho and Zambia.

"Sooner rather than later SA will be called upon to play a major part in the region in spearheading and addressing questions of development and poverty."

Radebe said a business school was being set up in Sebokeng as part of the programme.

Denel holds talks on restructuring

Robyn Chalmers

ARMS manufacturer Denel is holding talks with Public Enterprises Minister Stella Sigcau on restructuring the organisation, along with a transformation of the management structure

Denel communications and environmental affairs manager Raul Holtzhausen said yesterday talks on a total reshape of the organisational structure were under way

"The talks are taking place at the moment, but any announcement on Denel's restructuring will be made by the minister," he said

The talks come at a time when Denel is fighting accusations regarding irregularities, including the award of a lucrative home affairs contract to a Denel-linked company

It also recently denied involvement in any allegedly irregular payments that might have been received by former welfare minister Abe Wilhams in

BD 30/5/96 (254)
connection with welfare pensions

The group's 1994/95 annual report said Denel was committed to the full realisation of equal opportunity status within human resources. However, at the end of March last year, the seven board directors were white males and there was one black member among the 13-strong executive management

Sigcau said this week state-owned forestry company Safcol was also being closely looked at on management restructuring

But Safcol CE Tienie van Vuuren said he was unaware of any talks on restructuring, particularly, as the parastatal had made good progress on its internal transformation

He said 40% of the management board consisted of black people

Safcol, a loss-making institution three years ago, had posted a R56m attributable profit for the 15-month period to June last year against an R18m profit in the 12 months to March 1994

Public pays R1,5-m for SANDF trials

(254)
31/5/96

The law allows taxpayer money to be used to defend SANDF criminal cases

By Rafiq Rohan
Political Correspondent

THE DEPARTMENT OF DEFENCE spent more than R1,5 million defending members of the South African National Defence Force in criminal trials during this financial year

Although charges against the members mainly relate to reckless driving, there have been those who were found guilty of culpable homicide, assault and even murder. All of these defences were paid for by the taxpayer.

A number of murder charges against members have either been withdrawn or the member found not guilty, Defence Minister Joe Modise

said in Parliament

He said that in terms of the law, taxpayer money was allowed to be used to defend members of the SANDF in criminal cases

"When a member of the SANDF is criminally charged as a result of his or her actions in the course and scope of duty, the said member is entitled to legal representation at state expense"

Since 1993 when 42 cases were reported, that figure rose dramatically to 103 cases for last year

"It should be noted," Modise said,

"that when a court delivers a verdict of guilty, the member is not automatically liable for the legal costs incurred"

More than half the cases where members were found guilty involved reckless and negligent driving

The Malan case in Durban is proceeding and the Defence Force is footing the R1,2 million legal costs

In one of the cases for the past year an SANDF member, K. Gwenzu, was found guilty of murder and his case cost the Defence Force R215 370, 91

Meiring apologises for Cassinga parade

BD 4/6/96

(254)

Stephen Lauffer

DEFENCE Force chief Georg Meiring has apologised to Defence Minister Joe Modise for a parade commemorating the 44 Parachute Brigade's Cassinga raid in Angola in 1978.

The attack on the Cassinga camp, in which many civilians died, became internationally notorious

Deputy Defence Minister Ronnie Kasrils said the parade, in Bloemfontein last month, had been "an insensitive error based on an insensitive tradition" It had not been staged maliciously, and Modise had made sure similar events could not happen again

Parliamentary committee chairman Tony Yengeni said he wanted Meiring to explain "how on earth they can continue to observe apartheid-era crimes in the new SA" Although the SADF had claimed Cassinga was a Swapo base, it had been a refugee camp and women and children had been killed, he said

Cassinga was to Namibia what Sharpeville was to SA, he said

Kasrils said an agreement to integrate the traditions of the various forces entering the new national defence force did not include SADF operations of the apartheid era

The memory of the fallen of all sides

was already commemorated jointly, and consideration was being given to renaming some part-time regiments to reflect African traditions of resistance, possibly including those of Umkhonto we Sizwe (MK) and the Azanian People's Liberation Army

An Eastern Cape unit could be renamed the Makanda regiment, for example, commemorating the Xhosa chief who resisted the British. Another could be named to include traditions of MK's Luthuli Brigade of the 1960s.

He could imagine part-time regiments, such as the Transvaal Scottish, adding the heritage of an MK unit to their own, Kasrils said

Military downsizing plan may be frozen

Tim Cohen

CAPE TOWN — Defence Minister Joe Modise indicated yesterday that the SANDF's downsizing schedule would not be implemented as planned, saying short-term contracts granted mainly to 36 000 former MK and Apla members had been indefinitely extended

Addressing Parliament at the start of the defence budget vote, Modise acknowledged this move would affect SANDF rationalisation plans.

He said the SANDF remained committed to decreasing the defence force because it was larger than was affordable, but said there was no easy way to

deal with the problem

The short-term contracts would be extended to allow re-evaluation on an individual basis according to performance, discipline and medical fitness

Ministerial communications officer Zokwe Nthobeh said financial implications of the step were not yet clear because it would depend on how long evaluation took. The decision affected about 30% of the SANDF's 120 000 members. Government has pledged to scale down the force to about 90 000

Nthobeh denied that the decision contradicted commitments to downsizing by the SANDF, saying the move would ensure that the downsizing

would not compromise values and goals of the defence force

The existing evaluation criteria were not "just and fair" because they did not take into account the emotional and material situations of many integrated troops, he said

Modise repeated his warnings about the urgent need for re-equipping the SANDF, saying if the problem was not faced now it would place an intolerable burden on government in a few years. He said that since 1989, the defence budget had been halved, resulting in reduced capital expenditure and an inventory of equipment that was increasingly obsolete

BD 6/6/96

(254)

SANDEF 'in injury time'

(254)

CT 6/6/96

IF SOUTH AFRICA did not face reality and begin a balanced re-equipping of the SANDF annually, the problem would be compounded by placing an intolerable burden on the government in a few years' time, Defence Minister Joe Modise said yesterday

Speaking during the debate on his budget vote, Modise said the 50% defence budget cut from 1989 to now — arguably the biggest in the world — had resulted in reduced capital expenditure and an inventory of ageing equipment that was increasingly obsolete

The navy's strike craft, which began service in 1974, would end service in 2005 and the three submarines had already exceeded their

recommended service life and should be replaced

The air force's inventory had been cut by over 50% since 1989, and the jet fighter capability had been reduced to two squadrons, one of which comprised the ageing Mirage F1s that were due for replacement

The army's main battle tank was nearly 50 years old and the Ratel, in service since 1973, would have to be replaced by 2005

"This is not a reassuring picture. The examples referred to place our defence capacity well within injury time. It is not as if we wish to replace everything now, but we must retain a viable capability," Modise said

It should be understood that in terms of major equipment replacement, 2000 to 2005 was "just around the corner"

"We must act prudently now, or we will, by 2005, face a major crisis where all our defence needs peak simultaneously"

The critical concern was how to tackle these shortfalls while remaining within "our means"

"This is precisely why the Defence Review will aid us in defining our priorities. Among other things, it will help us decide on the choice and funding of equipment

"Our white paper and Defence Review process will identify the options to restore our capability," Modise said — Sapa

R1,3-m to get rid of SANDF discrimination

(254)

BY NORMAN CHANDLER

Defence Correspondent

Star 7/6/96

The SANDF is to spend R1,3-million on promoting equal opportunities in a bid to identify and eliminate discriminatory practices and attitudes in the force.

Defence Minister Joe Modise is to be personally involved in the design and implementation of an affirmative action and equal opportunity programme, with an emphasis being placed on education, training and development of black officers, servicewomen and other previously disadvantaged personnel.

A Chief Directorate Equal Opportunities (CDEO) has now been created at defence headquarters in Pretoria, and is headed by Major Gen Andrew Masondo, who is also acting chairman of the SANDF's integration committee.

In presenting his defence budget to Parliament this week, Modise said equal opportunities would include special education and training courses, career development plans, and the organisation of recruitment and promotion systems.

■ Sapa reports that parliamentary defence committee chairman Tony Yengeni said yesterday Modise should take steps to "fast-track" the careers of some of the former non-statutory officers recently integrated into the SANDF to ensure more representivity in the defence force.

Front company set up at a cost of R65-m privatised

2514 Star 7/6/96

Privileged shareholders made spectacular profits in the winding-up of a military intelligence company linked to the Civil

POLITICAL STAFF Cape Town

A military intelligence front company which cost about R65-million to set up and could be linked to poisons used by the Civil Co-operation Bureau was privatised for the price of R50 000, ANC MP Luwellyn Landers has told Parliament.

And millions, probably drawn from the secret special defence account, were shared out among directors and shareholders when the company was wound up.

Landers, a member of the joint standing committee on intelligence, was speaking during the defence budget debate yesterday. He noted that the auditor-general had twice in two years referred to a covert "Project B" which was linked to a write-off of R21-million

by the chief of the defence force. The project was actually Project Coast, devised by military intelligence to develop a defensive chemical biological warfare system "to be used in the defence force's war in Angola".

"The poisons used by the Civil Co-operation Bureau were developed in terms of Project Coast and front companies and laboratories that were established by military intelligence using taxpayers' money," Landers said.

One of these front companies was called Roodeploa Research Laboratories, which, with another company called Delta-G was set up at an initial cost of R65-million. This company was privatised in terms of a procedure approved by former finance minister Barend du Plessis and former defence minister Magnus Malan

for the princely sum of R50 000". Last year, Roodeploa Research Laboratories was wound up with an accumulated loss of R15-million. However, there had been a "sting in the tail for the taxpayer", Landers said "Unknown to us, an amount of R33-million of taxpayers' money, probably drawn from the special defence account, had been placed in a special reserve fund for the company by military intelligence at the time it was privatised".

This R33-million was used by the new directors and shareholders of Roodeploa Research Laboratories to pay off their R15-million loss.

The balance of R17-million was shared among the 10 directors and shareholders. A company called Contresida received R4,671-million for its

investment of R13 000

The Wynand Swanepoel Trust got R4,488-million for an original investment of R12 495

Almmelman and D W Spamer received R2,335-million for original investments of R6 500 each.

DS van der Merwe got R1,24-million for his original investment of R3 500

P Delpoort got R718 443 for an original investment of R2 000

J J Nieuwehuis, J Davies and S Wandrag each got R498 700 for their original investment of R1 666

J J Hendricks got R359 221 for his original investment of R1 000.

Landers demanded to know from SANDF chief Gen George Meiring who these people were and why they received such huge rewards from the privatisation of the company.

Co-operation Bureau

For R50 000

Military front cost taxpayers

CLIVE SAWYER

Political Correspondent

A MILITARY Intelligence front company - which cost about R65 million of taxpayers' money to set up - was privatised for a mere R50 000, resulting in vast profits for its directors and shareholders

This was disclosed in parliament yesterday by African National Congress MP Luwellyn Landers

The front company could be linked to poisons used by the Civil Co-operation Bureau (CCB)

Mr Landers said millions of rands, probably drawn from the secret special defence account, was shared out among directors

and shareholders when the company was wound up

Mr Landers, a member of the joint standing committee on intelligence, made the disclosure during the defence budget debate

He noted that the auditor-general had twice in two years referred to a covert "Project B" which was linked to a write-off of R21 million by the chief of the defence force

The correct title of this project was Project Coast, devised by military intelligence to develop a defensive chemical biological warfare system for the Defence Force

This capacity was to be used in the Defence Force's war in Angola "or so (for-

mer SA Army chief General (Georg) Merring and Military Intelligence would have us believe", Mr Landers said

"Any reasonable person would be justified in assuming that the poisons used by the Civil Co-operation Bureau were developed in terms of Project Coast and front companies and laboratories that were established by Military Intelligence using taxpayers' money"

One of these front companies was called Roodeplaat Research Laboratories which - with another company called Delta-G - was set up at an initial cost of R65 million

Mr Landers said the company was privatised in terms of a procedure approved by former Finance Minister Barend du Plessis

and former Defence Minister Magnus Malan "for the princely sum of R50 000"

In the middle of last year, Roodeplaat Research Laboratories was wound up with an accumulated loss of R15 million

But there had been a "sting in the tail for the taxpayer", Mr Landers said

"Unknown to us, an amount of R33 million of taxpayers' money, probably drawn from the special defence account, had been placed in a special reserve fund for the company by military intelligence at the time it was privatised"

This R33 million was used by the new directors and shareholders of Roodeplaat Research Laboratories to pay off their R15 million loss

R65m

(254) RPTG 7/16/96

The balance of R17 million was shared among the 10 directors and shareholders

● A company called Contresida got R4,7 million for its investment of R13 000

● The Wynand Swanepoel Trust got R4,5 million for an original investment of R12 495

● An A Immelman and D W Spamer got R2,3 million for original investments of R6 500 each

● D S van der Merwe got R1,2 million for his original investment of R3 500

● P Delpoit got R718 443 for an original investment of R2 000

● J J Nieuwehuis, J Davies and S Waindrag each got R498 700 for their original investment of R1 666

● J J Hendricks got R359 221 for his

original investment of R1 000

Mr Landers demanded to know from General Merring who these people were and why they got such huge rewards from the privatisation of the company

"Were they members of the National Party?"

Were they members of the Broederbond?"

Aspects of Project Coast were being investigated by the Office for Serious Economic Offences

Mr Landers said the project had been carried out with the express authorisation of Mr Du Plessis, General Malan and former president F W de Klerk

"Clearly, too, the Kahn Committee appointed by F W de Klerk in 1990 to oversee and close down all covert security operations was nothing more than a smokescreen"

A race against the clock for Modise

(254)
CP 9/6/96

SPEED IS not a characteristic usually associated with the general, if somewhat inscrutable, Defence Minister Joe Modise

But Modise has a tight timetable for his ministry during the next few months

A Defence Review which examines the extent of transformation and integration in the SANDF, tackles thorny issues such as language and looks at the sizing and role of the force is scheduled to be completed by September

This will pave the way for Modise to place legislation before parliament before the year's end

He has less than a year to achieve full integration in the military

Another clock is ticking — the lifespan of the force's aging equipment — and Modise wants to begin re-equipping the force "very immediately"

He will have to do that within budget constraints. The defence budget has been cut by half from R20 billion in 1989 to R10 billion this year and is now less than 2 percent of the GDP

Modise and deputy Ronnie Kasrils argue that though South Africa faces no visible external threat it does not mean the country should not invest in the military

They say the question should not be posed as "Guns or butter?" Instead, a strong military would provide the security required by foreign investors and so help strengthen the economy

Modise said his intention to re-equip the SANDF was "very immediate" and would begin once the defence review was completed

DEFENCE Minister Joe Modise has no time to waste: He has to fully integrate the military within less than a year — and time's running out for much of the defence force's outdated equipment. Both issues are posing him problems. Transforming attitudes in the defence force is 'no overnight process', he says — and where is he going to find the money to re-equip the force? CHIARA CARTER reports.

The kind of equipment purchased would be in line with the force's new defensive role

"We are not going to buy tanks that will allow us to attack Cairo," said Modise

"Once a country is weak, there is a temptation to destabilise or commit acts of aggression against it

"Like South Africa, Britain, the United States and Botswana do not have enemies — and yet they are spending on defence"

South Africa had to ensure the safety of the neighbouring states as well as other countries in Africa if so requested, he said

The army also played an important role in helping the police and in relief operations

Addressing obsolescence is not the only challenge which the defence ministry faces — concerns have been expressed about the pace and extent of transformation

The parade illustrated the dis-
tance the military had to travel before its commanders reached a shared perspective, he said

Changing attitudes was critical for transforming the military but did not happen overnight, instead transformation was ongoing

About 60 percent of former liberation movement forces and members of the TVBC state forces had entered the SANDF

"I can't say there aren't problems. Of course there are problems which flow from our past," Modise said

He acknowledged that foremost among these were issues involving rank, gender, religion and language

Task groups would evaluate the ranking of all SANDF personnel and if people were found to have been incorrectly downgraded, this would be corrected, he said

The language issue was another area of focus

Modise said many Afrikaners had an "emotional attachment" to their way of life including the use of Afrikaans as a lingua franca in the military

He said critics should remember the starting point SADF members had been wary of the "terrorist" forces and believed liberation army operatives lacked skills, while the liberation army members had been wary of a military which had been the backbone of the apartheid state

Some former members of liberation armies had begun with "unrealistic expectations" such as thinking the military would have a black leader as happened in Namibia and Zimbabwe



TIGHT SCHEDULE . . . Defence Minister Joe Modise has a lot to do in less than a year.

Denel moves into 'civilian markets'

254

Rowshan 10/6/96

Decline in demand for military products forces a new direction

By Abdul Milazi
Labour Reporter

DENEL, South Africa's leading arms manufacturer, is changing its focus to commercial products and services

According to the company's latest report, one quarter of Denel's turnover already comes from the "civilian market"

With the decline in demand for military products worldwide, the company has rechanneled its expertise to sectors like agriculture, mining, medical science, aerospace and social development

Denel was formed on April 1 1992 when most of the subsidiaries of Armscor, the then State supplier of armaments to the South African Defence Force, were regrouped into a commercial company

As part of the transformation process, Denel established Dendustri in 1994 as a new business unit concentrating on commercial industrial activities that did not fit in with the main focus of its existing divisions

Dendustri was to obtain maximum growth of the industrial business while utilising available available and existing infrastructure in the Denel group

Some of Dendustri duties are to supply more than 13 000 anodes assemblies to the Alusaf Hillside Smelter project in Richards Bay and import-replacement parts to process industries like the South African Breweries

New technology

Another feature of the new-look Denel is the Business Development Group, located at the corporate office in Pretoria, aimed at initiating and coordinating the company's entry into non-traditional markets and to manage the development or purchase of new technology

The group has five subdivisions, like mining products and services, industrial products, cooperation with

small to medium sized enterprises and policy-making and management

Denel has also expanded its tentacles into the information technology arena Infoplan was established in 1978 to provide information technology to the SADF and Armscor

As one of the operations of its kind in South Africa, Denel's Informatics division has become a R400 million-a-year information technology giant with several highly focused business units

The company has also moved into the communications field where its Actnet Communications Technologies is proving to be a force to reckon with in the local industry

Denel's AZ Computer Corporation is the importer and distributor for its Twinhead and Mitac-sourced ranges of products

Situated in Midrand, it supplies hardware to dealers throughout SA

MPs Sheila Camerer, left, and Naledi Pandor, along with advocate Palasa Sedibe-Ncholo addressed delegates at a women's workshop on the constitution in Johannesburg yesterday.

Pictures ROBERT BOTHA

Secret chemical search exposed

CAPE TOWN — The Cabinet has decided to lift the secrecy of Project Coast, initiated by the SA Defence Force in 1980 to research and develop a chemical warfare capability, so that it can be fully investigated.

The reference prompted the Office for Serious Economic Offences to make certain routine investigations. "I received a report from the director Jan

Swanepoel in this regard. From this it appears that OSEO investigations up to now have revealed that:

- Project Coast was initiated by the SADF in 1980 to research and develop a chemical warfare capability through the

- establishment of a number of front companies. The project leader was Brig Wouter Basson; and
- There could have been misappropriation of project funds through which people involved with the project might have gained unfair and

- unjust rewards. The misappropriation might be a result of the workings of a group of companies known as the Wisdom Group, which had property, farming, financial, air charter and travel interests.
- The people who were involved in Project Coast were also involved in this group, the report showed. —Sapa.

(254)

PD 11/6/96

10/11/96

Malan accused denies hit-squad claim

(254) CT 11/6/96
DURBAN The first of 17 accused in the Malan murder trial testified in the Supreme Court here yesterday, denying knowledge of state-sanctioned Inkatha hit-squads.

Alleged former hit-squad member Mr Hlom Mbuyazi, 32, told the court he received weapons training in the Caprivi Strip in 1986 and returned to Natal expecting to be integrated into the KwaZulu police force.

Mbuyazi is one of six alleged former hit-squad members facing charges of murder, attempted murder and conspiracy to murder arising from the 1987 KwaMakutha massacre in which

13 people were killed.

Former defence minister General Magnus Malan and several other former security force officials who allegedly either authorised or helped plan the attack, are also on trial.

Mbuyazi told the court he was a member of a select offensive group of Caprivi trainees who were trained in house-penetration and marksmanship.

The group returned to Natal at the end of 1986 but were only integrated into the KwaZulu police force in 1989, he said.

During the intervening years he was instructed to perform guard duty outside the KwaZulu

parliamentary buildings on various occasions and received a salary of R300 a month.

"We were told that the economic situation was not good and (the KwaZulu police) were not in a position to employ us. On certain occasions we would be called upon to keep an eye on the parliamentary buildings."

Under cross-examination by KwaZulu attorney-general Mr Tim McNally he said the trainees were unarmed during guard duty and wore civilian clothes.

Mbuyazi also said he could not remember exactly where he was on the night of the KwaMakutha massacre. — Sapa

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*16 Dr W A ODENDAAL—Health † [Question standing over]

~~SANDEF~~ affirmative action

*17 Mr J A MARAIS asked the Minister of Defence †

- (1) Whether the South African National Defence Force intends introducing a programme of affirmative action in the SANDEF, if so, (a) when and (b) what will the purpose of the programme be,
- (2) whether he will make a statement on the matter?

N912E

The MINISTER OF DEFENCE

- (1) (a) Yes. The Department of Defence is presently implementing an equal opportunity and affirmative action programme
- (b) The purpose of the affirmative action programme will be on the education, training and development of black officers and non-commissioned officers, service women and previously disadvantaged personnel. There will also be appropriate strategies which will include special education and training courses, career development plans and the re-orientation of the recruitment and promotion systems in this regard. The Minister is establishing a joint work group on affirmative action and equal opportunity within the Department of Defence which will commence its work before the end of June 1996.

The first phase in this process was the creation of a Chief Directorate Equal Opportunity (CDEO), headed by a Major General with appropriate staff. The first incumbent will be Maj Gen A Masondo. This action is in accordance with the White Paper on the Transformation of the Public Service. The CDEO will direct equal opportunities in the SA National Defence Force by serving as a centre of excellence for equal opportunities and human relations and to translate the increased awareness of issues into improved leadership. This will be

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of the interim Consultation Discussions around the formulas to be used for the 1997/98 financial year were held recently between the Province, the Financial and Fiscal Commission, and the Departments of State Expenditure and Finance.

- (b) It is intended to introduce the formula procedure with effect from the 1997/98 financial year once agreement between all parties has been reached.

- (2) In terms of the Government's policy of transparency an announcement in this regard will be made at the appropriate time.

*19 Mr T D LEE—Education † [Question standing over]

*20 Mrs T J MALAN—Education † [Question standing over]

*21 Dr W A ODENDAAL—Health † [Question standing over]

SAA - corporate image

*22 Mr A G MOHAMED asked the Minister for Public Enterprises †

- (1) Whether South African Airways is currently investigating the possibility of changing its corporate image, if not, why not, if so, what will be the cost of such image change.
- (2) whether she will make a statement on the matter?

N918E

The MINISTER FOR PUBLIC ENTERPRISES

Transnet Limited furnished the following reply to the hon member's question

- (1) Yes. It is very difficult to furnish a Rand figure as no finality has been reached on the extent of the change to SAAs corporate identity, if any.
- (2) Yes. When finality has been reached

MMF: restructuring

*23 Mr A E REEVES asked the Minister of Transport †

- (1) Whether his Department is currently investigating the possible restructuring of the Multilateral Motor Accident Fund (MMAF), if so, what are the relevant details,
- (2) whether such restructuring will bring about an increase in the price of petrol, if so, what are the relevant details,
- (3) whether he will make a statement on the matter?

N919E

The MINISTER OF TRANSPORT

- (1) Yes, the Department of Transport has recently published a draft White Paper in which it sets out a comprehensive set of proposals for restructuring of the MMF. There are three main areas in which the way the MMF currently operates is problematic.
- Firstly, substantial resources, both financial and human, are utilised in peripheral activity which does not directly benefit the victims.
- Secondly, it discriminates, within its current legal framework, against certain passengers by placing a limit of R25 000 on their claims.
- Thirdly—and very importantly—it carries a contingent liability for claims incurred, but not settled, of approximately R5 bn.

The key proposals contained in the draft White Paper to address these problems include the following

Moving to a "No Fault" system of compensation. This will simplify the whole claims process and eliminate legal and other expenses arising from the assessment of blame which currently have the effect of reducing the real benefit received by the accident victim.

The additional cost to the state of moving to a "no-fault" system will be controlled by placing a cap on medical expenses for permanent impairment. The cap will not apply to medical expenses in the initial acute phase of treatment, which is defined as up to 18 months after the accident.

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(1) Whether any members of pro-democratic groups in Nigeria have applied for visas with a view to establishing a Nigerian united front on South African soil, if so, what are the relevant details,

(2) whether such applications for visas have been approved, if not, why not, if so, what are the relevant details?

N926E

THE MINISTER OF FOREIGN AFFAIRS

(1) No

(2) Not applicable

*29 Mr D K PADIAACHEY—Foreign Affairs [Withdrawn]

Housing. *Apple urn*

*30 Mr J A RABIE asked the Minister of Housing

Whether her Department has investigated the practical feasibility of utilising, in the building of houses for disadvantaged communities, the portable electrical device called the *Apple urn* in order to enable households in such communities to produce hot water, if not, what is the position in this regard, if so, what was the outcome of such investigation?

N928E

THE MINISTER OF HOUSING

No, according to departmental records, no presentations for the utilising of the *Apple urn* has been received. In terms of the new constitutional dispensation, the Department of Housing at central level is responsible for the formulation of national housing policy and strategy whilst the provincial governments are responsible for ensuring implementation thereof within their provinces. National housing policy allows maximum flexibility regarding innovative building technology and household appliances—the basis being that subsidy beneficiaries should be afforded the maximum freedom of choice. Provincial Housing Boards, will however not approve subsidies to acquire housing products and appliances which are not acceptable and do not comply with minimum health and safety standards. The Department is therefore not engaged in investigating the feasibility of specific household appliances.

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during the forthcoming Eurosatory '96 exhibition to be held in Paris, France, later this month

Museums/state archives depots' financial assistance curbed

*32 Dr F J VAN HEERDEN asked the Minister of Arts, Culture, Science and Technology:

(1) Whether his Department intends curbing financial assistance to museums and state archives depots under his control, if so, with what percentage, if not;

(2) whether it is the intention to extend such assistance, if not, why not, if so, what are the relevant details,

(3) whether he will make a statement on the matter?

N930E

THE MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY

(1) Provincialisation of archival services is being investigated. As soon as the investigation has been concluded, clarity will be reached on the financing of archival institutions at national and provincial level. The draft White Paper recommends a departmental review of museums as an immediate task. The future financial allocations to museums will be informed by this process.

(2) As in (1)

(3) A communication in this regard will be issued as soon as provincialisation negotiations pertaining to Archives have been completed. The communication in respect of museums will only be issued after the White Paper has been finalised and following the departmental review.

*33 Mr M J ELLIS—Health [Question standing over]

Malan trial: costs

*34 Mr R K SZANI asked the Minister of Defence

(1) What is the legal basis and rationale for the (a) funding, (b) accommodation and (c) transportation of accused persons in the trial of Malan and 18 others,

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(2) whether he will make a statement on the matter? N953E

THE MINISTER OF DEFENCE

(1) (a) Treasury Instruction W5 (issued in terms of Section 31 of the Exchequer Act 66 of 1975) stipulates that where a person is or was in the employ of the State is charged according to criminal law on account of conduct or neglect resulting from the execution of his official duties, or the handling or use of mobile state implements, and he has not forfeited the cover contemplated in these instructions, his defence will be undertaken by the State Attorney, if he so requests the State Attorney. Legal costs in such a case will be borne by the State. Should it later appear to the State Attorney that the person has in fact forfeited his cover, he shall repay all such legal costs to the State.

The Treasury Instructions further states that, if the State Attorney considers it to be in State or public interests and after consultation with the accounting officer, he may defend any person, whether in a civil or a criminal case using public moneys.

Should a criminal or civil case be brought against any employee of the State as a result of an act or omission by the employee, the concept of "state cover" entitles the individual to legal representation at state cost and the State accepts liability for any resultant claim.

State cover is, however, provided on the basis that the person was actually in service and was acting within the course and scope of the individual's employment as an Officer of the State. The State Attorney was approached and a legal opinion obtained that the Defence Force members and former Defence Force members as well as the former Minister of Defence could be provided with legal representation at State expense. This ruling by the State Attorney was brought to the attention of the Minister of Justice for his opinion.

At the cutting edge of transformation

TRANSFORMATION on the scale now under way in the SANDF has no parallel in South African society, writes Deputy Defence Minister **RONNIE KASRILS** in an article for The Argus. (254) ARG 19/6/96

IS Joe Modise proving the "Doubting Thomases" of defence wrong?

His recent budget speech to parliament was extremely well-received, with significant enthusiasm from the ANC benches

The favourable reception has been reflected outside the house as well, surprising some commentators, and signals a significant change in attitude, given that defence has, at worst, been regarded as redundant - its very existence questioned - at best, needing to be massively cut in favour of RDP projects

Then there has been doubt whether Modise could transform defence at all, given the perceived domination of the "old guard"

The reasons for what one commentator has referred to as a minor victory bear further investigation, and also consideration as to whether it is only minor or temporary

Clearly the minister could not come before parliament annually to defend his department's budget because of simply having endured cuts in the past

In the post-apartheid era what was clearly lacking was consensus on defence, and what was needed was a new way of handling budget requirements given the swinging cuts from 1989 - 50 percent in seven years, with defence funding in that period dropping from 4.5 percent of GDP to under 2 percent at present

Each year the defence budget was engendering further emotion as to whether further cuts were possible, against a background of main equipment that was becoming increasingly obsolete, and of questions relating to role and function in the absence of a foreseeable conventional threat

The way this problem has been tackled was through a white paper and defence review process, striving for as much consensus as possible to restore confidence in the role of defence

The white paper set out the essential principles and created the basic policy framework to allow for a national defence review

This is investigating all aspects of defence, with a view to recommending options for role, structure, design, force and equipment levels, funding, and the management of human resources

And of course it is necessary to do this through consultation and transparency, demystifying the issue, and not leaving it to military experts alone, but empowering parliament and civil society, and making them real partners in the process

This approach has cemented support across party lines, and from interest groups and individuals across the social spectrum

Notwithstanding this, the greatest challenge was to win the confidence of the ANC constituency in parliament and across the country, whilst retaining the co-operation of the military command in a testing period of transition

Integration needed to be more

convincing if it was to lead to genuine transformation, and not just the absorption of ex-MK and APLA into the old Defence Force

From the minister's point of view, we had to wait for two years, until the first phase of integration was completed, in order to judge the process in a balanced way, and to avoid being seen as reactive or impulsive in our response

A hard-hitting but balanced speech brought out the results of that assessment

There are 10 generals, 22 brigadiers, 180 colonels and lieutenant colonels, 282 majors and 465 captains from former MK and APLA, with 150 of the 1 500 officers being women

And over 700 of 11 500 former TBVC members are officers, with one general

In addition, 2 800 are NCOs and 10 500 are privates

Therefore black officers in the Defence Force constitute 16 percent of the total - far short of equality with white officers - but a significant beginning

The ministry regards this figure as a strategic base from which to upgrade disadvantaged officers, and from which their potential can be dynamically developed

We must overcome the imbalances of the past, in terms of race and gender, specifically taking in to account the distinct disadvantages of former MK, APLA and TBVC members, and the prejudices many perceive they are still subjected to

In this context we cannot afford any officer level of our armed forces to be based primarily on one group, neither can we allow the related issues of "standards" and "values" to be interpreted as the preserve of any particular vested interests

The way to overcome this and to ensure the acceleration of career paths for those with the greatest potential, is through the implementation of effective equal opportunity and affirmative action programmes

Everyone has seen the necessity for this and appreciate the fairness of "levelling the playing fields" for those who were formerly disadvantaged

This was crucial to winning the confidence of ANC MPs who have been particularly concerned in this issue

Therefore Modise has established an affirmative action and equal opportunity programme with the emphasis on the development of prospects for formerly disadvantaged personnel through education and training, and by the identification and elimination of discriminatory practices and attitudes

Furthermore, and fundamental to altering the mindset of the past, he has created a civic education work group of academic and military experts, whose recommendations are being implemented to create a new military culture, and to inculcate respect and understanding of our new democratic



Deputy Defence Minister Ronnie Kasrils. He points to the massive scale of the transformation now taking place in the country's defence force and argues that this demonstrates the effectiveness of Defence Minister Joe Modise's strategy in tackling change.

standards and values

The National Defence Force must become a home for all its members, and as Modise bluntly put it, he will not tolerate racism, sexism or any other form of discrimination in the Defence Force

And as he showed over the misguided Cassinga commemoration in Bloemfontein, he will not countenance any behaviour or display that may undermine the basis of our new democracy

This applies equally to the part time force, which will be suitably transformed, and whose citizens in uniform, yet to become representative of our population, are an essential element for defence in a democracy

Defence is now at the cutting edge of rectifying the past - it is no longer a preserve or fiefdom of the old order

Transformation, on such a scale, has no parallel in our society, and its central rationale is that unless the Defence Force is broadly representative of the population, it will lack legitimacy and credibility

Turning to the so-called "guns or butter" debate, Modise's arguments for suitable equipment and his warnings about obsolescence, were well heeded by parliamentarians encouraged that he means business about transforming the Defence Force

Consequently, the replacement of our aging inventory - with much of our key equipment running down completely by 2005 - is no longer viewed as an attempt by a bloated, unrepresentative military caste to snatch precious resources from the RDP

Thus the suitable replacement of obsolete equipment - some veritable museum pieces, such as 30 year old Impala aircraft, 50 year old battle tanks, nearly 60 year old maritime patrol Dakotas, not to mention Alouette helicopters, strike craft and submarines, which remain in service only due to the ingenuity of the Defence Force - can now be seen in a more acceptable context

It is now seen that the defence review, whose first report is promised for September, can provide a logical basis for making the hard decisions about replacement

Which brings us to the third dimension of the debate, the economic accent on defence

This includes the utility of personnel and equipment in support of the police in combating crime and violence, to humanitarian assistance and disaster relief - which has been considerable in the widespread floods, and before that, the droughts

Modise has now broadened this rationale to show the wider value of

defence to the economy and region

In this respect, defence should be seen as contributing to stability for economic progress

This enables the debate to progress beyond the redundant threat-fixated interpretation of the apartheid and Cold War era, to an appreciation of defence in promoting socio-economic security and stability for, amongst other factors, the RDP and investor confidence

As the Southern African Development Community is attracting greater investor interest, and as we are seen as the "port of entry" to the regional market, the enhancement of our defence capability provides the type of security and stability integral to a new economic vision

A credible defence must be viewed as a national asset, and no longer one which swallows resources without adding value to the economy

Taking our navy as an example - if we consider that over 80 percent of the value of our trade with the rest of the world and over 90 percent of volume passes through our ports - the replacement of our ailing strike craft by more suitable combat vessels is understood as necessary to patrol our sea lanes, to ensure the safety of international maritime traffic, and to allow secure access to our ports of entry for those who wish to do business with us

Moreover, and in terms of our national economy, such ships would enhance our ability to guarantee the integrity of our new 200-mile maritime Exclusive Economic Zone - which is the same size as the land-mass of our country, and which is rich in fish and untapped mineral resources beneath the seabed

The army and air force can also be viewed in these terms, particularly taking into account our regional responsibility, and anticipating involvement in peace-support missions which will increasingly become a major responsibility for this country

It is for these reasons that parliament believed in the minister's commitment to credible and legitimate defence - it was not just a transient response to a rhetorical speech

If we are to see this parliamentary and public support growing, then, as Tony Yengeni, chair of the parliamentary joint standing committee on defence stressed in the debate, we must succeed in implementing the policy set out in the white paper

In this respect, the defence review is proving as remarkable as the white paper process, with workshops all over the country, involving interest groups, parliamentarians, academics, business and organised labour, the part-time soldiers, and even pacifists

If the minister is to keep up this winning recipe, the SANDF must continue on the road to transformation, and the defence review process must provide legitimate answers to our defence needs

Row over surprise document brings Malan trial to a halt

The Argus Correspondent

(254)
ARG 19/6/96
wards and ensured they were paid

DURBAN - Defence counsel Jeff Hewitt SC brought the Malan murder trial to a standstill today by accusing the state of ambush tactics in presenting a document this late in the case

The Inkatha Freedom Party deputy secretary-general, M Z Khumalo, continued in the witness box for the fifth day today. He was cross-examined by Benny Schonfeldt SC, deputy Attorney-General

Mr Khumalo has distanced himself from Operation Marion, the SADF project to train 206 Inkatha members in the Caprivi in 1986

He maintained that he merely helped Brigadier Siphon Mathe, KwaZulu police deputy commissioner, to recruit loyal Zulus. Mr Khumalo said he cared for the trainees after-

wards and ensured they were paid. Mr Schonfeldt today wanted to put to Mr Khumalo a document on an Inkatha letterhead that he said the state had received last Thursday

But Mr Hewitt objected, and accused the state of ambush tactics. He was supported by the six other SCs appearing for the 16 other men on trial

Their argument was that, in keeping with the new constitution and Supreme Court practice, the state had to furnish to the defence at the outset of the hearing all documents it intended to produce

However, the state argued its obligation pertained only to documents the state wanted to put as part of its case

The trial was adjourned for both sides to consider their positions

Yengeni slams arms industry

sowetan 19/6/96

(254)
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Empowerment of black people 'must be part of privatisation process'

By Rafiq Rohan
Political Correspondent

THE ARMAMENTS INDUSTRY is still run by whites and if the Government plans to privatise some of its parastatals, then the most important part of the restructuring process must be the empowerment of black people.

This must extend to the defence force as well, Mr Tony Yengeni, chairman of the joint standing committee on defence, said at an African National Congress briefing yesterday.

Yengeni was also highly critical of the fact that in the South African National Defence Force ordinary soldiers were black and officers white.

His comments on privatisation were aimed specifically at the Government's planning around the future of Denel, the manufacturing subsidiary of state-owned Armscor.

If Denel is privatised, it must be done in a way that brings on board local black entrepreneurs.

The breaking down of Denel must

lead to the empowerment of disadvantaged black people."

In another dramatic and unusual move, Yengeni called for the establishment of a military ombudsman to look into complaints concerning the integration process of the SANDF.

Serious strain

He said while the process had not completely broken down, there were problems that had placed it under "serious strain".

"Not everything is rosy in the process. We are dealing with numerous complaints including the ranking system, salaries and racism. This means that there is a need to set up a complaints system independent of the SANDF."

The idea of the military ombudsman will come under consideration when Parliament convenes in August after the winter recess.

He also said that there was a misconception about the integration process that only MK and APLA had to justify their integration.

mation regarding the manufacturing of the substance is not available prior to 1994, but since 1994 it is estimated that 5 850 kg of methaqualone could have been produced in South Africa. This translates to approximately 23 million tablets.

(2) Yes

During the said period 90 kg of methaqualone powder was seized along with chemicals capable of manufacturing a further 60 kg. This would translate into 600 000 tablets. Certainty of manufacture in South Africa can therefore only be expressed in terms of these seizures. It is impossible at this stage to determine what percentage of tablets seized was

produced locally, and what percentage, was produced elsewhere.

(3) (a) (i) Yes

During the said period criminal prosecutions were initiated against two people for manufacturing drugs. All cases are *sub judice* and no convictions have been handed down to date.

(ii) No

(b) (i) and (ii) Due to magnitude and the high level of financial and manpower resources which would have to be utilised in order to gather and process information in this regard, the desired statistics can, unfortunately, not be supplied.

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THURSDAY, 20 JUNE 1996

1336

Hansard

QUESTIONS

Indicates translated version

For written reply

Minister of Public Works: overseas trips funded by the State

339 Mr J A JORDAAN asked the Minister of Public Works

(a) How many times did (i) he and (ii) members of staff of his Ministry go on overseas trips funded entirely or partially by the State in the latest specified calendar year for which information is available, (b) what was the (i) purpose, (ii) cost to the State, (iii) destination and (iv) duration of each such trip and (c) who accompanied him in each case?

NS888E

THE MINISTER OF PUBLIC WORKS

(a) (i) and (ii) Once

(b) (i) To meet business people, Government officials and the construction sector to encourage investment, exchange of expertise, joint ventures in infrastructure delivery in South Africa and received honorary doctorate in Humane Letters from the University of Chicago,

(ii) R99 060,73

(iii) Chicago, Cleveland, Los Angeles, Atlanta and New York

(iv) 13 days

(c) Mr N Mthembu—Private Secretary

Ms B Molesepe—Spouse

SANDF: total manpower strength

527 Mr J C N WAUGH asked the Minister of Defence

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(1) (a) What was the total manpower strength of the South African National Defence Force as at 30 April 1996 and (b)(i) what will be the size of the SANDF at the conclusion of the rationalisation programme and (ii) when will the rationalisation programme be concluded,

(2) (a) what was the total number of names which appeared on certified personnel registers of non-statutory forces and (b)(i) how many of these persons had reported for integration as at 30 April 1996 and (ii) how many of these persons were (aa) men, (bb) women and (cc) members of Apla?

NS890E

THE MINISTER OF DEFENCE

(1) (a) The total manpower strength of the SA National Defence Force on 30 April 1996 was 721 434. A breakdown of this figure is as follows:

Full-time Force Component

—Long Term Service	=	46 812
—Medium Term Service	=	2 447
—Short Term Service	=	27 705
—Auxiliary Service	=	534
—Civilians	=	23 627
		101 125

Part-time Force Component

—Conventional Force	=	10 876
—Territorial Force	=	79 503
—Voluntary Military Service	=	2 040
		92 419

Reserves	527 890
Total	721 434

(b) (i) The Department of Defence is in the process of conducting a review of the Defence function to first of all gain popular consensus on the role and function and commensurate size and shape of the SA National Defence Force. Once consensus has been reached and accepted by Parliament and the final structure of the SA National Defence Force has been approved, only then can the rationalisation of personnel be proceeded with.

Rationalisation by means of natural attrition, selective recruitment and the

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non-renewal of certain contracts is, however, an ongoing process in the SA National Defence Force and will be followed by the said rationalisation process once a new structure has been approved

(11) Since the rationalisation planning process can only commence once the Defence Review is adopted in Parliament an accurate date cannot be given, however, it is expected that rationalisation will not be completed before December 1999

- (2) (a) The total number of names that appeared on the Certified Personnel Register (CPR) of the non-statutory forces on 30 April 1996 was
- MK CPRs 29 949
 - APLA name lists 6 652
- (b) (i) The total number of MK and APLA members who reported for integration as at 30 April 1996 was 20 638
- (ii) Of these

- (aa) 18 848 were men,
 (bb) 1 790 were women, and
 (cc) of the total of 20 638, 4 078 were from APLA (3 755 men and 323 women)

Bloemfontein police districts: crime

536 Mr A J LEON asked the Minister for Safety and Security

How many cases of (a) murder, (b) culpable homicide, (c) assault, with intent to do grievous bodily harm, (d) common assault, (e) rape, (f) robbery, (g) theft of vehicles, (h) theft of other items, (i) damage to property, (j) housebreaking with intent to steal and theft, (k) possession of drugs, (l) drunken driving, (m) vagrancy and (n) prostitution were reported at each specified police station in the Bloemfontein police districts in (i) 1994 and (ii) 1995?

N937E

The MINISTER FOR SAFETY AND SECURITY

	Bainsvlei	Batho	Bayswater
(i) 1994			
(a) Murder	8	169	8
(b) Culpable homicide	7	18	6
(c) Assault GBH	91	1 933	40
(d) Common assault	84	2 316	77
(e) Rape	32	495	8
(f) Robbery	14	687	27
(g) Theft of vehicles	14	170	47
(h) Theft of other items	431	1 869	721
(i) Damage to property	52	1 134	134
(j) Housebreaking with intent to steal and theft	246	1 288	348
(k) Possession of drugs	21	192	20
(l) Drunken driving	3	40	1
(m) *Vagrancy	0	0	0
(n) Prostitution	1	0	1

*Statistics pertaining to (m) are not available

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	Bloemfontein	Bothososo	Boshof
(i) 1994			
(a) Murder	13	30	6
(b) Culpable homicide	23	23	6
(c) Assault GBH	151	378	74
(d) Common assault	138	339	56
(e) Rape	29	96	15
(f) Robbery	34	92	6
(g) Theft of vehicles	14	7	2
(h) Theft of other items	513	291	71
(i) Damage to property	89	189	30
(j) Housebreaking with intent to steal and theft	392	233	60
(k) Possession of drugs	84	48	19
(l) Drunken driving	12	20	6
(m) *Vagrancy	0	0	0
(n) Prostitution	0	1	0

	Botshabelo	Brandfort	Dealsville
(i) 1994			
(a) Murder	43	4	2
(b) Culpable homicide	10	3	5
(c) Assault GBH	598	111	61
(d) Common assault	464	82	57
(e) Rape	116	27	8
(f) Robbery	201	12	4
(g) Theft of vehicles	24	5	2
(h) Theft of other items	680	156	79
(i) Damage to property	272	40	12
(j) Housebreaking with intent to steal and theft	452	96	27
(k) Possession of drugs	92	48	20
(l) Drunken driving	6	20	9
(m) *Vagrancy	0	0	0
(n) Prostitution	0	0	0

Audit of all intelligence files ordered

(254) (254)
Wyndham Hartley

21/6/96

CAPE TOWN — All SA's intelligence services — military, police and civilian — have been warned to audit their files as part of a parliamentary investigation following the disclosure that defence force chief Gen Georg Meiring ordered the destruction of files.

It is believed that all covert operations files of military intelligence predating the 1994 election, presumably also those referring to the deeds of the Civil Co-operation Bureau, are among those destroyed.

The outgoing head of Parliament's intelligence oversight committee, Lindiwe Sisulu, told a news briefing yesterday that the destruction of military intelligence files on past covert actions was discovered during a visit by the committee to the SANDF's Military Intelligence Academy.

She said that during the debate Meiring had responded to a request to see the files by saying that they had been destroyed. "They cheerfully admitted to it," Sisulu said.

Sisulu's ANC colleague, Luwellyn Landers, said Meiring had made the admission. He said Meiring had said the files were destroyed as provided for under the Archives Act.

Sisulu said the Act, which is being revised, provided for destruction of files. But she said the legislation creating the Transitional Executive Council in late 1993 forbade the destruction of any files.

The committee was taking legal advice on the matter.

Landers said it was his impression that all files predating the 1994 election had been destroyed.

Sisulu explained to the news briefing that an investigation into missing

Continued on Page 2

Destruction

Continued from Page 1

files and past covert operations could be carried out by using the files of the auditor-general.

The auditor-general was required to keep secret everything except the result of his audit of the intelligence services. The committee was contemplating changes to the auditor-general's

Act to allow it access to his files.

She said that as far as the committee knew, only military intelligence files were involved at this stage.

Sisulu first gave notice of the missing files during the intelligence budget debate last week. She said yesterday that the ministries of defence and safety and security, as well as the National Intelligence Agency, had been asked to hold an audit of their files and to attend a meeting with the committee as part of the investigation.

Meiring admits destroying files

(254) (252) DT 21/6/96

THE TRC will demand that General Georg Meiring reveal who ordered the destruction of spy files. **BARRY STREEK, ROGER FRIEDMAN** and **WILLEM STEENKAMP** report

THE head of the Defence Force, General Georg Meiring, had "cheerfully" admitted to Parliament's intelligence oversight committee that all military files on covert action before April 1994 had been destroyed, the committee chairperson, Ms Lindwe Sisulu-Guma, said yesterday.

Reacting to Meiring's disclosure last night, Truth and Reconciliation Commission investigative unit head Mr Dumisa Ntsebeza said in Umtata the commission would demand Meiring's appearance before it, to reveal who had ordered the destruction of the files.

Sisulu-Guma told an ANC press briefing that the committee had now demanded that all government intelligence agencies explain whether any of their files had been destroyed.

Sisulu-Guma, whose committee's first report was handed over yesterday to President Nelson Mandela, as required by law, said the Ministries of Defence, and Safety and Security and both civilian intelligence agencies had been asked whether their files had been audited.

Her committee had already consulted lawyers after being told by Meiring that the files had been destroyed under the provisions of the Archives Act.

It had also written to the Ministry of Arts, Culture, Science and Technology about the provisions of the Archives Act and what the policy was on the destruction of files.

Sisulu-Guma said her committee had been visiting the Military Academy, where South Africa's military intelligence spies and counter-spies are trained, when Meiring had told them of the destroyed files. She also said that Meiring had not given any reasons for this action, but had cited the provisions of the Archives Act as legal justification for their destruction.

She said her committee was also looking for copies of the files with the auditor-general. The auditor-general had to oversee the use of money for covert activity but the law would have to be changed to enable her committee to have access to his files.

She had "no idea at this point" whether any of the other intelligence agencies had destroyed files.

Earlier, Sisulu-Guma said her committee wanted to have control over the budgets of the police and military

intelligence agencies so that they will understand that when we do make recommendations, they will take us seriously."

The committee's relationship with the police and military was not as fluid as it was with the civilian services because it did not control their budgets.

The TRC's Ntsebeza said the commission would demand Meiring's appearance before it to provide an explanation for the destruction of the files.

"If Meiring wants to justify his actions by referring to the Archives Act he will have to be subjected to some questioning by the commission," he said.

"Meiring must also have been acting in terms of an order of a Minister of State and we will want to know which minister and if it was a cabinet decision," said Ntsebeza.

The commission decided before Meiring's admission that it would have to hold special hearings on missing files, to discover who ordered their destruction.

Obviously, the loss of the files would make it harder for the commission to corroborate evidence placed before it. But they expected perpetrators would come forward "to come clean and say what was in the files."

A top defence analyst who did not want to be identified, said last night it was likely the SADF was ordered to begin destroying files in the early 1990s, at the same time that the former National Intelligence and Security Branch were ordered to do so.

The destruction of the files, on the orders of the previous government, would have come to an end after the

The truth may have gone up in smoke

A NUMBER of secret operations were carried out in the period for which the files have been destroyed.

● **The Civil Co-operation Bureau, a shadowy SADF-sponsored group carried out bombings, assassinated prominent activists and infiltrated groups opposed to the government.**

● **Inkatha members trained at an SADF camp in Caprivi have been linked to the KwaMakutha massacre.**

● **Operation Katzen, to rid the Eastern Cape of activists, was mounted at the time the Cradock Four were killed.**

● **News1pk, an SADF-funded newspaper was created to discredit the ANC. It ceased publication after the ANC was unbanned.**

April 1994 elections

He said the SADF, barring well-publicised examples such as the Civil Co-operation Bureau (CCB), had been involved in relatively few covert operations and the files

Pick

Pay

DISCOUNT Supermarkets

Denel benefits from 'sensitive' products

CT (BR) 24/6/96 (254)

By Françoise Botha

Cape Town — Denel, the weapons and commercial technology producer, has reported a 22 percent increase in net profit after tax to R379 million for this year

The company increased its dividend payment to the state 42,9 percent to R100 million

Improved margins from higher exports boosted net profit gains on sales, which climbed by 12,8 percent to R3,4 billion

Exports for the year accounted

for more than R1 billion in sales

South African defence and security forces accounted for R1,53 billion or 45 percent of sales, down from 48 percent last year and 63 percent the previous year. The country's security forces remained the company's largest client

Johan Alberts, the managing director, said that despite decreases in defence budgets worldwide, the company had increased its international market share as well as revenue from commercial sales to the local market

About R105 million was invested in research and development during the year, he said

The company said that a sizeable portion of its income originated from the sale of "politically sensitive products"

But it reaffirmed its compliance with national and international treaties which have blacklisted the manufacture of certain military and related hardware, including anti-personnel landmines. It said that it had imposed a ban on the sale and manufacture of those products

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April 25/6/96
**Military files
'of no value'
were erased**
(254)

By NORMAN CHANDLER
Defence Correspondent

The SANDF has admitted to destroying military files, but only those of no value.

The Star - which requested clarification on Friday about allegations made by the chairman of the parliamentary intelligence oversight committee, Lindwe Sisulu-Guma - was told in a general media release that the committee chief's claims were false. Sisulu-Guma said on Thursday that the chief of the SANDF, General Georg Mering, had "cheerfully admitted" to the action undertaken before April 1994 had been destroyed.

In his reply to The Star, Mering also said that the Saldanha Bay "military academy", a phrase used by Sisulu-Guma, was not an "intelligence training unit as alleged", but was rather an academy highly regarded as a training ground for selected pre- and post-graduate officers and candidate officers.

"While documents have been disposed of, there has been no so-called mass destruction of documents as has been implied. Disposal of excess SANDF documents is a continuous and ongoing process, and is handled explicitly in terms of the regulations and guidelines."

The SANDF was responsible for the disposal of archives in terms of the Defence Act as well as the "financial manual of the Treasury".

Destruction of documents could not take place without the express permission of Lieutenant-General Pierre Steyn, who was now Defence Secretary. This was again emphasised in April 1993, while in May 1993 similar guidelines were also stipulated. Prior to April 1994, "all documents were disposed of to reduce storage space, save costs, facilitate labour saving, which has a cost implication, and to increase efficiency".

If anything was to be deleted or destroyed, authorisation had to be obtained in accordance with the Archives Act, the financial manual of the Treasury, and the guidelines of the State Security Council meetings (SSC). The SSC was disbanded shortly before the election of a new and democratic government two years ago.

PIETER MALAN and JOE ARANES
Staff Reporters

THE admission by top-ranking police that they were directly responsible for the bombing of Khotso House in Johannesburg in 1988 has been welcomed by Cape Town activist Shirley Gunn

Adriaan Vlok who was minister of police at the time, insinuated the following year that Ms Gunn had been responsible. She is now suing Mr Vlok for R1 million

"It is fantastic, it's such a relief to hear this," Ms Gunn said after hearing the news of the generals' submission

Mr Vlok claimed in 1989 that Ms Gunn had been seen entering the building - the headquarters of the SA Council of Churches and other anti-apartheid organisations - with two men shortly before the blast in September 1988

Ms Gunn, with her 16-month-old baby, was later arrested and held under Section 29 of the Internal Security Act in connection with the blast

Chairman of the Truth and Reconciliation Commission Archbishop Desmond Tutu said today that a lawyer representing 22 current and former police members had written to him saying that his clients were prepared to approach the commission with amnesty applications

Archbishop Tutu said the lawyer told him that their actions were fully supported by Mr Vlok and various former police generals who would accept, where applicable, collective responsibility and who may also apply for amnesty

He declined to provide any more details, saying the commission was determined to handle the matter carefully and correctly.

It is understood that the letter listed a number of specific crimes, including the bombing of Khotso House and Cosatu House, the bombing of a Randburg electricity station and the killing of the Pebco Three - Port Elizabeth Black Consciousness Organisation activists

Ms Gunn said today that her case against Mr Vlok would go ahead as it was in the public interest that the case run its course

"This is just confirmation to me that I am right to continue with the case.

"I want to finish this and get on with my life"

She said today that her son, Haroon, who was detained with his mother when he was 16 months old, asked her why she received so many telephone calls

"I showed him the newspaper and

explained to him what has happened."

He then looked at her and said "Oh goody"

"It was just confirmation that it is in the interest of my family that we solve this matter now," Ms Gunn said

While she was in prison those interrogating her told her that they would be the first to apologise if they were proved wrong

"Up till this day none of them has done so," she said

She added that it was worrying that although the generals had acknowledged responsibility, there was no sign of remorse for what they had done

"Twenty-one people were injured in the Khotso House blast. Are they sorry about that?" she asked



Shirley Gunn

Ms Gunn's lawyer Waheed Badrodien welcomed the generals' submission saying that it put the case in a different light

"We are sure that we have got a case and are willing to argue that case in court

"What we are saying is, let the case go ahead and let the public judge the evidence in open court"

Mr Vlok has refused to comment on the generals' letter

General van der Merwe told Sapa today that reports created a "totally wrong" impression about the letter to the commission.

He said the letter followed an initiative by a group of policemen, who had approached a Pretoria legal firm to advise them on the possibility of their applying for amnesty

"I stated that I would be prepared to assist the policemen should they decide to apply for amnesty," General Van der Merwe said.

"I would also be willing to provide background of the circumstances in which possible human rights violations had been committed

"Should this process reveal that one or several generals should accept responsibility, they will be prepared to do so"

In such an event the generals concerned would also consider applying for amnesty, he said

The National Party will also probably discuss the generals' approach to the truth commission at the party's federal council meeting in Pretoria today, said NP media director Jan Bosman

The generals' submission might well have an influence on Deputy President FW de Klerk's own submission to the commission in mid-July ● See page 9

Generals' admission 'clears' Cape activist

ARL 25/6/96

(254)

Generals sound out amnesty possibility

ARC 25/6/96 (254)

JOHN YELD
on the Truth Commission

WORCESTER - TOP security force generals from the apartheid era, including two former police commissioners, have acknowledged collective responsibility for more than 20 major crimes.

These include the deaths of the missing "Pebco Three" civic activists in Port Elizabeth in 1985, the 1988 bombing of Khotso House in Johannesburg, the 1991 bombing of Cosatu House in Pretoria, and the blowing up of a Gauteng power station - an action previously attributed to the African National Congress

The generals are mainly former policemen and include former police commissioners General Johan van der Merwe and General Johann Coetzee, and Lieutenant-General Basie Smit and Lieutenant-General Krappies Engelbrecht. They also include some former defence force officers. They have approached the Truth Commission through a lawyer to sound out possible amnesty applications.

In the letter, crimes are outlined and the "foot-soldiers" who carried them out are named, according to sources close to the Truth Commission.

The letter is understood to have the support of former police minister Adriaan Vlok.

A copy has been sent to the Attorney-General of the Transvaal, Jan D'Oliveira.

It indicates that the top officers, in their leadership capacity, would assume responsibility on behalf of their subordinates for violations where appropriate. The group's attorney, Jan Wagener, yesterday confirmed that he had approached the commission on their behalf.

"I was approached by certain people about the possibility of applying for amnesty in certain situations. I wrote to the commission to inquire about that," Mr Wagener said.

He added that the letter included a list of names and a list of incidents for which amnesty may be sought.

Mr Wagener denied that the officers had accepted responsi-



Alex Boraine

bility for any human rights violations, saying the letter was simply "an inquiry on behalf of certain people about applying for amnesty."

His letter reached the commission on Friday, the sources said.

Asked at a media conference after the commission's hearings in Worcester yesterday to comment on the letter, commission deputy chairman Alex Boraine said he had not seen it yet.

"If it is true what you tell me, then I think it is very, very exciting

For more reports
and pictures, see
page 13.

indeed, because the commission has constantly urged perpetrators to come forward.

"We don't think the healing process is complete with hearing only from the victims - we also need to hear from the perpetrators."

Contacted at his home last night, General Van der Merwe refused to comment, saying he would not speak on the matter until an official statement was issued by the commission, Sapa reports.

Dr Boraine said it was "very, very encouraging" if key former security officers were coming forward to testify, although he warned that there was no such thing as amnesty for "collective responsibility" in terms of the Truth Commission's founding Act. Individuals had to apply

Dr Boraine also announced it was possible that due to unresolved legal proceedings self-confessed former police "dirty tricks" and "hit-squad" commander Dirk Coetzee would not testify at a two-day commission hearing in Port Elizabeth, starting tomorrow, as planned.

A full bench of the Cape Supreme Court was expected to rule today on the commission's appeal against a ruling by Judge King in favour of controversial former Eastern Cape security policeman Gideon Nieuwoudt.

Even if the court ruled in favour of the commission's appeal there was still a further legal process to be followed, Dr Boraine explained.

This was to overturn a finding of contempt of court against the commission in the Port Elizabeth Supreme Court, based on Judge King's judgment and in favour of Colonel Nieuwoudt.

Because Mr Coetzee was likely to implicate Colonel Nieuwoudt, who was last week convicted of multiple murder in the Motherwell bombing case, he (Colonel Nieuwoudt) would still be required to have 30 days' written notice that he was to be named as an alleged perpetrator, until the contempt finding was overturned, Dr Boraine said.

But there was no doubt that Mr Coetzee would ultimately testify, Dr Boraine emphasised - it was a postponement, not a cancellation.

He confirmed that the mother of missing Cosas leader Siphiso Mtinkulu, who was allegedly poisoned by security policemen in 1982, would definitely testify in Port Elizabeth tomorrow.

Two previous attempts by her to testify had been temporarily thwarted by Supreme Court action by retired police brigadier Jan Abraham du Preez and retired general Nicolaas Jacobus Janse van Rensburg.

● Khotso House, the headquarters in Johannesburg of the SA Council of Churches, was ripped apart by a huge explosion in August 1988, leaving it devastated.

In the December 1991 Cosatu House bombing, a huge explosion ripped through the building at 1.15am. No one was injured.

Deloitte & Touche wins SANDF deal

(254)
Amanda Vermeulen

BD 26/6/96
MANAGEMENT consultant Deloitte & Touche has won a contract thought to be worth about R40m to help transform the newly integrated SANDF

SANDF chief director of transformation Maj-Gen. Marius Oelschig said yesterday Deloitte — which was also working for the departments of public works, labour and arts, culture, science and technology — beat 26 other management consultants for the contract

Deloitte's Pierre Tredoux declined to put a value on the three-year contract, but said it was not R40m

Oelschig said the defence forces had to be reorganised. This included continuing integration of the defence forces of the former TBVC states, and the armies of the ANC and PAC, Umkhonto we Sizwe and the Azanian People's Liberation Army (Apla).

Deloitte would also undertake management re-engineering and improve the SANDF's financial controls

The reshaping of the SANDF, which began two years ago, has been plagued with problems, including Apla's initial refusal to join and disputes over payouts to non-defence force members taking voluntary demobilisation.

Defence Minister Joe Modise has accused generals of having their "own agenda" and attempting to delay integration to maintain their positions

'Unlawful' acts not intended (254) — General

CT 26/6/96

DURBAN. The Supreme Court here heard testimony yesterday from ailing former army chief General Kat Liebenberg.

He is one of 17 accused, including former Defence Minister General Magnus Malan, who face murder charges arising from the 1987 KwaMakutha massacre.

Liebenberg, who suffers from cancer, has been seated in a comfortable chair alongside the witness stand. He testifies for only an hour at a stretch because of his medical condition.

He is alleged to be the co-author of the top-secret Liebenberg Report, drawn up in the mid-1980s to outline ways of helping Inkatha in its power struggle with the ANC in Natal.

The report is alleged to have prompted a military training programme for 206 Inkatha recruits in the Caprivi strip in 1986. Some of the trainees allegedly carried out the KwaMakutha massacre, killing 13 people.

Liebenberg told the court yesterday that the report had never recommended unlawful or "offensive" actions against the ANC, despite the report's reference to setting up an "offensive element".

He said the "offensive element" referred to an envisaged "protection unit" that could defend Inkatha against ANC attacks.

"For us it was clear that we were talking about an offensive element within the context of proper protection," he said.

The present-day military establishment did not draw a simple distinction between "offensive" and "defensive" capabilities. The two were used interchangeably, he said.

Drawing on various military examples to illustrate his point, Liebenberg also emphasised that modern soldiers were not trained exclusively in "offensive" or "defensive" tactics.

The state alleges senior military officers authorised the establishment of Inkatha hit-squads that were specifically instructed to kill.

Military training in the Caprivi had been kept secret owing to the unlawful nature of the training.

The military had also tried to distance itself from the trainees once they had finished their training and returned to Natal.

Liebenberg will face cross-examination when the trial resumes tomorrow.

After that the defence is expected to call Malan to the witness stand. — Sapa

Advice on retraining of soldiers

Stephané Bothma

(254) ^{BD 27/6/96}
THE retraining of about 30 000 demobilised SANDF soldiers over a five-year period should be based on labour market needs to ensure economic growth and development, labour department human resources development chief Adrienne Bird said yesterday.

Addressing a Wits Graduate School of Public and Development Management conference about the difficulties faced by military personnel re-entering civilian life, Bird said that in the past training had been based on individual interest and not on skills needed by the country.

This would change, as the department was identifying growth areas and establishing what skills were needed to bring about the growth, she said.

"Then people will be trained in fields where their knowledge and skills will be needed," said Bird.

SANDF Service Corp chief Gen Lambert Moloi told the conference that the demilitarisation of demobilised soldiers was essential before combatants could be sent back into civilian life.

Moloi said the Service Corps, which would be severed from the SANDF in the future to become the responsibility of all government departments, would prepare soldiers for a non-military culture.

Kees Kingma of the Bonn International Centre for Conversion said it was important to assist ex-combatants so that their skills benefited society.

He said a broader view might reveal skill and qualifications owned by ex-soldiers that could benefit the individual and society.

Kingma said a major risk that existed if ex-military people were unable to find employment outside the military, was that they market their military skills elsewhere. "The use of ex-soldiers as mercenaries in official and private armies is indeed increasing."

Conversion of military skills for civilian employment had to deal with more than retraining only. The key was for the ex-soldiers to take the appropriate steps and for government to create support options including counselling, advice and retraining programmes, he said.

"Support for skill conversion and other reintegration support might seem expensive, but the long-term costs to society may be higher if ex-soldiers are unable to find new livelihoods," he said. The conference continues today.

effect substantial development losses for the next few years. These developments also
g and NetHold will continue to use either existing or new sources of funding to bring these
South African exchange

De Klerk stands by the generals

TYRONE SEALE
Political Staff

(254) (254) (254)

NATIONAL PARTY leader FW de Klerk will sign his party's Truth Commission submission that will defend former security forces members who strictly implemented counter-revolutionary policies.

Mr De Klerk says he accepts personal responsibility for the anti-revolutionary policies developed by the previous government. In the same way, he says, President Mandela should accept responsibility for his organisation's erstwhile commitment to the seizure of power by bloody, revolutionary means.

But, he says, there is a difference between former security forces members who strictly implemented anti-revolutionary policies and those who used their own initiative in an "unreasonable interpretation" of these policies.

Speaking at a Cape Town Press Club breakfast today, Mr De Klerk was responding to the submission to the TRC of a statement by 20 top former police generals that they are prepared to accept collective



FW de Klerk

responsibility for certain human rights violations. These include actions previously ascribed to ANC operatives.

Mr De Klerk contradicted a statement two days ago by a senior National Party MP,

BD 27/6/96
Johan Steenkamp, who said the generals were "free to do their own thing" and that Mr De Klerk's submission to the commission would not be on behalf of the previous government or the old NP.

"There is no question of us standing away from former members of the security forces who were implementing (counter-revolutionary) policies," Mr De Klerk said.

Turning to the future of his party, Mr De Klerk predicted the NP would have a black leader one day.

He said his party was applying affirmative action internally, based on merit and experience, to ensure that its leadership reflected the NP support base.

Mr De Klerk said the time would come when the overwhelming majority of those who voted for the NP would be "black and brown and Indian", as well as most whites.

"But in the final analysis, there will be a black or brown leader of the NP standing before you."

As a truly non-racial party, the NP would offer a political home to all South Africans who agreed on certain values, principles and policies.

Denel loses R1,4bn through tighter govt control of arms

(254) MD 28/6/96
David McKay

ARMS manufacturer Denel lost about R1,4bn in business in the year to March amid government's attempts to tighten controls over arms exports

The group — which pulled in offshore revenue of just more than R1bn for the year — said problems stemming from government's withdrawal of export licences and other problems associated with export and marketing permits would also damage its international credibility

MD Johan Alberts, in Denel's annual report, said a large chunk of revenue was drawn from politically sensitive products. Halting exports would continue to knock the group "because of the extreme difficulty replacing cancelled orders with long lead times"

Denel supported government's initiatives to control the exports through the establishment of the national conventional arms control committee. The multiparty committee, chaired by

Water Affairs and Forestry Minister Kader Asmal, reported Denel to the attorney-general in December for alleged illegal exports to Spain

Alberts refused yesterday to detail which contracts had been lost. "For good client relations and political reasons, we do not want to reveal more information than to say we have accepted government's decisions"

Chairman David Brink said neither Denel nor the regulating bodies had been "sufficiently adept at weaving the desired tapestry" to ensure success in available and lucrative markets

The company had sold into 53 countries, lifting offshore revenue to 30% of the group's total R3,4bn. Commercial products accounted for R185m of this

Business with SA security forces accounted for 45% of revenue

Attributable income for the year jumped 22% to R379m, with R100m (R70m) in dividends paid to the state

A complete restructuring of the organisation was being discussed

Denel rules out restructuring

(254) ST (P) 30/6/96

By THABO KOBOKOANE

ARMS manufacturer Denel has ruled out further restructuring and privatisation unless instructed to do so by the government, managing director Johan Alberts said this week.

"We have undergone restructuring and do not think it is necessary to take it any further," Mr Alberts said in presenting the company's 1995/96 financial results.

The group increased revenue to R3,4-billion on the back of strong growth in the export market and good domestic sales of commercial products.

Exports accounted for 30% (over R1-billion) of gross revenue against 17% in the 1992/93 financial year. Commercial products accounted for R185-million of export and more than R700-million on the domestic market.

Taxed profits attributable to

shareholders for the year increased to R379-million (1994 R310-million) and a dividend of R100-million was paid to the government.

Mr Alberts says though Denel supports the government's initiatives to control the export of armaments, the "withdrawal of export licences and practical system problems with the issuing of export permits" resulted in a loss of potential business estimated at R1,4-billion. It took a long time to replace cancelled orders with long lead times.

Though SA defence products accounted for 45% of revenue, there has been a noticeable shift over the years to international defence markets. In 1992/93 SA security forces accounted for 63% of revenue.

"We are taking away lots of the

international markets at a time when the rest of the world is complaining about the declining defence market. Denel succeeded in maintaining and increasing its competitiveness in a challenging international environment by supplying niche products, maintaining reliable logistical support to the satisfaction of Denel's clients," says Mr Alberts.

By 2000, he hopes exports will account for 50-60% of total sales and Denel's commercial activity to account for 70% of sales against 30% to the local defence market.

Mr Alberts says Denel demonstrated its sensitivity to international treaties and public opinion by imposing a ban on the manufacture and sale of anti-personnel land mines.

He says Denel also adhered to all national and international controls on the exporting of military and related hardware.

Big Swing to ANC

Stunned IFP admits defeat while ANC celebrates

By Sipho Khumalo and Simon Zwane

THE Inkatha Freedom Party yesterday conceded defeat in the KwaZulu-Natal local government elections and said it would go back to the people to find out what went wrong.

IFP strategist Mr Walter Felgate said "the electorate has spoken" and the IFP needed to go back to its structures to work out a new strategy.

He rejected the theory that the IFP's routing was the result of having engaged British advisers. The advisers, from the British-based company Ian Greerer and Associates, were brought in at a cost of R2.5 million to direct the IFP campaign.

"It is absolute rubbish to blame them for the poor showing. As far as I am concerned they did a great job and they were invaluable to the organisation," said Felgate. "Like all parties, the IFP had difficulties in these elections."

"We need to go back to the structures and find out what went wrong," he said.

By last night the total result had not been finalised, but the African National Congress had made an almost clean sweep of the major metropolitan areas.

While the results for three of the seven regional councils were still outstanding last night, indications were that the IFP had a strong lead in two of the regions.

Counting in regional councils one and two was almost complete and early indications were that the IFP was winning.

In region three, the IFP took 29 of the 33 seats and the ANC three, while the IFP won 46 seats, the ANC 12 and

the National Party two in the Berg district of region four. In region seven the IFP also won most of the votes.

The NP said it was "absolutely delighted" with results in the Durban metropolitan area.

NP KwaZulu-Natal chairman Mr Reiner Schoeman said of the 550 000 votes cast, the NP had gained just under 24 percent.

The ANC had achieved 48 percent, the IFP 13 percent and the Democratic Party five percent.

As a result of the election outcome, the NP would have about 71 councillors in the area.

By winning the urban and industrial parts of the province, the ANC will be in charge of a budget of more than R4.5 billion with the IFP controlling a tiny R78 million in the rural areas where it had emerged as the dominant party.

IFP provincial leader Dr Frank Mdlalose said he was convinced the final result would show that his organisation was the majority party in the province.

The IFP has also blamed "no-go areas" for its poor performance in the urban areas.

The ANC won all the major industrial centres in the province including Maritzburg and Durban, Newcastle, Ladysmith, Richards Bay but lost Empangeni to the National Party.

It held impromptu victory celebrations in the major towns and cities. Ndebele said: "Practically all their mayors (IFP's) were unseated by unknown ANC people. Now all IFP senior leaders in urban areas, including premier Frank Mdlalose, live in wards controlled by the ANC," said local MEC for transport and ANC national executive member Mr Sibusiso Ndebele.



The 87-member South African team to the Olympic Games in Atlanta flew out to the United States last night in the newly painted rainbow-coloured Boeing 747. Long-distance runner Shadrack Hoff signs his autograph on the back of a young admirer. See story on page 2.

PIC SIPHIWE SIBEKO

254

Sowetan

1/7/96



The commercialisation of Denel in 1992 has brought about spectacular revenue that has surpassed expectations, says managing director Johan Alberts.

PIC SIPHIWE SIBEKO

Satour's man in the US

1/5/96

THE South African Tourism Board (Satour) has appointed Blacky Komani to the position of coordinating manager in North America. The appointment came into effect from today.

Komani will be based at the Satour office in New York. He will be responsible for coordinating the organisation's strategic programmes in the rest of North America.

He has an illustrious career in the tourism industry - currently he is acting chief executive officer of the Eastern Cape Tourism Board and has a vast experience in marketing and

He has an illustrious career in the tourism industry. Currently he is acting CEO of the Eastern Cape Tourism Board

standards promotion After joining the tourism arm of the

defunct Ciskei in 1985, he worked for the organisation in a number of capacities including that of hotel inspector, sales consultant, sales manager and marketing

Komani is a full member of the Institute for Marketing Management and SKAL - an international association for senior persons in the travel industry, and was last year IMM's finalist in their marketer of the year competition

He holds a B Admin Hons degree from Fort Hare University and has a number of marketing management courses

Buoyant Denel saves 8 000 jobs

(25/4) 1/9/96
The company aims to reach a target of R7-b by the turn of the century

By Shadrack Mashalaba

STATE-CONTROLLED armaments and commercial products giant, Denel, said 8 000 jobs were saved after it became self-supporting in 1992

Announcing the group's year-end results last week, Denel's managing director Johan Alberts said the resilience that had been shown by his company after the state stopped its subsidies had surpassed expectations

Denel's exports for the year ended March 1996 topped R1 billion, with a steep rise in demand. The total income for the year end was R3,401 billion - R387 million higher than the previous year

The net profit after taxation attributable to the shareholder for 1995/1996 amounted to R379 million while in the previous year it was R310 million. A dividend of R100 million was declared

Denel also announced that it has received orders from four countries for the Rooivalk combat aircraft. "Because we are bound by the non-disclosure clause which our clients insisted upon before we sign the terms of our contracts, we cannot reveal the names of the countries concerned," Alberts said

Some of Denel's involvement in the commercial field was in the health, security, mining, agriculture

and electric sectors. It distributed its products in Africa, Southern America, Europe and Asia

Increased trends shown by the group, said Alberts, came amid continued declining market share among international competitors

Denel credited the South African Government for their actions to improve the export control process

The group also clarified its stance that it was not part of Armscor which is the procurement arm of the defence force, but it was an independent company which often receives orders from Armscor

It also announced that its export policy was governed by a stricter control which entails adherence to regulations, international treaties, compliance with foreign policy and transparency and accountable behaviour

In less than eight months after the establishment of the National Conventional Arms Control Committee (NACCC), the process adopted to control exports contributed and assisted Denel and the South African defence industry in its export drive.

He said that Denel's objective was to reach a whopping turnover target of R7 billion by the turn of the century. The plan was to achieve that through a 70 to 30 percent ratio conversion of commercial compared with military products

Armcor scoops R1-bn in orders

(254) *stan 2/7/96*

By **NORMAN CHANDLER**

Defence Correspondent

Europe has ordered almost R1-billion worth of South African military hardware and other equipment in direct sales and joint ventures, expected to create many jobs in the arms industry.

Armcor said yesterday the deals - secured at the Eurosatory arms exhibition held in Paris last week - were with France, Switzerland, Britain, and Spain. Australia has also shortlisted the 4x4 Cobra armoured vehicle for its defence force.

The sales are in addition to contracts confirmed last week with the French government and companies as part of a defence co-operation agreement between the two countries. This includes the use by the French Navy of the Simon's Town naval dockyard for maintenance and repair work.

The latest contracts constitute one of the best overseas sales achieved since the end of the arms embargo, being eclipsed only by the deal done

by Denel recently with Malaysia for the joint manufacture and marketing of the Rooivalk attack helicopter and the Oryx helicopter.

The orders mean that the R6-billion-a-year armaments industry, in the doldrums for years because of budget cutbacks, can now look to a much rosier future. The industry currently employs about 50 000 people from a high of 160 000 five years ago.

The latest deals, joint ventures between local Armcor contractors and overseas partners, comprise

- The French army purchasing the Chubby landmine-clearing system (also currently under evaluation by the US Army)

- Providing Mamba armoured anti-mine vehicles to the British contingent serving with Nato's international force in Bosnia

- Upgrading the Spanish Air Force's F1 Mirage jet fighters

- Selling the South African-built Nyala armoured personnel carrier to the United Nations

Jobs boost in SA arms industry

(254)

OWN CORRESPONDENT

CT 2/7/96

PRETORIA: Orders from Europe totalling R1 billion for South African military hardware and other equipment are expected to create many job opportunities in the local arms industry

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The latest contracts constitute one of the best overseas sales achieved by the local defence industry since the end of the arms embargo against South Africa

The deals include

- Sale of the Chubby landmine clearing system to the French army. The Chubby is also currently under evaluation by the US army
- Providing Mamba armoured anti-mine vehicles to the British contingent serving with Nato's International Force in Bosnia
- Upgrading the Spanish air force's F1 Mirage jet fighters
- Selling the South African-built Nyala armoured personnel carrier to the UN
- Orders for a locally manufactured rifle-training simulator

Workers face retrenchment as Denel swoops over Safair

By Roy Cokayne

Pretoria — Denel, the government owned arms manufacturer, is poised to acquire Safair's heavy maintenance arm in a multimillion rand deal that could lead to staff at Safair being retrenched.

Safair is Sahnarine's air services division. Safair is based in Kempton Park and provides aviation services to the South African air industry. Staff were told on Friday that

the heavy maintenance side of the company had been sold to Denel.

It is believed this will lead to about 160 Safair employees moving to Denel, of whom it is understood about 30 could face retrenchment.

Industry sources said it was interesting to see a government-owned company buying a private firm and laying off staff, particularly in view of opposition to privatisation and the associated reduction in the workforce by the labour unions.

Safair's heavy maintenance services are likely to be incorporated into Denel Aviation, which supplies a diverse range of products and services to the aviation industry.

It also designs, manufactures, upgrades, renovates and maintains fixed-wing and rotary-wing aircraft for military and civilian use.

Paul Holzhausen, the group executive for corporate communications and environmental affairs at Denel, said Denel and Safair were involved in discussions, but

he could not provide details at this stage.

He said there were synergies between Denel and Safair and they were "in the finalisation stage of agreements. We are talking and seeing if there is a way of agreement with a view to more business and better result on both sides."

But Holzhausen said it was "awkward" to comment at this stage "on the exact nature of the discussions."

"There are things in the pipeline

and, as and when the situation allows it, we will inform the staff of the final position and make a public statement on it," he said.

Holzhausen admitted that the staff of Safair were informed about the discussions on Friday.

He said if the staff were not informed "the grapevine gets active" which could be bad for the business.

Senior management at Safair was unavailable for comment when approached yesterday.

CF (Ere) 2/6/96 (254)

Black business now gunning for Armscor contracts

Star 5/7/96 (254)

By **NORMAN CHANDLER**
Defence Correspondent

Black entrepreneurs are bidding for the first time for lucrative Armscor defence contracts

Armscor executive chairman Ron Haywood said in Pretoria yesterday tenders from small businessmen had been received and that the procurement organisation had made it a condition of tendering that major companies stipulated what their affirmative action policies were when tender-

ing for contracts

"We are telling contractors that we must know what they are doing as it is imperative to draw in the black businessman into our industry," he said

Haywood, who presented the organisation's annual report to Defence Minister Joe Modise, said that at a recent meeting with contractors he had made it clear that while this would not be a prerequisite, it did fall under the criteria under which contracts were given

He urged major organisations to establish joint ventures with black business, and said he understood that the ATE group and Gr-naker had already done so. Black businessmen were also part of a joint venture which had landed a lucrative contract for the French company Thomson to upgrade Spain's Mirage F1 fighter aircraft

Training of black engineers was an integral part of reconciliation in SA and thus would be carried through to its logical conclusion by Armscor, which had identified

black empowerment, affirmative action and humanitarian issues as among the challenges to be faced in the years ahead

Haywood disclosed that during the 1995-96 financial year Armscor had placed 4 392 orders valued at R3,6-billion, and that the local defence industry had exported R1-billion worth of equipment - about R1-million more than in 1994-95. "We are as good as we can be but have to be a lot better, and need to double the amount of exports," he said

NY NEWS

Weapons exports exceed industry's target

By Roy Cockayne

(254)

CT(BR) 5/7/96

Pretoria — The South African armaments industry exported R1,03 billion of its products in the year to March 31 compared with a target of R980 million.

Ron Haywood, the executive chairman of Armscor, the arms manufacturer, said the export figure

was based on the issue of permits

Haywood was speaking at a function in Pretoria yesterday at which Armscor's annual report was presented to Joe Modise, the minister of defence.

Haywood said the armaments industry could be satisfied with exports of more than R1 billion because of the extremely competi-

tive international market. But he said the export figure should be doubled.

He said the arms industry was the second-most important exporter of manufactured goods after the motor industry. Though it only had 0,3 percent of the world market, the industry created 50 000 jobs.

Armscor's net income before

abnormal items increased by R8,2 million compared with the previous financial year. Most of the increase came from a R12,4 million rise in interest and other income and a R500 000 larger allocation from the government.

The net value of the group's assets rose to R354,3 million from R339,7 million the previous year.

Blacks target Arm Scor

Businesses bid for contracts

The Argus Correspondent

(254)

done so

JOHANNESBURG - Black entrepreneurs are bidding for the first time for lucrative Arm Scor defence contracts

Arm Scor executive chairman Ron Haywood said in Pretoria last week that tenders from small businessmen had been received and that the procurement organisation had made it a condition of tendering that major companies stipulated what their affirmative action policies were when tendering for contracts

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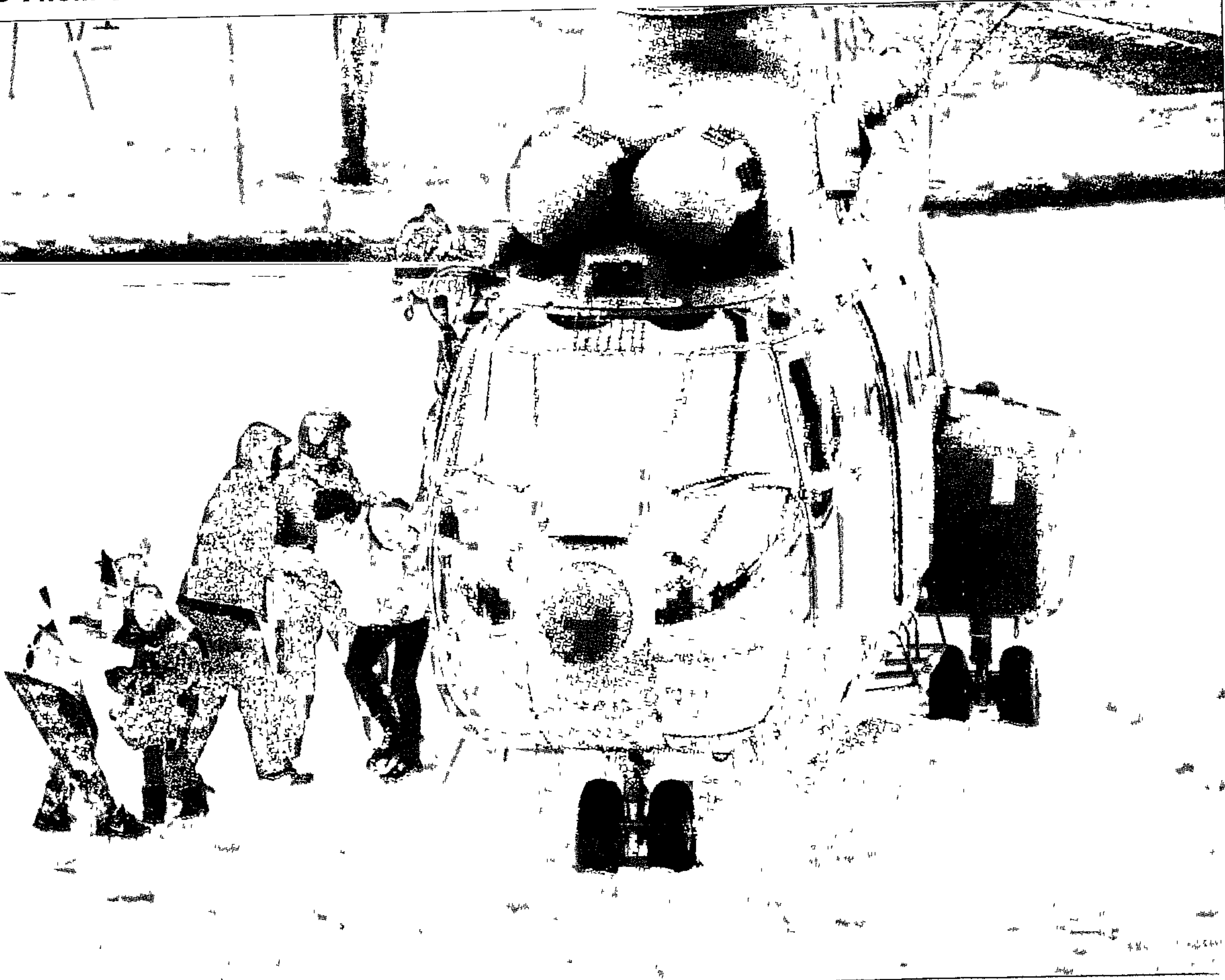
Training of black engineers was an integral part of reconciliation in South Africa and this would be carried through to its logical conclusion by Arm Scor which had identified black empowerment, affirmative action and humanitarian issues as among the challenges to be faced in the years ahead

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He said "We are as good as we can be but have to be a lot better, and need to double the amount of exports"

Mr Modise said that Arm Scor had done well but "could have done much better had it not been for changes brought about in the industry and in the system of permits for exporting of armaments"

ARG 8/7/96



Safe at last ... members of the Morkel family of Johannesburg leave an Air Force helicopter after being rescued yesterday and brought to the Sani Pass Hotel in the southern Drakensberg. They were stranded during the fierce snowstorms which lashed the eastern part of the country this week. The Morkels were on their way to Lesotho when their car broke down in the blizzard.

Thousands likely to opt for SANDF's lucrative retrenchment packages

NORMAN CHANDLER
Defence Correspondent

fore 1999

The packages, which have not been made public, are part of a general public service retrenchment offer first made in May. The offer, in effect, applies to members of the former SADF and former homeland military personnel, rather than to members of the one-time non-statutory forces - Umkhonto weSizwe and Apla.

It will mark the biggest exodus

of serving army, navy and air force officers since World War 2.

The overall SANDF strength officially stands at 131 000. This is designed to drop to about 65 000 by 1999 as part of the rationalisation programme instituted after the inauguration of President Nelson Mandela in 1994.

Originally, personnel with 10 years' or more service were told they had an option until May 1,

and then to the end of June, to make up their minds whether they wanted to leave the force, but following a meeting of the Defence Command Council in Pretoria this week, the deadline for military personnel was extended until July 31, with last day of work being September 30.

This means they have to give the Government two months' notice, or stay at their posts until the

next financial year, before applying for a retrenchment or retirement package.

It is understood from military sources that many officers from all services are already taking advantage of the scheme, which is providing some with packages of more than R700 000, depending on length of employment.

Meanwhile, the SANDF yesterday announced a change in the

calculations for retirement packages.

The Ministry of Defence and the Department of Public Service and Administration have decided that benefits will be calculated from date of notification by an employee that he or she wishes to leave, irrespective of what date service was actually terminated. Previously it had been from the date service terminated.

(254) Stav 10/7/96

Mineral & Energy Affairs Pik Botha by the ANC's Willie Hofmeyr last month Botha's reply is of considerable interest — but seems to cleverly avoid the fundamental issue

From 1977 to now, SA has exported a total of 16 321 t of uranium to France in various forms — the ore, known as yellowcake, and uranium hexafluoride France is officially recognised as one of the five nuclear weapons states to which the Nuclear Nonproliferation Treaty (NPT) does not apply

In addition, said Botha, SA's 1993 Nuclear Energy Act expressly forbids

- Export of uranium to nuclear weapons states for nonpeaceful uses, and
- Export of uranium to nonnuclear weapons states, unless the material is subject to international safeguards

As a signatory to the NPT, SA has dismantled its nuclear arsenal and has acceded to two international uranium export control regimes



Pik Botha

In his written reply, Botha said "Modern nuclear weapons, such as those tested by France, use plutonium and not uranium because of the smaller quantities that are needed and the sophisticated designs, which can be achieved

It is highly improbable that SA uranium could have been used in the recent French nuclear weapon tests "

However, according to *The Penguin Dictionary of Science* "Thirteen different isotopes of plutonium can be produced by suitable nuclear reactions The isotope plutonium 239 is produced in nuclear reactors This isotope, which has a half-life of 24 400 years, is also used in nuclear weapons "

Nuclear reactors use uranium to produce controlled atomic fission The only way to make plutonium is through uranium fission, so plutonium is a much more fissionable by-product of the reactor process However France uses its uranium imports from SA, it is "highly probable" that at least an unknown percentage is used as a feedstock in the French nuclear weapons programme

Not for nothing was Botha a diplomat for much of his political career ■

URANIUM EXPORTS

(254)

ISOTOPIC FICTION

FM 12/7/96

Was SA uranium used in the recent series of French nuclear bomb tests in the South Pacific? The question was included among others related to the fissionable metal asked of then Minister of

Mbeki in bid to solve Armscor's US dispute

(254) ST 14/7/96
By CYRIL MADLALA

THE standoff between South Africa and the US over Armscor may come to an end following Deputy President Thabo Mbeki's visit to Washington next week.

He leads a high-powered delegation to the second sitting of the SA-US Binational Commission on July 22.

Mbeki is expected to discuss with US vice-president Al Gore the thorny issue of Armscor's indictment, by a Pennsylvania federal grand jury in October 1991, for allegedly conspiring to violate the arms embargo imposed against the previous South African government.

President Nelson Mandela's government has refused to compromise the country's sovereignty by allowing one of its arms to be tried in a foreign court.

Mbeki's chief adviser, the Rev Frank Chikane, said discussions on the matter had been continuous, and

it was likely to be raised in Washington.

"I am hoping that we will be able to announce that this matter is out of our way because it is, in a sense, old business that should not be landed with us," he said.

"It is inhibiting progress in terms of relationships and exchanges. It is of vital importance that the matter be resolved. All parties are conscious of this."

While in Washington, Mbeki will also meet President Bill Clinton, members of the Black Caucus and ambassadors from Southern African Development Community countries based there.

Mbeki and Gore set up the binational commission in March last year. It is intended to manage and improve relations between the two countries through a permanent, formal structure.

Clinton's administration has only three similar commissions with

Russia, Mexico and Egypt.

South African cabinet ministers are co-chairmen of six specialist committees reporting to Mbeki and Gore. The fields of co-operation are agriculture, business development, conservation, environment and water affairs, human resources development and education, science and technology, and sustainable energy.

Agreements already signed by the commission include the Mandela Economics Scholars Programme, which will train 50 people in economics.

While in the US, Mbeki will meet the South African Olympic team and attend the official opening of the Olympic Games.

He will also address business leaders in Atlanta on investment prospects in South Africa, and deliver a keynote address to the Chicago Stock Exchange.

Mbeki returns to South Africa on July 27.

ANGLICAN CALL FOR 'BUTTER BEFORE GUNS'

Ban SA arms exports, says church

ARMSCOR AND DENEL should be dismantled as poverty is the main security threat and the arms industry's government subsidy diverts funds from social priorities, a conference on defence has been told.

THE Anglican Church has made an impassioned call for South Africa's arms exports to be prohibited and for manufacturers Armscor and Denel to be "dismantled".

At a conference on defence, held at Parliament at the weekend, church representative Mr Terry Crawford-Browne said it was "absurd" that the SA Navy believed it needed four Corvettes — which would cost R1,69 billion — and R4bn worth of submarines when the real threat to internal security was poverty and its attendant violence, crime and social degradation.

Delegates to the conference included the defence secretariat and SA Military Academy staff.

Crawford-Browne, a former banker, advised Archbishop Desmond Tutu during his sanctions campaign against apartheid.

Speaking on behalf of the SA Council of Churches and the Anglican Church,

(254) of 15/9/96

Crawford-Browne said that reported arms sales negotiations with India for an R8bn contract for G5 and G6 Howitzers and Pakistan's bid to buy a R600-million missile system from South Africa made "a mockery" of the government's commitment to the non-violent resolution of conflicts.

It was well known that these two countries had a long history of conflict, Crawford-Browne said.

Changing circumstances in other countries made it "utterly impossible" to ensure that human rights would not be violated with South African weapons.

"(The arms industry) is a business in which post-apartheid South Africa should have no part."

The previous government had spent R130bn on armaments. This could have financed the Reconstruction and Development Programme "twice over".

Contradicting the view that the arms industry provided jobs, Crawford-

Browne said it enriched only a few and was heavily subsidised by government. This "diverts public resources away from social priorities and thus aggravates poverty".

Although the international achievement of basic human rights was supposed to be a criterion of the National Conventional Arms Control Committee, suspicious had arisen about its approval of 610 marketing permits and 470 export permits to 58 undisclosed destinations.

It was immoral to propose spending R876m on 12 Rooivalk attack helicopters simply to promote "export prospects".

If SA needed to protect its fishing resources — an argument favoured by the navy in the absence of a foreign threat — it needed specialised staff and equipment rather than "Exocet missiles".

The Department of Sea Fisheries "can't even send its (three seaworthy) vessels (out of seven) to sea because of a budget shortfall of R13m."

The solution was to transform the navy and other organisations into a coastguard and marine research facility.

"We can't afford both guns and butter when there is no discernible need for

the guns."

Crawford-Browne asked how post-apartheid South Africa could propose to retrench 12 000 teachers yet spend millions on Corvettes and Rooivalks.

The international movement, Economists Allied for Arms Reduction, had offered to convert the Simon's Town naval base into a marine research centre. A member of this New York group's board, former Costa Rican president Dr Oscar Arias, visited the country in May in connection with the international drive for demilitarisation.

The wealthy Scandinavian countries had small defence forces. Finland had 32 600 military personnel, Norway 33 500 and Sweden 64 000.

By comparison, the SA National Defence Force had 120 000 members. The government proposed to reduce this to 90 000, but this figure would be "still grossly overinflated".

In 1989, South Africa had a per capita income of less than R10 000. In the same year the cost to taxpayers of maintaining each soldier was R170 000. This sum had since been reduced to R85 000 — Own Correspondent

SA companies net Aerospace deals

Stephane Bothma

PD 16/7/96

(25/4)

British Aerospace southern Africa MD Allan Macdonald said

PRETORIA — British Aerospace has contracted two local companies to supply vital systems and components for its Hawk jet trainers in a deal worth between R100m and R120m over the next five years.

Grmel and AMS signed contracts yesterday to design, develop and integrate high frequency radios and health and usage monitoring systems for British Aerospace British Aerospace is the UK's largest manufacturing exporter.

The SA companies were invited to bid in an international contest to supply the radios and systems for the Hawk product line, which will be offered as standard features to prospective buyers of Hawk aircraft.

The contracts not only endorsed the credibility of AMS and Grmel, but proved that SA's aerospace and defence industries could compete on the world stage,

By being awarded the contracts, Grmel and AMS were considered preferred suppliers and would automatically in future get the opportunity to tender for other British Aerospace projects.

There were requirements and orders for more than 600 Hawk aircraft, Macdonald said.

The latest generation of the product, for which the Grmel radios and AMS systems were required, complemented the current and next generation of fighter aircraft, he said.

British Aerospace had identified a market for at least a further 200 advanced Hawks over the next five to 10 years.

The health and usage monitoring systems form a relatively new technology designed to monitor and report on the condition and status of an aircraft's various systems and structures, such as its air frame, engine, gearbox and avionics.



British Aerospace MD for the Far East and SA Allan Macdonald, centre, at a news conference in Pretoria yesterday to announce contracts signed with two SA defence contractors for components for its Hawk jet trainers. He is flanked by AMS's Bart Cilliers, left, and Des Miller, Hawk's purchase manager. Picture: TREVOR SAMSON

Navies in region may patrol waters together

(254) Star 18/7/96

By **NORMAN CHANDLER**
Defence Correspondent

Southern African maritime nations are to meet in Durban next month to formulate policies on mutual defence.

Decisions taken at the meeting under the chairmanship of the Chief of the South African Navy, Vice-Admiral Robert Simpson-Anderson, will be discussed at the annual Southern African Development Council's Inter-State Defence and Security Committee (ISDSC) conference, which takes place in Malawi in September.

It is expected that South Africa's proposed purchase of Corvettes or light frigate naval vessels will come under discussion in view of concerns expressed by countries such as Tanzania, Namibia and Mozambique regarding their ability to secure territorial waters.

Tanzania has asked South Africa to help police its waters because of large-scale contraventions by fishing trawlers from foreign countries, but Simpson-

Anderson has told Parliament it would be impossible to do so without the acquisition by the navy of capable vessels.

No decision has yet been taken by the Government on whether or not the navy would be acquiring the ships.

Informed sources believe that a decision to purchase either Spanish or British-built light frigates may be made next month or in September.

This week, Simpson-Anderson completed a visit to Tanzania during which regional co-operation and naval training was discussed.

The South African Navy already helps Madagascar, Mauritius, Mozambique, Gabon and other countries with the training of their personnel.

He held discussions with the commander of the Tanzanian Navy, Brigadier-General L G Sande, as well as with the country's Minister for Union Forces, Ali Haji Ali, and the Chief of the Tanzanian Peoples' Defence Force, General R P Mbomar.

Delusions of grandeur

Terry Crawford-Browne

The prospects of South Africa being drawn further into the international arms trade is alarming in terms of its economic and social implications. British Aerospace and Denel are reportedly locked in negotiations to manufacture military missiles and other equipment in South Africa. Joe Modise, the defence minister, has repeatedly boasted about the number of joint ventures being established with Britain, France, Germany and Malaysia to produce armaments here under licence.

The Dexsa '96 exhibition in Pretoria in November is intended to demonstrate South Africa's expertise in the design and production of hi-tech weapons systems. In the past decade this country is said to have become a world leader in mine detection and clearing, artillery, avionics communications and electronic warfare, and the upgrading and refurbishing of obsolescent equipment. Internationally, the armaments industry is glutted and in steep decline.

The South African armaments industry is a legacy of the United Nations Security Council's 1977 arms embargo, which judged that apartheid was a threat to world peace. Armscor was spawned to flout that judgment. Armscor and its offshoot Denel are parastatals founded on corruption and the piracy of foreign technology. Not even its executives would deny that the armaments industry is a "dirty" business. The protracted Philadelphia case against Armscor, Denel, Kentron and Fuchs Electronics continues to bedevil commercial and diplomatic relationships between South Africa and the US. They are charged with having pirated the most advanced US

weapons technology and passing it on to countries such as Iraq and China.

The G5 and G6 howitzers, which are trumpeted as South African, are based on designs by Gerald Bull, the designer of the Iraqi supergun. Bull's assassination prevented the supergun's completion. Yet evidence suggests that it was intended to deliver neutron bombs and that Iraq was only six months away from such a capability at the outbreak of the Gulf War.

Little wonder that the US refuses to withdraw the charges against Armscor and its affiliates. Evidence presented before the Cameron commission has illustrated the unscrupulous nature of Armscor's corporate culture. Armscor has maintained an office in Beijing for years. Why? The Philadelphia indictment includes the sale by Armscor of missiles to China, a country notorious for human rights abuses. Armscor promotes "countertrade" as a clever exercise to earn foreign exchange and create jobs. International bankers oppose this practice because it is open to corruption. The import price is loaded, the export price discounted, with hidden commissions for the individuals involved.

The Chinese rust bucket, the Apollo Sea, which sank off the Cape coast in 1994 was conveying iron ore as part of an Armscor countertrade agreement with China. At a meeting on Tuesday with Amnesty International and Economists Allied for Arms Reduction, Kader Asmal, the water affairs minister, advised that South Africa has only exported a few radios and parts to China since the inception in August last year of the National Conventional Arms Control Committee. One wonders how "a few radios and parts" could warrant the

continuance of Armscor's Beijing office.

The case in Philadelphia against Fuchs includes the theft of proximity fuses and information that engineers had experienced difficulties in their efforts to manufacture them in South Africa. Now we learn that British Ordnance and Fuchs are negotiating for the export of fuses from South Africa. The announcement by British Aerospace of 30 prospective joint ventures heightens alarm. Are South African-made components to become part of ostensibly British Hawk ground attack aircraft for use in such notorious nations as Nigeria and East Timor?

The armaments industry inflates its contribution towards job creation. The trade and industry department estimates that general manufacturing in South Africa is at least three times more efficient in job creation than the armaments industry.

The Rooivalk helicopter fiasco illustrates the negative economic consequences of the armaments industry. About R1,2 billion in development expense has been funded by taxpayers. The local armaments industry staked its prestige on the Rooivalk yet, even before production, it was obsolete. Undeterred, the SANDF proposes to squander a further R876 million of taxpayers' money for 12 Rooivalks just to promote the delusion of export prospects.

The question now is whether taxpayers should continue to throw good money after bad. In subsidising the armaments industry, the consequence is the reduction of public monies available for priorities such as education, housing and health services.

□ Terry Crawford-Browne is the chairman of Economists Allied for Arms Reduction SA.

ET (SA) 19/7/96 (254)

Sore spot in US-SA links

(254) ST 21/7/96
By SIMON BARBER: Washington

THERE are doubts that South African Deputy President Thabo Mbeki and US Vice President Al Gore will be able to heal the running sore between the two countries caused by Armscor's reluctance to answer for violations of US arms export controls during the apartheid era.

Mbeki arrives in Washington tomorrow to preside with Gore over the third biannual meeting of the US-South Africa Binational Commission

A senior White House official, who spoke on condition of anonymity, was hesitant about whether Gore and Mbeki would reach agreement on the dispute

However, he was at pains to stress that the Armscor affair had nothing to do with the commission and the future course of US-South African cooperation

A delegation headed by Mojanku Gumbi, Mbeki's legal adviser, had talks at the US Justice and State departments last week in an effort to break the Armscor deadlock in time for Mbeki's visit

The South Africans have been insisting that the Americans have no right to press charges against Armscor, which was in-

dicted by a Philadelphia grand jury in 1991, arguing that it is a state-owned entity and therefore protected from prosecution in US courts under the doctrine of sovereign immunity

The US has countered that sovereign immunity does not apply because of the criminal nature of Armscor's activities

Gore has been urging Mbeki accept a face-saving deal under which Armscor would plead no contest to the charges and essentially throw itself upon the mercy of the court

Earlier this year, members of the SA negotiating team rejected these terms and threatened that South Africa might pull out of the Binational Commission while it litigated the sovereign immunity question in the US courts

Similar threats were reported to have been voiced again this week, and to have been met by counterthreats from the Justice Department.

One source said that prosecutors might seek additional indictments against South Africans, including executives of Barlows whom US prosecutors believe to have been up to their necks in arms smuggling for the apartheid regime

Creating a defence force with heart

A transformed SA National Defence force has positioned itself at the cutting edge of change, argues **RONNIE KASRILS**

254 ST 21/7/96

TRANSFORMING defence to meet the requirements of our new democratic era has been one of the government's greatest challenges.

Commentators have noted that where there was once dissension or controversy, a new consensus is emerging.

Ray Hartley, for example, in the article "Modise on manoeuvres" (June 9), observed of the debate on the defence budget that the Minister of Defence, Joe Modise, "seemed to have won a small battle on the road to changing the perceptions of his fellow ANC members about the military".

Crucial to "changing the perceptions" of Parliament and the public has been the way Modise has managed transformation.

Given the lack of consensus on defence in the aftermath of apartheid, the absence of a foreseeable conventional threat, and the needs of the reconstruction and development programme — with some regarding defence as redundant and needing to be massively cut — a way of transforming the military in line with our new national imperatives had to be found.

This need was especially pressing because the funding had fallen by half in seven years.

Spending was reduced from R20-billion to R10-billion — a reduction of 4,5 percent of GDP to under two percent — arguably the biggest cut anywhere in the world.

In addition, the increasing obsolescence of our equipment meant that the future of defence was in the balance.

The ministry's solution has been a White Paper and a national defence review

process, conducted with maximum consultation and transparency, to establish a policy framework and to determine the "nuts and bolts" — equipment and force levels, design, structure, and funding — to generate a national consensus on the role of defence.

Tensions remain, but this approach is winning support across party lines and from most sectors of society.

In addition, and central to the restoration of true national confidence in the military, is the need to demonstrate that the amalgamation of formerly antagonistic forces into the new national defence force was not merely the absorption of former Umkhonto weSizwe and Azanian Peoples Liberation Army members into the old South African Defence Force.

Two years into the first phase of integration, approximately 15 000 ex-MK and Apla members have been integrated, as well as 11 500 members of forces from the former homelands.

A total of 2 200 of these new members are officers.

Sixteen percent of regular-force officers are black which, while it remains far short of equality with white officers, is a significant beginning.

Modise's approach has been to regard this figure as a strategic base from which to upgrade disadvantaged officers, and from which their potential can be dynamically developed through accelerating the career paths of those with the greatest potential.

As a further boost to the potential of the national defence force — now a volunteer army reliant on all sec-

tors of the population for manpower — effective equal-opportunity and affirmative-action programmes are being implemented.

These will serve to redress the racial and gender imbalances of the past, by eliminating discriminatory practices and promoting representivity, and by remedying the distinct disadvantages of those who were in guerrilla forces or employed by the former homelands.

In addition, the recommendations of the civic-education work group of academic and military experts are being implemented to create a new military culture and ethos in step with our democratic standards and values.

Levelling the playing fields and altering the mind-set of the past are the main thrusts of modernising the national defence force and ensuring its legitimacy and credibility.

The credibility of our defence is also essential in the wider context.

We are seen as the gateway to the growing market of the Southern African Development Community and are increasingly being regarded as the guarantor of stability for international investment and trade with the region.

A credible military capability is necessary to provide security for investment in infrastructural development.

Considering that 80 percent of the value of our international trade, and 90 percent of the volume, passes through our harbours, it is clear that we need to provide secure access to these ports of entry for those wanting to do business with us.

In naval terms, for example, the replacement of our

ailing strike craft by vessels better suited to patrolling our shores and ensuring the security of international maritime traffic is integral to a new economic vision — for South Africa and the region.

Similarly, the army and air force stand to contribute to regional stability and security.

The fact that South Africa holds the chairmanship of the development community's inter-state defence and security council is indicative of our regional role.

The increasing demands for our participation in peace support missions, regional requests for humanitarian assistance and calls for us to assist our neighbours in a range of security matters, from mine clearance to the protection of their marine resources, illustrate our growing role as a regional partner.

To promote regional stability we require defence capability.

Therefore, Modise has prioritised the replacement of key equipment such as Impala jets, strike craft and submarines, which will be obsolete by the year 2005.

With national consensus, efforts to replace ageing equipment will no longer be seen as an attempt by a bloated, unrepresentative military caste to swallow scarce resources.

By showing that he is serious about transforming the defence force, and by demonstrating its economic and regional value, Modise has positioned defence at the cutting edge of change in South Africa.

● Kasrils is the Deputy Minister of Defence

The

Optimism that US-SA arms impasse is cleared

Star 25/A/96 (254)

The White House has announced that the two governments have reached agreement 'in principle' that will resolve the stalemate affecting trade between their countries

By PETER FABRICIUS
Washington Bureau

The United States and South African governments have in principle resolved the stalemate about Armscor smuggling American weapons during the anti-apartheid sanctions period

The White House announced the agreement last night after a brief meeting between US President Bill Clinton and Deputy President Thabo Mbeki. Mbeki had held intensive discussions on the topic with Vice President Al Gore.

If the agreement holds, it will remove what has been perhaps the most irritating problem in relations between the two countries. It will pave the way for the lifting of the US arms embargo slapped on Armscor and its affiliated companies because of the arms smuggling indictment.

After a lunch in his honour

given by the Congressional Black Caucus yesterday, Mbeki cancelled meetings with US Senate leaders to attend a final burst of negotiations with Gore and a brief meeting with Clinton in the Oval Office.

Afterwards, the White House press secretary issued a statement saying the three leaders "welcomed the agreement in principle between the US and South African legal teams on a framework for resolving the Armscor case. This agreement meets the needs of both countries and represents a successful effort to resolve a difficult bilateral matter."

SA officials refused to elaborate on the White House statement or divulge details of the agreement.

They said this might be construed as pre-empting the decision of the Philadelphia judge who is hearing the case.

This seemed to be an attempt to address the concerns of the US government that there should be no political interference in the judiciary. Mbeki was in Washington to co-chair with Gore the US/SA Binational Commission which promotes and co-ordinates trade and other links.

Although the Armscor issue was not on the formal agenda of the commission, Gore and Mbeki spent several hours discussing it in private meetings.

By yesterday both were guardedly optimistic. Mbeki told a joint gathering of the African Correspondents' Association and Freedom Forum that agreement was possible on the two main disagreements in principle, the US concern that its law should not be flouted and the SA concern that prosecuting the state-owned Armscor would injure SA's sovereignty.

1 000th non-statutory ex-MK joins SAMS

(254) Estan 25/7/96

BY NORMAN CHANDLER
Defence Correspondent

A former Eastern Cape school headmaster has become the 1,000th former MK non-statutory forces soldier to sign up with the South African Medical Service (SAMS)

He, and 147 others who have since joined SAMS, bring the total to 26 280 of former armed cadres now integrated into the SA National Defence Force (SANDF)

Lieutenant-Colonel Chris Nyangintsimbi, a functional training wing commander at the SAMS Academy at Voortrekkerhoogte, joined MK in 1980 after giving up his post as headmaster of the Qubosheane junior school at Sterkspruit, in the northern Eastern Cape, to fight apartheid

He later served in Zimbabwe, where he obtained a diploma in social work from the University of Zimbabwe

Nyangintsimbi, who returned to South Africa in 1992, said recently that he believed SAMS was a key component to the success of an integrated national defence force in that it provided a vital service to the defence force and the community in times of crisis

Since the integration process began in May 1994, 1 147 ex-cadres have enlisted with the SAMS

SANDF headquarters said recently that overall force levels now stood at 101 000 - about 30 000 less than at the time of integration in 1994. It was then said that levels would have to be cut to between 65 000 and 70 000

A total of 11 953 former MK members and 3 643 ex-Apla cadres have joined the SANDF, while those from former armed forces in the old Transkei, Bophuthatswana, Ciskei and Venda homelands who have also done so, number 10 682

Only 20 of the expected 2 000 members of the KwaZulu Special Protection Force, who received special government permission last year to join the integration process, have so far taken up the offer

There are currently 77 475 uniformed personnel, 523 in auxiliary services, and 23 539 civilians employed by the military

"At present, the impact of personnel reductions through natural attrition is having a marked effect on many figures," the SANDF said

Over the last two years there had been a reduction of 12 000 alone through retirements, resignations, and the non-renewal of term contracts

US and SA see eye to eye on wrangle over Armscor (254)

PETER FABRICIUS ARG 25/7/96
The Argus Foreign Service

WASHINGTON - The US and South African governments had resolved in principle the long-drawn-out arms smuggling case against Armscor, the White House announced here

This apparent breakthrough in the four-year-old case was reached yesterday after intensive discussions between Deputy-President Thabo Mbeki and US Vice-President Al Gore over several days

If the agreement holds, it will remove what has been perhaps the most irritating problem in relations between the two countries

It will pave the way for the lifting of the US arms embargo slapped on Armscor and its affiliated companies because of the arms smuggling indictment

After a lunch in his honour given by the Congressional Black Caucus yesterday, Mr Mbeki cancelled meetings with US Senate leaders to attend a final round of negotiations with Mr Gore and a brief meeting with President Bill Clinton in the Oval Office

Afterwards the White House Press Secretary issued a statement saying the three leaders "welcomed the agreement in principle between the US and South African legal teams on a framework for resolving the Armscor case"

"This agreement meets the needs of both countries

"It represents a successful effort to resolve a difficult bilateral matter," the statement said

South African officials refused to elaborate on the White House statement or divulge details of the agreement

They said this might be construed as pre-empting the decision of the judge, who is hearing the case in Philadelphia

The officials added that this seemed to be an attempt to address the concerns of the American government that there should be no political interference in the US judiciary

SA and US resolve arms smuggling case

(254)

Armcor will plead 'no contest' in a Philadelphia court to charges of breaking arms export laws and will pay about R55-million in fines

Star 26/7/96

By PETER FABRICIUS
Washington

In a major breakthrough in relations, the United States and South African governments have finally resolved in principle the long-drawn-out US arms smuggling case against the SA arms agency Armcor.

The agreement will remove the main irritant in US/SA relations since October 1991 and will also normalise arms commerce between the two countries.

US President Bill Clinton, Deputy President Thabo Mbeki and US Vice-President Al Gore finally clinched the deal in a White House meeting on Wednesday.

Afterwards the White House press secretary issued a statement saying the three leaders "welcomed the agreement in principle between the US and South African legal teams on a framework for resolving the Armcor case."

"This agreement meets the needs of both countries and represents a successful effort to resolve a difficult bilateral matter," the White House said.

Armcor will plead no contest in a Philadelphia court to the charges of breaking US arms export laws and the arms embargo between 1978 and 1989, but will pay about \$12,5-million (R55-million) in fines, according to an out-

line agreement reached on Wednesday.

In an important concession, however, Denel, the commercial successor to Armcor, will not face the usual one-year period of debarment from doing business with US arms companies.

This will allow it back into the US arms business immediately the agreement is formalised.

SA's government-owned arms

US seems to take lighter line on SA arms sales

firms have been prevented from buying arms from or selling them to the US since the US implemented the mandatory UN arms embargo against SA in the 70s.

In another concession to SA, some of the \$12,5-million fine will be channelled back to SA to finance a compliance programme to ensure that in future the indicted SA arms firms only use US arms for licensed purposes.

These compliance programmes are standard for foreign companies which break US arms export laws as Armcor has - but

normally the foreign companies finance their own. For all the concessions, though, the agreement basically represents a grudging backdown by the SA Government.

SA argued that as Armcor was a government-owned entity, the US government would be infringing SA's sovereignty if it prosecuted Armcor.

In essence, the Government has now agreed that Armcor should submit to the US courts.

The no contest plea does not change that, although it softens the political impact, allowing the Government to tell its constituency that it did not admit guilt for the sins of the old National Party government, but merely accepted its legal responsibilities.

The ANC Government, especially resented the case since Armcor's arms smuggling was all committed between 1978 and 1989 under the NP government - and some of it was directed at the ANC.

The October 1991 indictment in a Philadelphia court against Armcor, its missile-making subsidiary Kentron and seven Armcor officials, charges that they conspired with a Pennsylvania-based company called International Signal and Control to smuggle out components.

Some of these ended up in shells fired at US troops by Iraq in the Gulf War.

Noose tightens on arms exports

South Africa's efforts to restrict arms exports are being echoed in Europe and America and soon more than 80 percent of all armament sales will be subject to a code of conduct. **CHRISTOPHER BELLAMY** of The Independent reports from London.

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THE US Senate is preparing to impose a Code of Conduct banning arms exports to dictatorial and aggressive regimes, similar to that proposed for the European Union. The US and the EU - which between them account for the vast majority of world arms exports - are now on course to restrain 80 percent of world arms trade for the first time.

But if the US Senate votes for the code, it will be legally binding - placing the US ahead of the EU which, although it has guidelines, has no binding legislation. Arms control experts hope that if the US adopts a binding code of conduct, that will spur Europe on to do the same.

On 16 July a group of European Parliament Members, led by Glensy Kinnock, wrote to Senator Mark Hatfield, a Republican and main sponsor of the code of conduct, stressing the need for the US and EU to impose similar controls.

The move comes at a time when the US is increasingly concerned about the sale of sophisticated arms which could be used against its own forces and those of its allies.

The proposed US code precludes arms exports to countries which are undemocratic, do not respect human rights, are engaged in armed aggression, and do not participate fully in the new UN register of conventional arms.

"Irresponsible arms exports boomerang back on the US", said Senator Hatfield. "In the last four US foreign engagements - Iraq, Somalia, Panama and Haiti - American troops have faced weapons supplied by American manufacturers."

The Code of Conduct provides a vital opportunity to control this damaging trade and protects US soldiers as well as millions of people in the developing world. The Bill has supporters on both sides of

Congress. The leading Democratic supporter is Senator Byron Dorgan, and Senator Edward Kennedy has also lent his support.

Although EU member states agreed eight criteria which should govern arms exports in 1991 and 1992, no common European arms export policy has yet been agreed. The Euro-MPs led by Mrs Kinnock want a "coherent and comprehensive arms export policy" agreed and incorporated in the EU's statutes at the Inter-Governmental Conference (IGC).

The US code outlined in the Senate Bill puts the burden of proof on the recipient country.

It is designed to "provide Congressional review of the ability of foreign governments to be considered for US military assistance and arms transfers and to establish clear standards for each eligibility".

To be eligible a country must promote democracy, respect human rights, not be engaged in acts of armed aggression and fully participate in the UN register of conventional arms.

The EU guidelines place the burden of proof differently, seeking to prevent arms exports to regions of instability, dictatorial regimes, military aggressors and countries with poor human rights records.

But they are not binding and countries interpret them differently. For example, the UK and Germany export arms to Indonesia - including Hawk jets reportedly used against rebels in East Timor. Italy and Portugal do not, because of Jakarta's poor human rights record.

Saudi Arabia is the UK's biggest arms export market, but Germany classifies the Middle East as a "region of instability" and does not export there.

Fine to be paid, but benefits promised

US, SA seal watershed deal on Armscor

(254)

BD 26/7/96

Simon Barber

WASHINGTON — Armscor will submit to the jurisdiction of US courts, plead no contest and pay a sizeable but undisclosed fine for violating US arms export controls during apartheid, according to a US-SA framework agreement reached this week.

The agreement, announced in general terms by the White House after a brief meeting between Deputy President Thabo Mbeki and President Bill Clinton late on Wednesday, was struck after intensive talks between Mbeki and US Vice-President Al Gore.

It means that Pretoria has backed away from asserting that Armscor, as a state-owned entity, is protected from prosecution in the US by the doctrine of sovereign immunity.

In return for this key concession, SA has won a US undertaking that sanctions imposed on Armscor and its commercialised spin-off Denel, as a result of the charges, will be suspended as soon as the criminal aspects of the case are settled and there is agreement on procedures to verify that companies are complying with US export controls.

Normally, convicted Arms Export Control Act violators are automatically debarred for up to three years from receiving licences to acquire or retransfer sensitive US technology and must have an approved compliance pro-

gramme in place before the debarment is lifted. Armscor and Denel will merely have to reach agreement with the state department on the procedures they will implement. If it turns out that those procedures are not being followed, debarment will be reinstated.

The removal of sanctions against Armscor and Denel has been sought by McDonnell Douglas and other US defence firms wanting strategic partnerships with Denel and its subsidiaries.

The state department has also agreed to remit to SA the civil fines it is required by law to assess against convicted entities, on the understanding the money will be used to strengthen SA's own arms export control regime.

The amount of the criminal fines Armscor has agreed to pay has not been disclosed, although some sources put the figure at \$12m. It is understood that the civil fines to be remitted will be half the criminal ones. In other words, SA will be rebated a third of the fines to be assessed.

The settlement of the criminal charges still has to be translated into a formal, written plea agreement. It must then be presented to Philadelphia federal judge Jan Dubois, who presided over the string of cases stemming from the exposure in 1991 of a massive arms-smuggling conspiracy.

Continued on Page 2

Armscor

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Continued from Page 1

involving local defence contractor James Guerin and his firm, International Signal and Control.

It is understood the proposed plea bargain terms do not include the one private SA company named in the original indictment, Fuchs Electronics — a Barlows subsidiary at the time of the alleged offences but now controlled

by Reunert Fuchs was charged with supplying artillery fuses to Iraq.

Also unclear is the status of the seven SA individuals indicted in the case. Hitherto, prosecutors have been insisting on their co-operation in the trial of Robert Ivy, the US citizen said to have been the godfather of Armscor's illegal arms acquisition operation.

Ivy's trial is being delayed by pre-trial litigation over whether he may introduce classified materials which he alleges support his claim that the CIA knew and approved of his activities.

A KEY feature of the emerging post-1994 policy environment is its consultative nature. Prior to 1994, and 1990 in particular, the policy process was circumscribed by and confined to a small sector of the population. Policy formulation was characterised by a strong functional emphasis, little or no co-ordination taking place between, and often within, government departments, and a reduced role for Parliament.

The role of policy advocacy was largely confined to certain institutions and individuals within white civil society, while the policy advocacy which did occur within broader society had to contend with a battery of repression.

The consultative nature of the emerging South African policy environment has permeated virtually all areas of the state. Within defence, this consultative process is evident in the recent formulation and finalisation of the defence white paper and, currently, in the activities of the Defence Review.

During the pre-1994 period, defence policy was dominated by a small group of military technocrats, and planning took place in a parochial and insular environment with scant input from non-military experts. The present defence policy planning process, and its consultative nature, is characterised by a number of strengths and weaknesses. These factors need to be considered if defence planning is to meaningfully incorporate all sectors of society into its orbit.

The defence white paper outlines the framework, principles and values on which defence policy should be predicated. The finalisation of the white paper was a process that intimately involved Parliament — and the joint standing committee on defence in particular — in its formulation. The aim of the Defence Review was to translate the principles of the white paper into structures, strategies and plans for implementation within the defence department. Typically, this would include a focus on force design, force structure, roles, missions and tasks, and human resource issues.

To achieve a rich representative product in each of these spheres, it

SA's defence is being managed in a consultative manner

ROCKY WILLIAMS

(254)

BD 26/4/96

envisaged a process that would actively involve an even wider range of stakeholders in its finalisation than the white paper itself.

The strong points of the Defence Review are many. Its consultative nature is testified to at a number of levels. The first level involves the National Defence Review work group which oversees the management of the process and is responsible for co-ordinating the writing of the Defence Review. The group consists of a mixture of parliamentarians, civilian experts, part-time force members, and members of the defence department.

The second level consists of the various subcommittees of the national work groups entrusted with the compilation of specific chapters. Here the Defence Review has cast its net even wider to include non-government organisations, academics, civilian experts, representatives from capital and labour, and peace groups.

The third level entails the active and ongoing involvement of all stakeholders on a national basis in the compilation of the Defence Review. This is achieved via regional workshops in all nine provinces where stakeholders from political society, civil society and government are involved in commenting on, assisting in the writing of and delivering critiques on the review.

Virtually all groups have been involved in the process at a regional

level. This consultative process has enriched the Defence Review immensely — both in terms of its normative and practical content.

It has also helped ensure that the size and shape of a future defence force, and the way in which it is managed, is as consistent with the sentiments of the broader public as is feasibly possible. A number of issues have emerged from the Defence Review which require careful consideration and which carry implications both for the management of defence policy and for the management of policy processes in general.

The following is pertinent:

□ A distinction needs to be drawn between stakeholders and interest groups. To blur this distinction will diminish, and often undermine, the responsibility and authority of Parliament and civilian authority on the one hand, and the autonomy and critique of civil society on the other. Stakeholders are those instances whose decisions are critical to the formulation of defence policy and who, in the execution of defence policy, take responsibility for the consequences of these decisions. Interest groups from civil society are those organisations and individuals who have an interest in and are affected by defence decisions. Their role is to inform, critique and advocate inclusions or deletions from ex-

isting defence policy.

□ A consultative process needs to involve as wide a range of interest groups in its ambit as possible. A feature of some of the Defence Review regional workshops has been their non-representative nature — thus despite the fact that the Defence Review work group has sent invitations to a wide and exceeding range of interested groups and stakeholders in the different regions. The reason behind this is twofold. Firstly, it is indisputable that interest in defence issues is diminishing within the broader public. This reflects changing political and fiscal realities.

Secondly, and most importantly, the management of defence has historically been a white enterprise confined to a small group of experts.

To ensure public involvement and interest in defence becomes more representative, the institution of an educational programme that aims at building capacity within those sectors most affected by defence decisions and those that have been historically disadvantaged is required. This should be the joint responsibility of the defence department and various organisations within civil society.

□ A consultative process should also be cognisant of the distinction between civil society and the public and the effect of this distinction on the securing of an equitable end product. Public sentiment on de-

fence issues, it has emerged in recent opinion polls, is middle-of-the-road and conservative. The retention of a strong defence capability, a viable domestic arms industry, and the institution of a fair and transparent equal opportunity programme are examples in this regard.

The opinions of sectors of civil society on these issues differ depending on the organisation concerned. Given their access to material and intellectual resources, certain non-government organisations are often able to engage in policy advocacy in a manner unavailable to the general public and less well-equipped organisations.

The effect of this influence often manifests itself in the overdomination of the debate by certain instances to the detriment of the broader sentiments of the public.

A balance between these perspectives is critical to the consultative product desired by the Defence Review.

□ The Defence Review is not a totally open-minded process for the simple reason that a finished product must be delivered to Parliament by the end of the year. This imposes deadlines on all phases of the review and obviously limits the extent to which ongoing and detailed deliberations on the review can proceed.

This continual tension within a consultative process needs to be managed so that it does not undermine popular and public participation in an open policy process on the one hand, while avoiding the serious consequences for the management of national defence caused by a delay in the process on the other.

In many senses the present political culture and policy environment being created in SA is unique on the African continent, and inclines more in the direction of the US. An increasingly robust and assertive Parliament, the incremental diminution of executive authority, and the increasing involvement of society in policy deliberations are symptomatic of this process.

□ Williams is director of defence policy at the SA Defence Secretariat. This article is written in his personal capacity.

NEWS FOCUS

Armcor deal could have been reached earlier

(254) 903017-196

mon Barber

WASHINGTON — Washington and Pretoria have agreed in principle to resolve Armcor's 1991 indictment for chronically violating the US Arms Export Control Act. Although there is still a number of technical details to be worked out, it looks like this running sore on the apartheid past is finally about to be mended.

It might be unsporting to say that an agreement as good as what is now on the table was achieved a year ago. More unsporting still would be to suggest that someone raise questions in Parliament as to why that deal was not accepted, and why, as a result, the SA taxpayer has had to foot the bill of an expensive Washington litigator, Hank Schuelke, in the hope of obtaining a better result.

The stated objection to last year's deal was that Armcor could not be allowed to submit to a criminal jurisdiction of the US courts because, as a state-owned entity, it was covered by the doctrine of "sovereign immunity".

The US has consistently rejected Armcor's immunity claim, first advanced under the NP government and pursued, if anything, even more vigorously since the ANC took power. Its refusal to understand that the US government would never bend on the issue, even gratify President Nelson Mandela, caused a great deal of unnecessary grief.

Among the most visible casualties was ambassador Franklin Sonn, who banged his head hard and so often against the brick wall of

US law that at one point he suggested enlisting Louis Farrakhan to denounce the Clinton administration for crucifying Mandela over the case.

Thus was followed by SA threatening to pull out of the US-SA binational commission and sue the US government in its own courts to assert Armcor's immunity. That would have been very profitable for Schuelke — a career case, had it gone all the way to the Supreme Court — but would have put a very serious dent in the bilateral relationship.

Happily, reason has at last prevailed. Armcor will plead "no contest" to the charges, a formula which will permit its owners to concede, but simultaneously dissociate themselves (and the Denel Group), from the decade-long conspiracy to obtain US technology alleged in the 129-page indictment.

Under a plea agreement that still has to be written, Armcor, along with its co-indicted subsidiary Kentron, will agree to pay a fine of several million dollars. They may also be required to co-operate in the prosecution of the last US defendant, Robert Ivy, a former Kentron executive, and the alleged mastermind of Armcor's sanctions-busting programme.

The third SA company charged, Fuchs Electronics, then a Barlows unit, now part of Reunert, will be party to the agreement, but on different terms. Fuchs was indicted on 21 counts of illegally obtaining US artillery fuses which were shipped to Iraq in an elaborate barter scheme for oil. It will be obliged to enter a plea of guilty and to pay a higher fine than

Armcor. Fuchs is being treated more harshly on the theory that as a private company, it broke US law of its own free and greedy will. Armcor, on the other hand, was furthering what it believed to be state policy.

Some of Fuchs's executives at the time of the conspiracy may also have to co-operate with the prosecutors, as may the seven SA individuals, six of them Armcor operatives, one a Fuchs employee, also charged in the indictment. So much for the disposition of the criminal charges.

To satisfy the requirements of the Act, the companies will also be required by pay civil fines to the state department. The fines, which will be half the size of the criminal ones, will be remitted to SA for use in strengthening the country's own export controls.

The key US concession, and one that is not believed to have been on offer a year ago, is that sanctions, imposed as a result of the indictment, on Armcor and the Denel group of companies it spun off in 1992, will be lifted unusually quickly if certain details can be worked out. The firms will become eligible to receive items on the state department's so-called "munitions list" as soon as they have agreed to establish a regime of internal controls to prevent the further diversion of restricted US technology and data to unlicensed third parties.

Generally, convicted arms smugglers are debarred from receiving licensable items for three years following conviction, and must implement controls to the satisfaction of inspec-

tors before their privileges are restored. In this case, debarment is to be suspended, and the companies must only provide a credible plan for controls.

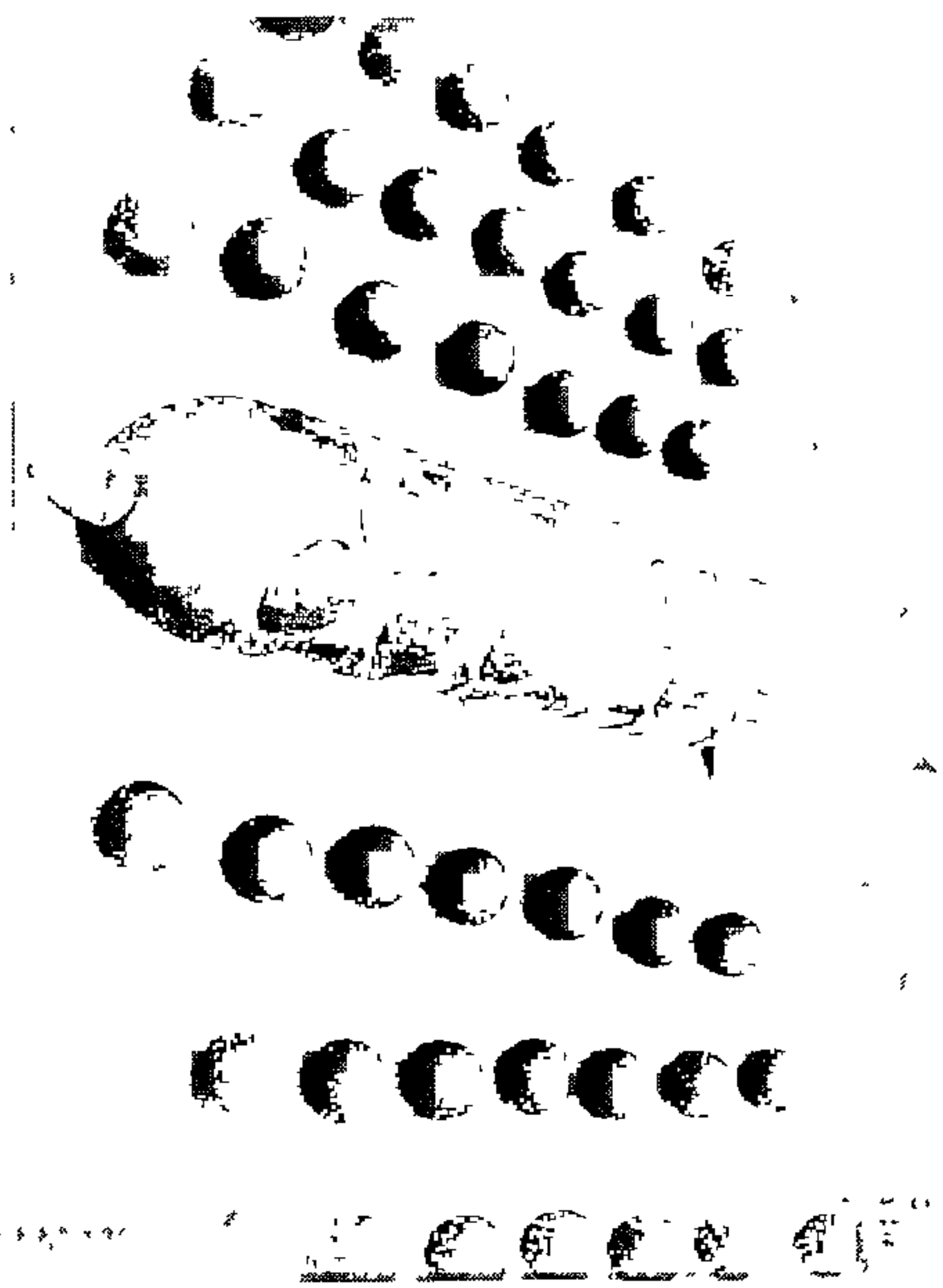
The controls, the cost of which may be borne out of the remitted civil fines, will be vetted subsequently to see they are being implemented. There will be no surprise inspections. When inspections do take place, they will be carried out "under the auspices" of the SA government "in a co-operative manner".

It is difficult to be entirely confident that all the details will be easily worked out. There could still be trouble on the fine print of the plea agreement, especially with regard to co-operation in the Ivy prosecution, although said co-operation might become unnecessary. Some legal observers think Ivy himself will plead guilty once Armcor folds its hand.

Whatever Armcor has to pay in criminal fines, Denel will likely make back in sales very quickly. Contrary to conspiracy theory, the Clinton administration did not refuse to drop the charges to hamstring a competing arms industry, but because it was bound by law. US defence contractors like McDonnell Douglas and Lockheed have been itching to enter joint ventures with Denel.

The Philadelphia Enquirer last week quoted Denel CE Johan Albert as claiming his company has lost up to \$5bn in deals as a result of the US sanctions. If that is true, he should have perhaps lobbied government a little harder to drop the nonsense about sovereign immunity and settled sooner.

An Armcor-developed CB470 cluster bomb, which carries 40 bomblets of 6kg each. The US and SA have agreed in principle to resolve the company's 1991 indictment for chronically violating the US Arms Export Control Act.



Armaments industry between a rock and a

By Jonathan Rosenthal

Johannesburg — The South African defence industry is being torn between drawing closer to Europe and other developing nations to counter US dominance of the arms trade, or of throwing in its lot with the US.

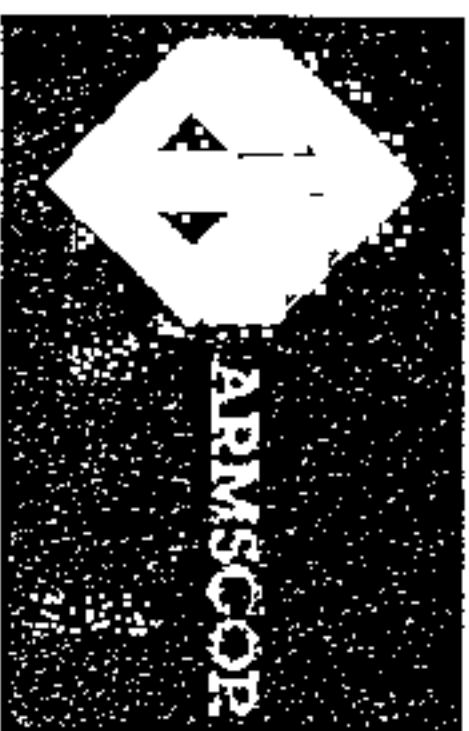
The number of European and developing countries attempting to break their reliance on US defence components and systems is growing. In the two years since South Africa's legal entry to the international arms market, and even before that, some sources say, the local defence industry has been cutting deals with companies and countries which see US dominance of the arms trade as detrimental.

The largest of these are the European defence companies Aerospatiale and British Aerospace, which have entered into agreements to develop and market avionics and helicopters. The South African industry's flagship product, the Rooivalk attack helicopter, contains electronics, engines and subsystems developed in Europe. Parts of the Rooivalk may be produced in Malaysia if export customers are found.

As South Africa re-enters the arms industry, a serious difficulty is that the tensions between European and US arms producers, which were a feature of squabbles between Nato members and bedevilled procurement policies during the Cold War, still drive national arms procurement policies.

National sentiment still rules on high-profile projects such as fighter aircraft and tanks, with the Europeans and Americans going their separate ways.

But it is still an uneven battle. Experts say mergers between British Aerospace, Aerospatiale and Daimler-Benz Aerospace are the



Deputy President Thabo Mbeki and US vice-president Bill Clinton agreed last week to resolve a 1991 multilateral agreement against Armscor for sanctions busting arms exports. The watershed agreement will enable the South African armaments industry to re-establish defence co-operation with US companies and may force it to make hard choices.



MADE IN RSA The Rooivalk attack helicopter is still waiting to conquer the export market

only chance for the European defence industry's survival in the face of US competition, which dwarfs their combined research spending and productive capacity.

The weight that the South African industry, with less than 1 percent of the world defence market, can add to one or other side in this commercial battlefield is obviously not significant.

But South Africa has developed certain niche capabilities, such as mine protection, re-engineing of helicopters and the upgrading of aircraft and weapons systems, which are highly sought after.

capable of operating in hot and dusty conditions familiar to local manufacturers. The African market is likely to be dominated by South African systems such as wheeled fighting vehicles well suited to the continent's terrain.

The second growth area for South African arms manufacturers lies among the developing nations of southeast Asia and the Middle East, many of whom are weary of the political leverage the US is able to exert through its dominant position in the arms trade.

A case in point is Malaysia, which is co-operating with South African firms to develop avionics and naval capabilities, to reduce its dependence on the US and to foster its own arms industry. A senior diplomatic source has

said that the South African and Malaysian governments are supporting joint ventures to foster an indigenous arms industry in the developing world. Some industry experts believe that greater defence co-operation with US companies would lock South Africa out of these markets. US pressure is believed to have sunk the possible sale of Rooivalk attack helicopters to a Middle East country.

But Julius Kriel, the executive director of the South African Defence Industries Association, says that access to US technology could increase the marketability of South African systems. It is believed that Derel, the state-owned local arms manufacturer, failed to supply the Rooivalk attack helicopter to the British

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Army because of US restrictions on the supply of Hellfire anti-tank missiles to the company.

The recent moves to lift the US prohibition on arms dealings with South African companies could allow them to tap into the huge marketing machine which the US industry had built up, Kriel said.

There are several US firms believed to be investigating the possibility of joint ventures with South African companies. A high ranking executive of a US aircraft engine manufacturer said earlier this year that joint ventures with US companies, worth hundreds of millions of rands to the South African partners, had to be put on hold because of the Armscor case.

That case was about the illegal sale of sanctions busting military hardware from the US to South Africa and from South Africa to Iraq. Last week, deputy president Thabo Mbeki and US vice-president Al Gore agreed in principle to resolve the 1991 indictment over this, with Armscor pleading "no contest" to the charges. Sources say this should expedite the speedy resumption of arms trade between the two nations which has officially been on hold since the embargo was imposed.

US interest seems to be focused not on South African technology but on its manufacturing capability to escape high labour costs in the US.

Counter-trade opportunities could also allow South African manufactur-

ers to supply components for US systems. Opening up South Africa to the US defence industry is likely to increase competition in the domestic market, with the larger US helicopter manufacturers likely to bid aggressively against European suppliers to replace the South African military's aging helicopter fleet.

Earlier this month, a domestic consortium lost out to Marshalls Aerospace of Britain to refurbish transport aircraft of the South African Airforce. This would have been an unlikely event few years ago as higher costs were offset against the need to develop domestic capabilities.

Increased competition is likely to benefit the security forces, but the most predatory of seas

hard place

Industry sources are concerned that US bargain-basement sales of surplus fighters, could dent the local defence industry. Though rejoicing in its legitimate entry to international markets, the industry will have to tread carefully as it becomes more apparent that it is a small fish in one of the most predatory of seas.

PUBLIC SECTOR - GOVT. - DEFENCE

1996

AUGUST - DEC

SANDF's size under review

BLOEMFONTEIN

Right-sizing the SANDF did not necessarily mean scaling down, Col Jean Lausberg of the defence force's strategic management told a regional briefing in Bloemfontein yesterday (254)

Lausberg said that after the white paper on defence had instructed the defence review secretariat to right-size, the perception had been created that the force would be scaled down.

However, there might be a need to expand certain capabilities and decrease others.

The possibility of a war in the country could not be totally ruled out, Lausberg said.

There were 93 generic types of contingencies that should be taken into consideration within core defence capability.

With this information, alternative force designs could be determined to defend against specific contingencies, Lausberg said — Sapa

BD/18/96

Mbeki manages creditable result in Armscor case

Largely successful mission in damage limitation, writes Peter Fabricius

IN WASHINGTON

(254)

Star 18 196



Deputy President Thabo Mbeki returned home from the United States last week, a little more seasoned in his role as de facto prime minister.

In an intense round of meetings with Vice-President Al Gore, he finally resolved in principle the major impediment to good US/SA relations - the Armscor arms smuggling case.

SA won some important concessions - although what, exactly, is unclear, since the full deal has not been made public.

The Americans had insisted all along that Denel, the commercialised offshoot of Armscor, should be punished too, because it was in effect an alias for Armscor.

But under the agreement reached last week, Denel will be treated differently, avoiding the usual one-to-three-year period

of debarment from the US arms trade once the legal case has been settled.

This could release a dam-burst of arms commerce immediately, as Denel now does most of the official buying and selling of arms.

And, as another significant concession to SA, part of the fines totalling \$12.5 million (about R56-million), according to some sources will be channelled back into financing SA's own programme to ensure that Armscor/Denel in future use imported US arms for the licensed purposes (and don't allow them to be diverted to Iraq or Iran, for example).

Perhaps, though, Mbeki's main achievement was just to bow to the inevitable and settle the case. His Government had insisted, vehemently at times, that

merely to submit to the jurisdiction of the US courts would injure SA's sovereignty.

Now it has agreed to do that, even if via a "no contest" plea which has the effect of somewhat obscuring the point.

It is easy to argue that since it has now finally conceded the case, SA would have been better off doing so much earlier.

Perhaps; but this counsel of perfection ignores one or two realities. Firstly, SA did win some concessions, those mentioned above, the no-contest plea itself, a reduction in the fines and one or two other points.

SA's ambassador to Washington, Franklin Sonn, took a lot of flak for politics in this issue, but putting it on the political agenda was itself right. Despite the Americans' righteous insistence that it ought to be considered purely as a matter of American jurisprudence, it was clearly seething with politics.

To say SA should have conceded this case earlier ignores perhaps the most important ingredient in this political soup, the pride of a new nation.

It is in a sense true that as the US litigates against foreign companies all the time for breaking these same arms export laws, SA should simply have paid up and gone home.

But there were special circumstances here, the fact that Armscor is a state-owned entity and the fact that its transgressions were all committed under the NP government. That made the indictment genuinely hard for the ANC Government to swallow.

In the end, thus may have been a defeat for SA, but it was not dishonourable. And it contained important lessons for the new Government and the man most likely to be

its next leader. ■ they learnt, practically, the truism that America is the world's major power and will go some way to prove that point. ■ they learnt a little humility, perhaps a necessary antidote to the pride of all those steamrolling victories over the NP, ■ perhaps most important, they learnt again the distinction that does not seem to have been grasped in other foreign policy areas, such as Cuba, between the interests of the party and interests of the Government. As party, the ANC especially hated this lawsuit because it felt outraged it was being asked to pay for the sins of the old government, sins often directed against itself. Last week, the ANC accepted instead that it had to assume the liabilities of the old government, as it has accepted its many as-sets. At the risk of sounding patronising, that was grown-up behaviour.

Accused denies he planned death raid on KwaMakutha

00 2/8/96 (254)
give permission for such an operation

Reminded of testimony that More took part in selecting possible targets for Inkatha recruits, he said "That is totally absurd I deny it emphatically"

More also denied arranging for AK-47 rifles to be supplied to the murder squad from Ferntree SADF base.

Had he wanted to obtain weapons he would have got them from the Steyn's Park armoury in Pretoria, he said.

When the armoury was closed in the early 90s, the inventory showed it had contained "tens of thousands" of AK-47 rifles

Maritz recalled Opperman's testimony that he had left More's office with final permission for the attack, without any plans being submitted. More said "That is quite laughable."

There was no security officer involved in the KwaMakutha attack, More said, detailing procedures for a military operation and emphasising this was essential. "It

was obviously not a military plan," More said

Judge Jan Hugo suggested the nature of the operation may have precluded the usual plans.

"If there was any military involvement at all, those plans would have been in place, m'lord," More replied

Hugo said it seemed there had been military involvement because both Opperman and Sgt Andre Cloete, also a State witness and one of the recruits' instructors, were both serving officers at the time

Reminded by Maritz of Opperman's testimony that he had instructed Cloete to draft plans for the operation, More said "That is quite ridiculous. All they had was the number of a house and a sketch of the floor plan, and 10 people went in there and committed an atrocity."

"That, to my mind, is not a military operation," he said

Asked if a sergeant would have been entrusted with planning such an operation, More said "no". — Sapa

DURBAN — The trial of former defence minister Magnus Malan and 16 others on 13 counts of murder resumed yesterday, with accused Brig John More denying he gave permission for a 1987 murder squad attack at KwaMakutha in which 13 people died.

Ten children were among victims of the attack on the home of UDF activist Victor Ntuli

The allegations against More were made by key state witness Capt Johan Opperman, More's former military intelligence colleague

Opperman admitted training the Inkatha recruits who carried out the attack. More said the allegations were laughable and absurd

Asked by defence counsel Mike Maritz if Opperman ever requested permission for an offensive operation by Inkatha recruits trained by the SADF, More said: "No, he did not."

Asked what his comment was on testimony by Opperman that More gave him the go-ahead for the attack at a meeting in Pretoria, he replied: "That allegation is quite ridiculous. That did not take place."

More said as the senior staff officer for Operation Marion, a covert plan to give Inkatha a paramilitary capability, he had no authority to

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BB 2/8/96 (254)
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Brigadier in Malan trial calls allegations 'quite ridiculous'

(254)

Star 2/8/96

Durban - The trial of former defence minister Magnus Malan and 16 others on 13 counts of murder resumed yesterday, with accused Brigadier John More denying that he gave permission for a 1987 murder squad attack at KwaMakutha in which 13 people were killed. Ten children were among the victims of the attack on the home of UDF activist Victor Ntuli.

The allegations against More were made by key state witness Captain Johan Opperman, More's former Military Intelligence colleague. In his evidence Opperman admitted to training the Inkatha recruits who carried out the KwaMakutha attack.

More said the allegations were laughable and absurd. Asked by defence counsel Mike Martz if Opperman ever requested permission for an offensive operation by Inkatha recruits trained by the SA Defence Force, More said, "No, he did not."

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More said as the senior staff officer for Operation Marion, a covert plan to give Inkatha a paramilitary capability, he had not had the authority to give permission for such an operation. Martz recalled Opperman's testimony that he had left More's office with final permission for the attack, without any plans being submitted. More said: "That is quite laughable."

More detailed the various procedures that would have to be adhered to before any military operation, and said no operation could be planned without a security officer to ensure information did not leak to the enemy. There was no security officer involved in the KwaMakutha attack, "It was obviously not a military plan," More said. Mr Justice Hugo suggested the nature of the operation may have precluded the usual plans. "If there was any military involvement at all, those plans would have been in place, my lord," More replied. Judge Hugo said it seemed there had been military involvement because both Opperman and Sergeant Andre Cloete were serving officers at the time - Sapa

(254)

McNally grills brigadier, who admits using art of deception

Star 3/8/96

Durban - KwaZulu Natal Attorney-General Tim McNally intensively cross-examined KwaMakutha massacre accused Brigadier John Reeves More yesterday.

A former military intelligence officer, More is one of 17 people being tried in the Durban Supreme Court on 13 counts of murder arising from an attack on the home of activist Victor Ntuli in 1987.

At the time of the attack, More was the senior staff officer for "Project Marion", a covert SA Defence Force plan to train Inkatha recruits and give the Zulu nationalist movement a paramilitary capability. Ten of these recruits allegedly committed the massacre.

More admitted he was trained by the military in the

art of deception, adopted false identities, agreed to Inkatha recruits posing as members of a bogus security firm and helped to obscure the source of funds. He denied that the arming of the recruits with AK-47 rifles was aimed at placing the blame for their operations at the door of the ANC.

More admitted he was issued in 1986 with a false passport in the name of John Robert Milner, but it was not for use in Project Marion. He denied testimony by IFP deputy secretary-general M Z Khumalo and key state witness Captain Johan (JP) Opperman that he also used his middle name, Reeves, as a false surname.

More has already testified he used the false name Bob Richards in Project Marion

talks with Khumalo, at the time personal aide to Mangosuthu Buthelezi, then chief minister of KwaZulu. Khumalo is one of the accused.

More became confused as to whether he had used this name at a 1986 meeting with Buthelezi, where the funding of Project Marion was discussed.

He said Buthelezi knew him as Bob Richards. He then withdrew that testimony, saying he had assumed the name Richards only when he took over as Project Marion senior staff officer in 1986. He was introduced to Buthelezi as Colonel John More.

He confirmed minutes of the meeting stating that Khumalo had told Buthelezi that funds from a foreign donor had been deposited in an account for

Project Marion

He said the funds came from the "scraper fund" used for classified operations and channelled through Armscor. He did not know if Buthelezi was aware of the true source.

More said additional funds, to pay trainees, were deposited in several Inkatha bank accounts to make it appear as if they had been collected by Inkatha branches.

McNally challenged More's assertion that cards falsely identifying the recruits as members of a security firm called Omega, which did not exist, were issued to help them explain their long absence for training to their families, as well as the source of wages.

The trial continues on Monday - Sapa

Defence review group likely to justify a national force (254)

Stephen Laufer

LESS than five years ago a diminutive white-haired woman called Nan Cross spent her time persuading young men to refuse to do military service in the SADF

Five months ago members of her organisation, Ceasefire, and many of the officers she once opposed sat down to begin a national debate on SA's defence needs. As the defence review process gathers steam, the soldiers and pacifists have put many of the animosities and scepticisms of the past on hold.

Dialogue across the old divides is happening in unexpected places, despite the fact that most SANDF officers have been conspicuous by their absence, and that compared to the navy and the air force, the representation of the army and medical services has been less than impressive.

Encouraged by the new spirit which has grown through the defence review process, strategists and practitioners have inched towards new policies capable of enjoying broad agreement and support. With conferences in every province, an effort has been made for the first time in SA to take a substantive debate on defence to the people.

The process has not been without its critics, but unlike the past, they have been participants of equal standing and not forced to look in from the outside. Some criticisms could bring the process to a grinding halt. Analyst Sean Cleary, for example, felt that it was well nigh impossible to define a new approach to defence as long as the larger context of a comprehensive SA foreign policy review had not been completed.

Much debate has centred on a threat analysis. Classically, this method of military planning looks at a country's relations with its neighbours and countries further afield, their armaments and war fighting capabilities and the likelihood of aggression from various quarters.

In the apartheid days the threat analysis was relatively simple. With the system under siege from within and without, massive expenditure on armaments, compulsory military service and a highly secretive armaments industry were easy to justify.

Analysing threats to SA's national security today is more complex, some say impossible. The Cold War is over, democracy has triumphed, and the unfolding process of regional, continental and international co-operation makes it hard to find a potential

aggressor real enough to justify the R10bn SA spends on defence.

Enter the defence review, conceived in the defence ministry's hour of greatest need when Parliament told Defence Minister Joe Modise and his deputy Ronnie Kasrils it was not convinced of the need for four new corvettes at a cost of more than R2,2bn. The question they hope the defence review will answer is this: if there is no threat, why does SA need a defence force?

It is a question made more complex by the defence white paper itself, the ministry's overarching statement of principles guiding the review process. The white paper says clearly that the greatest and most immediate threats to peace in SA come not from some theoretical external aggressor, but from underdevelopment, unemployment, poor education, housing and health, and violence and other socioeconomic and political factors in SA and the subcontinent.

Weaponry expenditure

How then does one justify major expenditure on weaponry and personnel, such as the corvettes, jet fighters valued at R7bn over the next 12 years and the Rooivalk attack helicopter, already in production?

You cannot, argue Cross and her friends. What SA needs is a civilian-based defence which relies on patriotism and — much like in Norway or Czechoslovakia during the Second World War — on willingness to resist an aggressor passively. A nice notion, argues SANDF policy director Brig Len le Roux, but it is contrary to the constitution, which enshrines the sanctity of life. Passive resistance takes a high toll — as shown by the Nazi massacre of Czechs in Lidice.

The response of the review work group to the inability to define a threat to SA's national security has been the creation of a hybrid justification for defence spending under the heading "national interest".

Four key needs can be defined in support of this notion in the current situation, argues the work group.

- Self defence, or the preservation of the territorial integrity of SA;
- Peace support operations, such as participation in OAU or UN intervention forces;
- Support for the SAPS in its internal stability role, and
- The SANDF's ability to provide collateral support such as helicopter search and rescue services.

At least three of the four stand on

shaky ground, argue the critics, making the argument look a little like a sleight of hand designed to keep defence spending up despite declining real need.

□ Soldiers are not trained as policemen and the SANDF would like to relinquish most of its support function for the SAPS anyway. Besides, says policing researcher Mark Shaw, if one is arguing for expenditure on policing, better to spend it on the police than the army.

□ Peacekeeping or peacemaking are still some time away for the SANDF, given the pressures of integration and the reluctance of generals and politicians to get involved directly, as visible in the Burundi situation.

□ Collateral capabilities are not collateral if they are used as an argument for expenditure rather than being available as a result of expenditure for other tasks. If functions such as search and rescue or fisheries patrols are not collateral, but a reason for the existence of a defence force, can they not be done more cheaply in the civilian sector, taking away the justification for defence spending, for example on corvettes?

What is left, then, is the question of self defence. To prepare adequately for it, it is necessary to analyse where the threat might come from, the critics say. Cleary argues that no business would survive 12 months on a risk-and-opportunity analysis as woolly as the approach to defence emerging from the review process.

But Modise and Kasrils need not fear. There is little likelihood the defence force will be taken away because we are at peace. Even though the process still raises more questions than it can answer, the review process is under way. However incomplete, it is likely to deliver a justification for a national defence force.

Defence secretariat policy director Rocky Williams, a major driving force behind the review, and his political masters can claim credit for setting in motion a process which will be more than just a vehicle for the formulation of a new policy and justification for military spending.

It is unlikely that there will be any going back on the culture change which is slowly producing a South African military which respects the need to discuss its approaches and actions publicly. The SANDF and to a lesser extent the arms industry have turned a corner through the process, and as they shed their dinosaurs, accountability could help demilitarise South African society.

BDS/8/96

Wide support for SANDF's regional role, survey shows

BY NORMAN CHANDLER
Defence Correspondent

President Nelson Mandela would enjoy wide public support for keeping in power the legitimate government of Burundi, or any other country, through South African participation in peacekeeping operations

This is indicated in a survey on national security issues which has found that the public believes there is a need for a dependable South African National Defence Force

The results have been disclosed on the eve of a defence review consultative conference which will map out the future needs of the defence force. The conference, in Cape Town next week, is to be attended by leading opinion makers in the defence and defence industry sectors

The Institute for Defence Policy (IDP), which conducted the survey in association with the Human Sciences Research Council, says it is concerned that "the opinion of the broad mass of the population" should be considered in the drafting of the review.

The document, which follows on a Defence White Paper tabled in Parliament earlier this year, will set the seal on the development of the SANDF for at least 10 years, and is to cover force levels, acquisition of new ships, aircraft and other equipment, the part-time forces, security trends in South Africa and the southern African region, integration and rationalisation.

IDP deputy director Bill Sass says the survey showed the majority of all population groups were of the opinion that a strong defence force was "much needed" or "needed" while only 20% of the respondents regarded it as "unnecessary" or "very unnecessary".

Respondents gave as their reasons the necessity to "support the SA Police Ser-

vice to end the violence" (9%), "there are still problems with violence in South Africa" (23%), "the country is threatened" (7%), "be prepared" (7%) and "provide the nation with security" (25%). A total of 18% of the respondents said there was "war against us"

Sass said "Although only 18% referred to an external threat, 56% felt that a strong defence force was still necessary"

He said respondents were specific in indicating the SANDF's regional role

Just on 72% believed the SANDF should maintain stability in southern African countries, 63% said it should defend those countries' borders, 64% were in favour of keeping a legitimate government in power, 73% said South Africa

72% want SA force to secure stability in southern African states

should help with training military personnel and 67% agreed the country should provide equipment needs to other regional states

"Almost two-thirds indicated that they wanted South Africa to have a peacekeeping force that can be utilised externally to help other countries maintain peace

"A large proportion (46%) was satisfied that such a force should serve worldwide (and) the largest single proportion of respondents (45%) were in favour of the peacekeeping force serving solely under the command of the South African Government, with 37% saying it should be prepared to serve under foreign command," Sass said

Star 5/8/96

Mufamadi prepares legislation to stamp out paramilitary groups

Tim Cohen

CAPE TOWN — Safety and Security Minister Sydney Mufamadi said yesterday he would seek Cabinet approval for legislation to stamp out paramilitary groups.

The legislation would target ANC and IFP-aligned self-defence units, religious fundamentalist groups and right-wing groups. The need for it stemmed from the safety and security ministry's concern about the continued

presence of paramilitary organisations, despite SA's transition to a constitutional democracy.

While no statistics on paramilitary groups were available, ministry spokesman Maxwell Mulaiza said legislative tools to eradicate such groups were inadequate.

Safety and security secretary Azhar Cachalia said it was not the ministry's feeling that the problem of paramilitary groups was increasing, nor was there any indication of a sudden in-

crease in activity.

If anything, the internal security threat had declined, he said.

However, monitoring indicated that many paramilitary groups continued to exist and there was a gap in legislation which needed to be remedied in order to control them.

The legislation would outlaw training of members and distribution of weapons among group members.

The ministry said illegal firearms continued to find a market through the

paramilitary training and equipping of various groups. The legislation, if approved, would prohibit instruction in the making or use of firearms or explosives; training, organising or equipping people to use or display physical force in promoting political objectives, and training anyone to conduct any military or paramilitary operation.

The conduct the draft Bill targeted would not be unlawful if performed for industrial purposes, such as training security guards, or agricultural or

sporting purposes.

The ministry said that if Parliament passed the Bill, police would be directed to use the Act firmly against any person or group involved in paramilitary training.

It stressed that the constitution stipulated that the SANDF should be the only defence force in the country.

"There should be no space for private armies or armed vigilante groups in a constitutional democracy," the ministry said

(254)

B8 6/8/96

Legislation in offing to curb para-military activity

(254)

Star 6/8/96

By JOVIAL RANTAO
Political Correspondent

The Government has signalled its intention to get tough with political organisations, including right-wing and fundamentalist religious groups, involved in the establishment of para-military units

Safety and Security Minister Sydney Mufamadi announced yesterday that draft legislation, containing measures which would prohibit the para-military training of individuals or groups, would soon be placed before Cabinet for approval

Mufamadi said he has requested the Minister of Justice to include these provisions in the Judicial Matters Amendment Bill,

which is sponsored by the Department of Justice

"Allegations of para-military training being conducted by various groups in South Africa have featured regularly in the media for a long time

"This includes reports of the para-military training of right-wing groups, of Inkatha-aligned Self Protection Units, of ANC-aligned Self Defence Units, of fundamentalist religious groups and of other political factions. Existing legislation has been inadequate to address such unauthorised para-military training," Mufamadi said

If approved by the Cabinet and Parliament, the legislation would prohibit the following

■ The instruction or training in

the making or use of firearms or explosives

■ The training, organisation or equipping of persons in order for them to use or display physical force in promoting a political objective

■ The training of any person in the conduct of any military or para-military operation.

Mufamadi said the conduct which the draft bill targets would not be unlawful or prohibited if it was performed in terms of lawful authority or if it was performed for certain industrial, agricultural or sporting purposes.

Police will be directed to act firmly against any persons or groups found to be involved in para-military training, he said

Draft Bill aims to stop paramilitary training

(254)

CT 6/8/96

A DRAFT Bill containing measures to ban paramilitary training of individuals or groups would soon be placed before the cabinet for its approval, Safety and Security Minister Mr Sydney Mufamadi said yesterday.

Mufamadi said in a statement his department had asked the Minister of Justice to include such provisions into the Judicial Matters Amendment Bill, which the Department of Justice would sponsor.

Allegations of paramilitary training being conducted by various groups in

South Africa had featured regularly in the media for a long time, Mufamadi said.

These included reports of training of right-wing groups, Inkatha-aligned self-protection units, ANC-aligned self-defence units, fundamentalist religious groups and other political factions.

Existing legislation had been inadequate to address such unauthorised paramilitary training.

The proposed legislation would ban instruction or training in making or using firearms or explosives, training,

organising or equipping persons to use them or display physical force in promoting a political objective, and training any person in the conduct of any military or paramilitary operation.

The conduct targeted by the draft Bill would not be unlawful or prohibited if it was legally authorised, or if it was performed for certain industrial, agricultural or sporting purposes.

The new constitution provided that the South African National Defence Force would be the only defence force in the country.

There could therefore be no justification for the existence of any armed organisations, paramilitary groups or factions that received clandestine paramilitary training, Mufamadi said.

Illegal firearms continued to find a market through the paramilitary training and equipping of various groups, he said.

If the Bill was passed by Parliament, the police would be directed to act firmly against any persons or groups found to be involved in paramilitary training — Sapa

Malan talks of training scheme to protect Buthelezi

The Argus Correspondent

DURBAN - A government that cold bloodedly murdered its citizens could never hope to win a war against revolutionary forces, former defence minister Magnus Malan told the Supreme Court here

General Malan gave evidence yesterday in his defence in the trial in which he and 16 others are charged with the KwaMakhutha massacre on January 21 1987 that left 13 people dead. All the accused pleaded not guilty to murder, attempted murder and conspiracy.

General Malan was questioned by his defence counsel Sam Maritz SC. His evidence took just over two hours. The six other defence teams will have a chance to question General Malan today, and then Natal Attorney-General Tim McNally SC will cross-examine him.

Like the other accused, General Malan has distanced himself completely from the KwaMakhutha

killings. The State alleges that some of the 206 Inkatha supporters trained by military intelligence at the request of Inkatha leader Mangosuthu Buthelezi in the Caprivi in 1986 carried out the murders.

General Malan told Mr Justice Hugo the government had ordered that Chief Buthelezi and the KwaZulu government be protected, as they had asked.

General Malan said the training was politically sensitive.

The advantage of the training to the government was that a non-violent political organisation was being made stronger.

The project was so important and sensitive that General Malan had wanted to be absolutely certain about what was to be done in terms of training and the paramilitary capacity. He had met Chief Buthelezi at a working breakfast to confirm the plans. Chief Buthelezi said he was very satisfied and asked that his thanks and those of the KwaZulu government be passed to the central government.

ARG 7/8/96

(254) (115)

Plan was just — Malan

DURBAN — Any government or army which waged a counter-revolutionary war by murdering women and children would lose that war, former defence minister Magnus Malan told the Durban Supreme Court yesterday.

He was defending himself against charges of murder arising from the death of 13 people at KwaMakutha south of Durban in 1987. Most of the victims were women and children under the age of 10. Led by defence counsel Sam Maritz, Malan denied any part in the attack.

He said there were no sinister aims in Project Marion, a secret State Security Council scheme to give military training to IFP recruits.

Ten of those recruits allegedly committed the massacre at the home of United Democratic Front activist Victor Ntuli, and six of them are in the dock with Malan.

Commenting on various references in military documents to law breaking by the Marion recruits, Malan said the fact that this was a matter of concern reinforced his opinion that Project Marion had in essence been proper and just.

Malan said numerous references to the Marion force having included an "offensive element" had been wrongly interpreted. He thought the definition of this term in one of the documents as a "protection element" was a good one. — Sapa.

00 7/8/96 (254)

HE recent visits abroad by President Nelson Mandela and Deputy President Thabo Mbeki illustrate the fund of goodwill that exists towards SA

Crucial to the prospects for our country is our ability to translate this support into substantial long-term investment

Central to the challenge is the concern over stability which has a direct impact on investor confidence. The stability is what Defence Minister Joe Modise is seeking through his positioning of defence through our new economic vision

The essence of this position, encapsulated in the new definition of security in the white paper on defence, sees the role of defence as not only protecting against conventional threats, but also serving to create a positive climate for economic development and social progress

Defence thus has the wider utility of cementing stability — the prerequisite for investment and socioeconomic upliftment — through guaranteeing peace and security and promoting confidence in SA

In the absence of a foreseeable military threat, some query the very necessity of maintaining a defence force. There are many ripostes to this argument, but let us simply consider the detrimental effect on the international community of an SA bereft of a conventional defence

Without credible defence, even the most naive must concede that we would lack a central pillar of state to reinforce our sovereignty and underwrite our long-term security. The visible guarantor of stability is what the world expects of a responsible state, and is the basis on which the international community will judge our investment potential

The crime wave often prompts a second question "Why not a soldier on every street corner?" But far more is being contributed by the SANDF than meets the eye

Through the national crime prevention strategy, the SANDF deploys 8 000 troops, or 60 companies, a day to reinforce the police

In numerous combined security operations against organised crime, such as drug and gun smuggling, and in curbing political violence, soldiers have logged thousands of hours — manning road blocks,

SANDF can play a vital role in ensuring investor confidence

RONNIE KASRILS

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searching for weapons and patrolling trouble spots

Some security responsibilities, such as border patrols, illegal crossings, cattle rustling and safeguarding remote farms, have been taken over from the police. In addition to the 2 000 troops continually on duty in KwaZulu-Natal, the deployment of double that number during the recent local government elections there was widely credited with helping to ensure peaceful conduct of those elections — further enhancing our image as a state committed to peace and security

All of this allows the release of more police to combat crime at local level, where it counts most, and is a better contribution to combating the criminal menace than posting soldiers on street corners

What needs to be understood is that we are limited in the number of troops deployable. The army is made up of 47 000 soldiers, of which 12 000 are available, through rotational deployment, as combat troops for these tasks. What must also be understood is that we no longer have hundreds of thousands of citizen force conscripts available.

Limitations or not, the SANDF is daily underwriting the social and political stability, which the recent Nedcor Project on Crime and Violence and Investment identified as significantly influencing international investment decisions

Regionally, credible defence makes good economic sense too



KASRILS

through building credible defence and security co-operation with our neighbours, under the auspices of the SADC's security organ, the Interstate Defence and Security Committee, which Modise chairs

When we consider that more than 80% of the value of our international trade and more than 90% of its volume pass through our harbours, it is not surprising that international investors regard SA as a "port of entry" to the region

Consequently, it is to our distinct advantage to visibly facilitate safe and assured access to our ports. To do so effectively, we require the appropriate wherewithal

Taking the navy as an example replacing the ageing strike craft and submarines can be seen as necessary to ensure the safety of international maritime traffic, by enabling us to adequately patrol our sea lanes. Such vessels would also greatly enhance our ability to guarantee the maritime sovereignty of our 200-mile exclusive economic zone — an area equal in size to the land mass of SA (Edward and Marion Islands each have their own exclusive zone) — rich in marine stocks and untapped mineral resource beneath the seabed

The utility of our army and air force, suitably equipped, can be seen in similar terms, particularly in relation to regional peace support operations — the new mode whereby states manage conflict — and in the effective provision of humanitarian

and disaster relief.

We need only recall our ability to respond to the recent ferry disaster on Lake Victoria, our assistance to Mozambique during the floods, and our humanitarian aid to Rwandan refugees, to appreciate a positive image created for SA

At a time when international financial markets are so sensitive to rumour and speculation such positive images clearly inspire international confidence in a country, and such confidence spurs on investment. That is good for business

A credible defence capability, as a means to ensure stability, can therefore be viewed as a significant national economic asset, rather than as a diversion of scarce resources. The challenge for defence is to retain a credible capability while remaining within our financial means. This is particularly so in the light of the huge defence spending cuts since 1989, with a reduction of more than 50% in seven years, and funding dropping from 4,5% of GDP to below 2%

The "creeping obsolescence" of our main equipment — much of which will be completely obsolete by 2005 — is now a pressing issue, given our growing regional role

A disciplined, logical financial approach to defence requirements is a prudent way of ensuring a stable, peaceful and secure environment, in which we are able to create jobs, put food in people's stomachs and roofs over their heads

To map the way ahead for defence in this context, Modise has initiated a national defence review process, within the policy framework of the defence white paper

This is investigating all aspects of defence, to recommend options for the role, structure, design, force and equipment levels and their funding, and human resource management, to establish an unprecedented national consensus on defence. Consensus ensures legitimacy for defence, and adds to its credibility. The confidence that credible defence gives our citizens and the much-needed international investor makes an incalculable contribution to our country and economy

□ Ronnie Kasrils is deputy defence minister.

'Massacre was against the grain of warfare'

(254) Star 7/8/96

As General Malan takes the stand he claims that whoever allowed slaughter was bound to lose the revolution

OWN CORRESPONDENT
Durban

The murder of 13 people at KwaMakhutha near Amanzimtoti in January 1986 went against the grain of counter-revolutionary warfare, General Magnus Malan told the Durban Supreme Court yesterday.

Malan, the minister of defence in the National Party government of P W Botha at the time of the massacre, was answering questions from Sam Maritz, SC, appearing for the defence. He was taking the stand for the first time in the murder trial relating to the massacre of mainly women and children at KwaMakhutha.

The general and 16 others are appearing on charges of murder and attempted murder.

Malan said that any government, or defence force, which allowed such a massacre would "lose the revolution".

He also said that the former chief minister of KwaZulu and still president of Inkatha, Dr Mangosuthu Buthelezi, had thanked the SA government through him later in 1986 for having adopted Operation Marion. This involved

the training of para-military soldiers at Caprivi and demonstrated the support of the former SA defence force for Inkatha.

Malan said that a security council system for KwaZulu, similar to that already in operation in the then South West Africa, was proposed to Buthelezi, who asked for details in writing.

The former defence minister said the matter was "highly sensitive" because the then KwaZulu chief minister was a known opponent of the SA government at the time. As a party opposed to the SA government, Buthelezi could have opted for an alliance with the ANC, he said. Malan said the government of the day was taking a "huge political risk".

He said that Buthelezi was not only head of the KwaZulu government, but was minister of police and president of Inkatha as well. "Never in my wildest dreams did I believe that he would act unlawfully," he said.

Malan said he had told other former cabinet ministers, including constitutional development minister Chris Heunis and minister of law and order Louis le Grange, that there had to be ab-

solute certainty about what the government was doing in this regard.

The para-military system in South West Africa had proved to be very successful and one of the role players in the success of that operation - Inkatha - would also be involved in the proposed Operation Marion.

Malan said he had read the report drawn up on the subject by the then chief of the army, General Kat Liebenberg, and had had no problem with the main recommendations. He had, however, disagreed with the central thrust of the argument - that the military force involved should be of an aggressive nature. The general had recommended that para-military units be used instead.

The general said the SA government had been up against a total onslaught against the country in the mid 1980s. There were attempts to intimidate the populace, such as the Sasol bombings and the Magoo's Bar incident in Durban. He denied, however, that the then government had "sinister aims" in giving help to the KwaZulu chief minister.

The trial continues today.

SA defence company now 50th in world

South African defence industry company Denel has jumped 16 places to become the 50th largest armaments firm in the world

No other wholly-South African defence company appears in the top 100, according to the United States newspaper Defense News, although many international groups with local links feature

American, British and French companies dominate the top 10 placings. The largest company is Lockheed Martin Corporation of the United States, with total revenue earnings of almost R100

billion (about \$22-billion). Denel is listed at R4-billion (\$932,6-m).

According to the publication, Denel's principal business is tied up in aircraft, missiles, professional services, defence electronics, armoured vehicles, computer services, artillery, engines, helicopters, communications and maintenance and upgrades.

It says the company also relies on 75% of its defence business to survive, with this realising a net income of about R330-million out of its revenue earnings in this sector - Defence Correspondent

(254)

Star 8/8/96

'State debated creation of third force'

(254)

Malan admits in court that former government used 'unconventional warfare' against the ANC

AFP
Durban

Star 8/8/96

The apartheid government debated establishing a "third force" to counteract insurgency, the trial of former defence minister Magnus Malan heard yesterday

Prosecutors produced minutes of a meeting in May 1986 of the State Security Council, the nerve centre of the apartheid security apparatus, at which a possible "third force" to complement the police and military was discussed

The force, the minutes said, was to be trained with the "capability to eliminate terrorists" and was to operate clandestinely so as not to implicate the police or the military

Malan, who with 16 others is facing 13 charges of murder linked to the 1987 KwaMakutha massacre, said he did not remember taking part in the discussions, even though his name appeared in the minutes

"I was opposed to it," he said, referring to the third force. He added that he felt the police and military commandos needed no help in their anti-guerrilla tasks

Malan said that, in any case, the State Security Council had rejected the plan, which, he said,

would have involved establishing a visible anti-terrorist unit, complete with uniforms

Chief prosecutor Tim McNally, who introduced the document, said while he agreed the plan had been rejected, he wanted to establish Malan's attitude to the subjects raised in the minutes, and to sketch the policy of the government at the time

Earlier yesterday, Malan admitted that the apartheid government, under which he served as defence minister from 1980 to 1991, had used "unconventional warfare" against the ANC

Speaking under cross-examination by McNally, Malan said the ANC had been "maiming and killing innocent people"

The "unconventional warfare," he said, involved cross-border raids to strike at known ANC bases. It did not, however, extend to killing innocent women and children in massacres

Malan added that unconventional warfare was not unusual and was used by many countries to combat terrorism against the state

The charges against the former minister and the others arise from the 1987 massacre of 13 people at KwaMakutha. The accused have all pleaded not guilty

The trial continues today

Star 8/8/96

Former members of liberation movements to receive pensions

BY JOVIAL RANTAO
Political Correspondent

The Cabinet yesterday approved the Special Pensions Bill, which provides for the compensation of members of liberation movements and political activists who were once banned, detained and imprisoned.

The bill gives effect to section 189 of the constitution, which stipulates that provision must be made for people "who made sacrifices or served the public interest in establishing a democratic order".

The legislation is to be tabled in Parliament during the session which starts next week. Once approved, the law would enable thousands of former Umkhonto we Sizwe and Azanian People's Liberation Army cadres to claim substantial pensions. An amount of R450-million for the payment of special pensions during the 1996-97 financial year has been provided for in the budget of the Department of Finance.

People who suffered permanent and total disability before February 2 1990 arising out of being engaged full-time in the service of a political organisation as defined in the bill also stand to benefit.

A special pensions board (SPB) and a review board will be established by Finance Minister Trevor Manuel in consultation with the president.

The SPB, which will have a chairman and four

(200) (254) members, will adjudicate applications. The review board will be chaired by a Supreme Court judge who will work with two other members, one of them an actuary.

In order to be considered for a special pension, a person will have to submit a prescribed application form, certified by a commissioner of oaths, to the SPB within one year of the act coming into force.

The SPB will award pensions in accordance with the age of the beneficiary and the years of service rendered to a political organisation.

The special pensions will not preclude beneficiaries from receiving a social or military pension. ■ The Cabinet also decided to appoint a special envoy - believed to be Deputy Foreign Affairs Minister Aziz Pahad - to work with representatives of other countries in a bid to restore democracy in strife-torn Burundi.

■ The Cabinet also approved a South African Development Community protocol on transport, communications and meteorology as well as the country's contribution towards the eleventh replenishment of the resources of the International Development Agency. South Africa will contribute more than R40-million.

The establishment of a national commission on special needs in education and training was also approved.

AG cross-examines Malan

(254)
THE KwaMakutha massacre trial continued in the Durban Supreme Court yesterday with KwaZulu-Natal attorney-general Tim McNally, SC, cross-examining former Defence Minister General Magnus Malan

Malan is the most prominent of the 17 people facing 13 charges of murder arising from the attack

McNally introduced the minutes of two State Security Council meetings, attended by Malan in 1985 and

1986, at which the possibility of forming a "third force" was discussed

Defence counsels objected, questioning the relevance of the documents, and saying an adjournment of possibly months might be asked for to research the documents if McNally continued his line of questioning

McNally said he did not want to open an investigation into the third force, but only to find out Malan's attitude to the subjects raised in the

minutes and to sketch the policy of the Government at the time

Justice Jan Hugo allowed the documents but restricted McNally to questioning Malan only about his attitude to subjects raised in the minutes

Malan said he was totally opposed to the idea of a third force. He felt the SAP and local commandos of the SADF needed no help in their counter-insurgency tasks - *Sapa*.

Sowetan 8/8/96

'Nothing sinister about 3rd-force plan'

CT 8/8/96

(254)

DURBAN General Magnus Malan said under cross-examination yesterday there had been nothing sinister about plans for an apartheid-era "third force".

"This force would be a legal force, the legitimacy of this force could be tested in court and it would be acceptable under the constitution," he said in reply to questions from attorney-general Mr Tim McNally.

Malan and 16 others are

charged with the 1987 murder of 13 people in KwaMakutha

Malan said in the 1980s a top-level state security council discussed creating an "anti-terrorist" force, separate from the army and police, to combat ANC guerrillas. "The force would have been visible, wearing uniforms and operating parallel to the defence force and police," he said. "I'm not sure this third force was ever approved by the

state security council

"It was the policy of the government to not allow ANC breeding nests across our borders which would threaten the people of our country"

Malan denied that these "unconventional methods" would include an attack like the one on KwaMakutha "If there was such a nest in South Africa we would have let the police deal with it," he said — Reuter

Intelligence chief denies knowing about massacre

(257)
(254)

ARG 9/8/96

Captain congratulated for 'job well done'

The Argus Correspondent

DURBAN - A former director of military intelligence said at the Malan murder trial in the Supreme Court that he knew nothing of the Kwa-Makhutha attack, and denied that he congratulated a witness involved in it.

Kor van Tonder, a former general and an accused in the trial stemming from the massacre of 13 people at Kwa-Makhutha south of Durban in 1987, told the court that the massacre was an incident any right thinking individual would condemn.

General van Tonder also told the court that although then Chief Minister of the former KwaZulu homeland Mangosutho Buthelezi wanted the

support of the SADF in countering activities of the African National Congress, he did not wish to be associated publicly with the defence force.

In 1986 the defence force trained about 206 Inkatha supporters in the Caprivi Strip in the former South West Africa. The code name for this exercise was Operation Marion.

It is alleged that Caprivi recruits carried out the Kwa-Makhutha massacre with the aid of SADF personnel and the sanction of then Minister of Defence Magnus Malan, who is also an accused along with other high ranking former security officers.

General van Tonder said he could not recall if he had read of the KwaMakhutha attack in

the Press as KwaZulu and Natal were frequently in the news at the time for massacres in which women and children were killed. He said he doubted he would have taken note of any specific massacre.

Johan Opperman, a captain and a previous State witness, said in earlier testimony that General van Tonder had congratulated him after the attack for a "job well done".

The KwaMakhutha attack was allegedly aimed at killing United Democratic Front activist Victor Ntuli.

Mr Justice Hugo is presiding in the trial which has reached a state of anti-climax after the evidence of General Malan, who was cross-examined by Natal attorney general Tim McNally.

Ex-Military Intelligence head denies endorsing raid

(254) Star 9/8/96

OWN CORRESPONDENT

Durban - The former chief director of Military Intelligence of the South African Defence Force, Major-General Cor van Tonder, said in the Durban Supreme Court yesterday that, had he known about plans for the Kwa-Makutha massacre of 1987, he would have suspended those involved and ordered an immediate investigation.

Questioned by the defence, Van Tonder denied that he had been instrumental in encouraging "unidentified people" to attack the home of Victor Ntuli at KwaMakutha.

Allegations by Captain Eugene Opperman that he had wished him luck

with the massacre operation were "devoid of all truth", the general said.

Opperman, who was one of the handlers of the 206 Inkatha members trained in the Caprivi Strip by SA Military Intelligence, gave evidence for the State in March, when the Malan murder trial began.

Seventeen men are accused of murder and attempted murder in the trial involving the deaths of 13 people.

Van Tonder said the Inkatha trainees were supposed to be "gathering information" in 1987 but at the end of the year he began to wonder whether Operation Marion was worth the effort.

The trial continues on Monday.

FW, Botha linked to third-force planning

By CRAIG DOONAN

COURT documents in the murder trial of General Magnus Malan have revealed that former presidents F W de Klerk and P W Botha were part of a plan in 1986 to establish a third force to "wipe out terrorists"

Minutes of a May 12 1986 State Security Council meeting attended by Malan, Botha and De Klerk among others, state that the force had to act in tandem with the police and army in their fight against terrorism

The minutes were presented in the Durban Supreme Court this week where Malan and 16 others face murder charges for a massacre in Kwamakhutha eight months after the security meeting

The document states "The third force must be mobile with a well-trained capacity to effectively wipe out terrorists. The mobility must be provided by the capabilities of the SA Defence Force and SA Police. It must be prepared to be unpopular and even feared without affecting the SADF or SAP's prestige

"It must be under very strong authority," the document states

It says the security forces had to work together in establishing the third force "so that the underminers can be contained through their own methods"

The document states that Malan was tasked with taking the issue further and that the security council's chairman (Botha) said the suggested third force had to supplement the other security forces

The minutes also state that the placing of municipal police directly under the authority of the police should be urgently investigated

Under cross-examination this week, Malan said the planned third force was a "legal force", the legitimacy of which could be tested in court. He said the thinking at the time was that it had to be constitutional and had to be similar to forces that were "universally accepted in other countries"

Asked during cross-examination by his lawyer, Sam Maritz, if it was to be a formal force, he replied "I saw it as the SAP, the SADF and the third force. They would wear uniforms. They would be visible and would in all probability come out of

these two forces"

Maritz told the court that the third force discussed by the security council was "still-born" and had never got off the ground

Malan said that even though the plan reflected the thinking at the time he personally had not supported the establishment of a third force "because the police did the task"

He explained that a state of emergency had been declared about a month after the security council meeting and "you had all the draconian measures that you could use to act internally in respect of the counter-revolutionary onslaught"

The director of the Institute for Defence Policy, Jakkie Cilliers, said the thinking in the military at the time of the meeting was that there had to be a paramilitary force supporting the police force, which would take a softer line

He said, however, that the reference to wiping out terrorists in the document "does raise a bit of a question in my mind. But on the whole (the document) is very much in line with the thinking of the military at the time"

(254) ST 11/8/96

Deadline set for new deal in defence force

(254)
Political Correspondent

ARG 12/8/96

THE government wants the defence force to represent all population groups by 1999, says Deputy President Thabo Mbeki

Meanwhile, most of its equipment will be obsolete by 2005

These were among points made by Mr Mbeki at the opening at parliament today of a consultative meeting on defence

The meeting, attended by senior military staff, politicians and interest groups, is to suggest practical ways to implement aspects of the defence white paper agreed to by parliament in May

Mr Mbeki said the transformation of the defence force from an instrument of oppression to a defender of democracy required careful management

A true national consensus on defence was needed

Although South Africa did not face a conventional military threat, "we live in unpredictable times", Mr Mbeki said

The United Nations charter and the constitution recognised the need for the country to be able to defend itself

At the same time the government was committed to deploying it in support of the police, given the present circumstances

Defending SA: new

ideas and goals must find a place

(254) Star 12/8/96

Defence Review consultative conference will signal major reappraisal of functions, activities and strategies of armed services, including large manpower cutbacks

By **NORMAN CHANDLER**
Defence Correspondent

The final shift from belligerent bellicose behaviour to the normality of a country no longer seeking war or confrontation will come about in Cape Town today and tomorrow when the second Defence Review consultative conference gets under way

The historic meeting, which will signal a major reappraisal of activities and strategies, brings together all stakeholders in the new South Africa – from the military officer to the civilian, from the defence industry to the pacifists who would like to see the production lines closed down

The talks, which are following on nationwide workshops in order to gauge public opinion, will decide once and for all where the defence of this country is heading, and what can or should be done in the event of hostilities breaking out once again

The Review will also debate and decide upon military force levels, whether there should be future equipment requirements and procurement, the fate of the part-time soldier and the commitment to internal security, as well as the progress of integration and rationalisation as part of the transformation of South Africa from an apartheid state to a democracy

In terms of the latter, the Defence Review provides one of the most important discussion points since President Nelson Mandela took office because it is a minefield for the future

The South African National Defence Force (SANDF) has so far managed to ride out the hilly

bumps of integration but when it comes to rationalisation of personnel, there are, plainly, problems on the horizon, not least of which is the attitude of white officers inherited from the former South African Defence Force who are considering taking up Government offers made to public servants to go on early retirement or leave the SANDF in return for a hefty retrenchment package

Many have been tempted, and with their going, the defence force could well find itself in a situation where critical shortages of experienced manpower will render the force unable to properly carry out its job defending South Africa

Top officers considering retirement

There are three main points to be considered by stakeholders during the debates – political, economical and military co-operation with other states, prevention, management and resolution of conflict through non-violent means, and, the deployment of the defence force

According to Department of Defence position papers, the "stated intention of the government is therefore to prevent military conflict and war and also to contribute to the containment of armed conflict and breaches of peace where these may occur South Africa will only turn to military means when deterrence and non-violent strategies have failed"

This makes it very plain that the country has turned away from an isolationist approach to one of common security, adherence to international law, international and regional diplomatic actions, and, importantly, military co-operation

The position papers could also

be signalling a major change in the attitude towards internal security operations

Troops are deployed at present in supporting the police in certain areas – notably Kwazulu/Natal and the border districts facing Lesotho and Mozambique – but, according to the papers, the "SANDF should only be deployed internally in the most exceptional circumstances for defence against threats to the constitutional order during a declared state of national defence or state of emergency when so ordered by the President"

This is a very important point and one which could take up a considerable

amount of time in Cape Town as it is known that senior military officers are not at all happy with troop deployment internally, seeing themselves rather as being in a state of preparedness to face external threats

Also unhappy is Defence Minister Joe Modise, as well as Parliament, as it is not envisaged that the SANDF should be in that role semi-permanently

There is also serious concern about the role of part-time forces (PTF) in relation to internal security as there have already been numerous cases of soldiers, particularly those from rural areas, being killed, shot at, or interfered with while on home leave from their operational areas But without the PTF, and more particularly the Territorial Force (the former commandos), army commanders admit they will run into serious manpower problems so somewhere there has to be a juggling act to help the police keep the lid on internal strife

The question is How?

The recent White Paper on Defence, which explained to Parliament the role of a defence force and what was expected from it, has made it clear that a capable and sustainable deterrent to potential attack is a requirement, despite the fact that defence budgets have been slashed and that the air force and navy are a step away from obsolescence, to quote their respective Chiefs

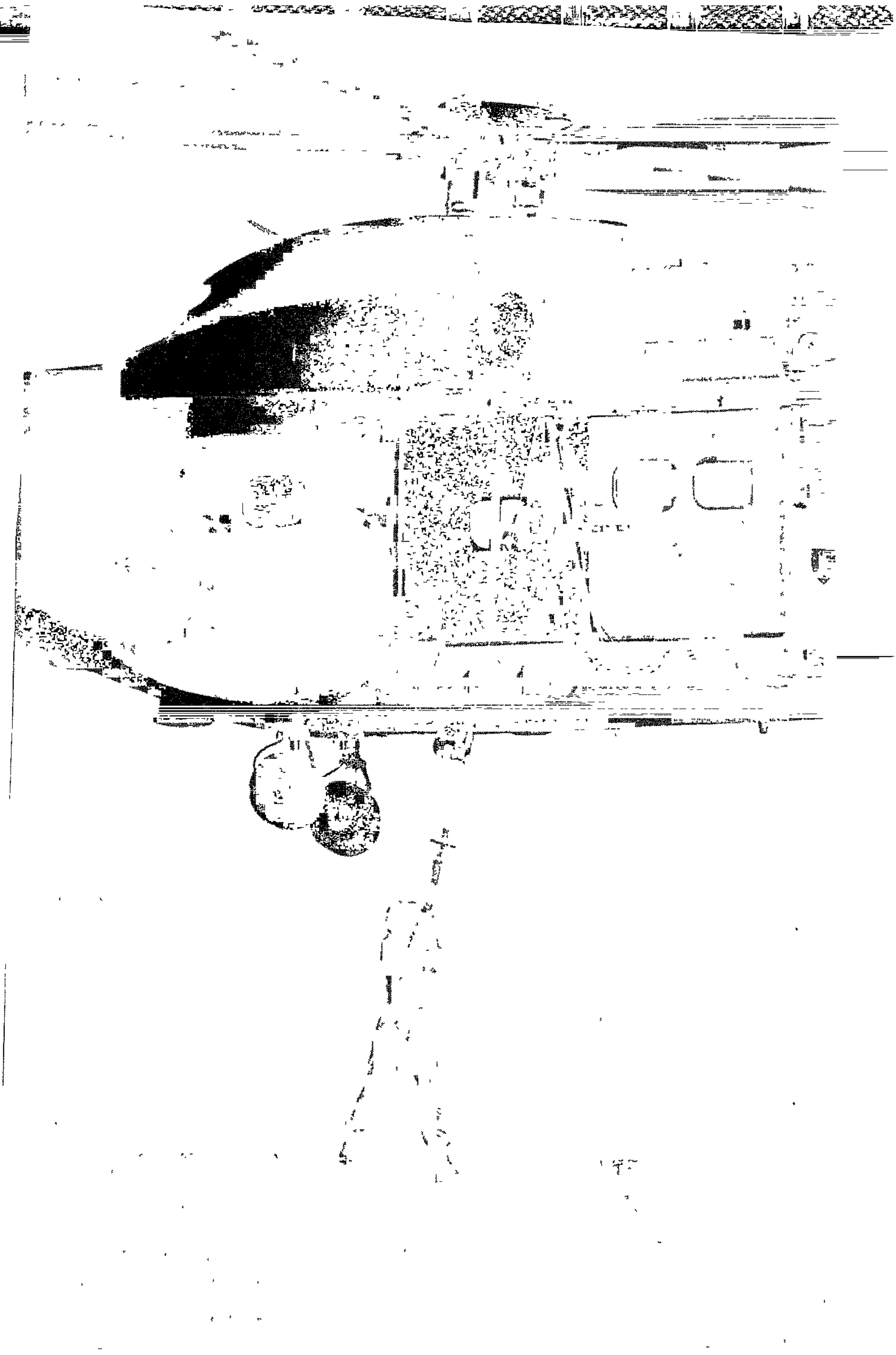
Says a position paper "A potential aggressor must believe that South Africa has the capability to act and that the impact, in the event of persistence, will be such that the contemplated aggressive

Juggling act to help the police

military course of action is rejected A potential aggressor party should also believe that South Africa has the political will to apply the appropriate deterrent capability if forced to do so"

The Defence Review is one mechanism that can advise government once and for all that South Africa requires new corvettes, submarines, jet fighter/trainers, air defence systems or anti-aircraft capability for instance, if we want to make a meaningful contribution over the next 15 to 20 years to regional security in particular, and to keep away those potential aggressors

Regional co-operation, which involves the navy and air force in humanitarian assistance and helping patrol the waters of neighbouring states, appears to be the cornerstone of future policy but, as has pointed out by many commentators (including Modise and his deputy, Ronnie Kasrils) it is worthless offering help if we do not have the means to do so



Beam me down Scotty ... role of our elite troops like this commando may be redefined in terms of new defence strategies.

SANDEF 'needs guidelines'

DD 13/8/96

(254)

Wyndham Hartley

CAPE TOWN — Much of the SA National Defence Force's essential equipment was rapidly becoming obsolete, and guidelines for its replacement were needed to avert a huge financial burden on the next generation, Deputy President Thabo Mbeki said yesterday.

Mbeki, opening the second consultative conference on the defence review in Parliament yesterday, said he hoped that through the deliberations of the conference and the review itself, guidelines for the replacement of military hardware would be developed.

He said much of the equipment would be obsolete by 2005 and guidelines were "necessary to avoid the serious problem of all our equipment needs peaking at the same time, and thereby imposing a severe financial burden on the next generation."

Deputy Defence Minister Ronnie Kasrils said the "creeping obsolescence" of the military's equipment was becoming "galloping obsolescence", and this was undermining the morale

of the defence force and its capability.

He said Defence Minister Joe Modise had warned of the "dire" consequences if all the equipment became obsolete at the same time.

He said if one of the defined tasks identified by the review was protection of harbours and sea lanes, then "we must focus on our options — whether they include maritime reconnaissance planes, combat patrol vessels, submarines, or any combination thereof."

"Similarly, if the force design calls for a specific aerial capability, we must understand its translation into, for example, an intermediate jet fighter trainer to replace the aged Impala, or in the case of the army, for main battle tanks, if that is the required capability for landward defence."

Both Mbeki and Kasrils stressed that the capability of the defence force had to be sufficiently credible to act as a deterrent to any would-be aggressor.

While there was currently no perceived threat, this could change rapidly, and defence capability could not be turned on and off at will.

Judge grills accused general

(254) 13/8/96 Stan

If it were not for evidence heard in court, KwaMakutha massacre

'fitted in perfectly' with words used in planning documents, trial told

SAPA
Durban

KwaMakutha massacre trial judge Mr Justice Jan Hugo said yesterday he would have formed the impression that the attack "fitted in perfectly" with words used in Project Marion planning documents, were it not for defence definitions of these words.

Questioning former Military Intelligence operations chief Major-General Cornelius van Tonder, he took him and other accused to task for their definitions of crucial words in the documents.

Project Marion was a secret State Security Council plan to train a paramilitary force for the KwaZulu government. Ten of the recruits allegedly killed 13 people, most of them children, in a night attack on a political activist's home at KwaMakutha, south of Durban, in January 1987.

Van Tonder is one of five for-

mer members of the SA Defence Force general staff facing murder charges arising from the attack and charges of conspiracy to murder.

KwaZulu Natal Attorney-General Tim McNally, SC, is trying to show the general staff were aware the Marion force would be used to murder political opponents of Inkatha. He is also trying to show a chain of command between Military Intelligence officers, who ran Project Marion, and the KwaMakutha murder squad.

The defence case is that the attack was an unauthorised "frolic" by key state witness Captain Johan "JP" Opperman, the Inkatha recruits' instructor.

Judge Hugo said that if it were not for evidence heard in the trial, he would have formed the impression that the KwaMakutha attack "fitted in perfectly" with the words used in the Marion planning documents. The documents state the Marion force was to include an element trained to take "offensive

steps" against the ANC and United Democratic Front. They also refer to the identification of "targets".

The KwaMakutha attack was on the home of UDF activist Victor Ntuli, who was not at home.

Van Tonder, under cross-examination, testified that the term "offensive steps" by the Marion force meant they would counteract any potential security threat such as the insurgency of terrorists from Mozambique or any threat to the property of the KwaZulu government.

Various accused have defined the term "offensive element" as a "reserve" or "reaction force".

Van Tonder said the word "targets" was conventionally used in the context of intelligence gathering.

The judge wanted to know why the words were used in the various documents if their primary meaning differed from the meaning given to them by the accused. Van Tonder conceded that

the words might not have been the best to use.

Judge Hugo replied that one of the "actual events" at the time was the KwaMakutha massacre.

Later yesterday, accused Colonel Jan van der Merwe took the witness stand. He was the security officer for Project Marion at the time of the massacre.

The State alleges he collected from Natal Command in Durban a steel trunk containing the 10 AK-47 rifles used in the massacre, and took them to Pretoria where they were smelted, allegedly in an Iscor furnace.

Led by his counsel, Sam Maritz, SC, Van der Merwe testified his only involvement in Project Marion was when he had to arrange secure transport to the Caprivi for the new Inkatha recruits, and when he had to take two injured trainees from the Caprivi base to a security ward at 2 Military Hospital in Cape Town.

The case continues.

Too few blacks, women in SANDF

By Rafiq Rohan
Political Correspondent

Sowetan 13/8/96 (254)
Defence Review demonstrates
that change is sorely needed

JUDGING BY THE RACIAL and gender make-up of those present at yesterday's packed Review of the SA Defence Force, it seems obvious that change is needed

Practically every seat was occupied by white men, top brass in the military, with their chests heavily festooned with glittering medals, mainly acquired through their activities during the apartheid era

One person clearly not amused by the turnout was Deputy Minister of Home Affairs Mrs Lindiwe Sisulu who, during the tea-break, expressed her outrage to ANC MP Mr Tony Yengeni

"All I see are white men and a few black men. And where are the women?" she asked him

Before her appointment as deputy minister, Sisulu played an active role in national intelligence matters in Parliament

Deputy Minister of Defence Mr Ronne Kasrils told the parliamentary gathering that attaining representivity was a top priority in the South African National Defence Force

"The Minister is firmly commit-

ted to the implementation of effective affirmative action and equal opportunity programmes, gender enhancement and the acceleration of the career paths of those with the most potential," Kasrils said

Kasrils, standing in for Minister Joe Modise, said that while it was now an accepted fact that the Government has endorsed the need for a "core defence capability" the Defence Review should concentrate on what he called the three Ms of defence - money, machines and military personnel

Military hardware needed

The army needed to be re-equipped and this meant that military hardware that would not become obsolete by 2005 needed to be acquired. This required monetary investment for the purchase of possibly maritime reconnaissance planes, combat patrol vessels, submarines, jet fighters and battle tanks. Affirmative action was sorely needed, he said

"Without this transformation to

greater representivity our defence would lack the legitimacy necessary for it to be a true champion of defence in democracy"

Kasrils also touched on President Nelson Mandela's recent call to make the part-time forces more representative. This, Kasrils said, could be done by proposing greater incentives for recruitment and it must be ensured that the force is drawn from all sections of the population

"We need specifically to attract more members of the former MK, Apla and TBVC forces into the part-time regiments and area-based units"

The Defence Review was opened by Deputy President Thabo Mbeki

In its submission to the consultative conference, the Institute for Defence Policy said that the medium- to long-term goals of the SANDF were increased border control duties, assisting the police, providing disaster relief, strengthening regional security and counter-terrorism activities

Defence begins with the nuclear world

Renfrew Christie

IF IS vitally important for SA to formulate a good defence strategy. The better our strategy and the better our intelligence, the less we must spend on arms and the more we can spend on education and houses. But there is an absolute minimum which must be spent on defence or we will be sunk.

Say human, and you say warrior. War is always with us. The history of humanity is the history of war. "You may not be interested in war, but war is interested in you," Trotsky said, and he died hard. But say the word "strategy", post-1945, and you automatically say "nuclear".

SA has no nuclear weapons, nor will I have them in the foreseeable future. But other countries have nuclear weapons and our defence strategy must still begin with the nuclear world.

There are 40 000 nuclear bombs in existence today. If 5 000 are 10 megatons each, and the other 35 000 are smaller weapons, say Hiroshima-sized, 10 kilotons each, then we have more than 50 gigatons — or 50-billion tons of high explosive equivalent — in stock. One kilogram can kill a person. We have 12 000kg of high explosive per person on earth.

Nuclear weapons get easier, and cheaper, to make every year. Iraq nearly made them. Iran, Pakistan, North and South Korea, and Indonesia are seriously interested. Germany and Japan stockpile plutonium by the ton and could produce bombs within a week. Australia considered bombs in 1969. Israel has the bomb. Brazil and the Argentine pulled back at the last minute. Switzerland, home of the Geneva Convention and the Red Cross, had a bomb programme until 1988. It had the nuclear material and the plans to make 10 warheads.

Who else? When does a non-state actor get a bomb?

There is a strong probability of more nuclear warfare in our time. We came

close to nuclear war in 1991. Israeli pilots were in their F15 Eagles, engines running, with the bombs aboard. Just one Scud missile with poison gas landed on Israel, and Baghdad was dead. Or just one mistake, after, for example, a Scud hitting a petrol depot? UK and US nuclear forces were on standby at the time as well.

Nuclear weapons are not just bombs. They are also the most formidable poisons in history. The US killed more Americans by radioactive fallout from nuclear tests than it killed Japanese in Hiroshima and Nagasaki.

A nuclear accident threatened half a continent. Germans smelting in the Alps, after the Chernobyl disaster, got dangerous doses, there were radioactive sheep in Wales. That was an accident. What about the deliberate nuking of a nuclear plant?

A hydrogen bomb, put inside the Koeberg nuclear power station from a ship using a modern precision guided missile, during a westerly storm, could poison SA from Mpumalanga to Cape Town.

Koeberg has been bombed before and it can be bombed again. There are many tons of low enriched uranium in Koeberg and it is an unforgivably vulnerable target. It is geographically unique, in that it is placed exactly where the westerly storms make landfall, from where they go on to cover SA. We cannot defend it.

I recommend that the Defence Review propose to government that Koeberg be closed at once. The literature on nuclear power stations as nuclear targets is frightening, given the existence of precision guided weapons.

I know the probability of a nuclear attack on us is remote. Let us keep it that way. And let us not keep hostages to fortune, like Koeberg. The consequences of a successful attack would be catastrophic.

What does the nuclear world mean for our defence? It means we must be strident for disarmament. No new country must be allowed to own nuclear

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The secret bombs must be forced into the open. Measures must be quadrupled to prevent non-state actors from getting the bomb. And the nuclear stockpiles of the weapons states must be halved. If the nuclear peace can be kept with 40 000 weapons, it can be kept with 20 000 weapons.

SA led the compromise last year at the Nuclear Proliferation Treaty conference. The Defence Review must now make us adamant for world disarmament. We must lead on disarmament.

But dealing with the nuclear world also requires a strategy of persistent alliance building. Only a nuclear power can frighten off another one. We need bilateral and multilateral military treaties with every friend we have got. We must train together, exercise together, practice transparency and confidence building, build weapons together, swap intelligence, and forge a common peace.

Above all, we must improve our defence's external intelligence capabilities, not least in the nuclear area. There can be only one thing worse than a nuclear attack on SA or one of our allies, and that is not knowing it is coming, so as to prevent it. The Australians have a combined

strategy and intelligence programme in their defence organisation, and they continuously monitor nuclear, bacterial, chemical and inhumane weapons implications. We should follow suit. Ideally, we should know where every nuclear weapon is in the world, and its state of readiness.

The nuclear world also requires much better relations between politicians and the military. There must be endless training of the two, so there is absolute trust. A ship-up involving tanks or a warship was a serious event in the past, but today, a misunderstanding between the political and military establishments is unthinkable.

The presidency, the defence ministry, the defence secretariat, the parliamentary defence committee, the foreign affairs ministry, and the military general staff must go on "bosherads" together regularly. The Defence Review should recommend a routine, strategic bosherad every six months.

Prof Christie is dean of research at the University of the Western Cape. This is an edited extract from a paper he presented to the defence review regional conference in Cape Town last month.

The Koeberg nuclear station complex in Cape Town



HANSARD

where there are no clinics available, including services such as free health care. For that reason the Department has embarked on the clinic upgrading and building programme to provide the necessary clinics at which these services can be made available. The primary concern of the Department is the large number of people being seen at hospitals who should actually be attending clinics, and for that reason there are no plans to open wings at hospitals to provide free health care.

(2) No

Madlala people of Emzumbi district: chief appointed

*32 Ms N C ROUTLEDGE asked the Minister for Provincial Affairs and Constitutional Development

(1) Whether a certain person, whose name has been furnished to his Department for the purposes of his reply, has been appointed as chief of the Madlala people of the Emzumbi district near Port Shepstone, if so, in terms of what statutory and/or other provisions.

(2) whether it has been established whether such appointment and the manner in which the said person was appointed is consistent with tradition and the Constitution, if not, why not, if so, what are the relevant details,

(3) whether he will consider taking steps to review (a) the relevant laws and provisions pertaining to such appointments and (b) all appointments based on such laws and provisions, if not, why not, if so, what steps?

N1119E

THE MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT

The information is not readily available in the Department. In an attempt to be of assistance to the hon member, the following information was obtained from the KwaZulu-Natal Province

(1) Yes. Ngamzizwe Moses Madlala has been appointed as Inkosi of the Madlala tribe in terms of a resolution of the Provincial Executive Council of KwaZulu-Natal, No 130 of 1994, and in terms of section 12 of

the Amakhosi and Iziphakanyiswa Act, 1990 (Act No 9 of 1990)

(2) and (3) The appointment was made in terms of the Amakhosi and Iziphakanyiswa Act, 1990, which is now being administered by the KwaZulu-Natal Provincial Government. It is not within my jurisdiction to review this Act or appointments made under the Act.

Privatisation of Armscor/Denel

*33 Mr M T MAFOLO asked the Minister of Defence

(1) Whether it is the intention to privatise Armscor and/or Denel, if not, what is the position in this regard, if so, what are the relevant details in respect of (a) timeframes and (b) guidelines that will be followed in this regard,

(2) whether the interests and security of the country have been considered in this regard, if not, why not, if so, what are the relevant details,

(3) whether there are any contingency plans to deal with any adverse effects on the security of the country, if not, what is the position in this regard, if so, what are the relevant details?

N1120E

THE MINISTER OF DEFENCE

(1) When discussing Armscor and Denel it is necessary to draw a clear distinction between them. Denel used to be part of Armscor. The Armscor Act requires Armscor to concentrate on meeting the Defence needs of the RSA. With the decline in the defence budget, it was felt that Armscor's subsidiaries should be allowed to expand into the commercial sector. They could not do this while under Armscor. As a consequence Denel was established in 1992 consisting of the various Armscor subsidiaries and reporting to the Minister of Public Enterprises.

Whether Denel should be privatised or not is a decision for the Minister of Public Enterprises.

As far as Armscor is concerned I would like to make the following points

Firstly, Armscor's main function is to be the acquisition agency for the SA National Defence Force. In other countries this function is carried out by different institutions. For example the UK has the Procurement Executive which is part of the Department of Defence. The Swedes have a structure called the FMV, which is an independent government owned structure. In some cases the services carry out their own procurement. Armscor has an almost five decades history. It has certain features which the acquisition organisations of many democratic countries are beginning to develop now. These include being small, but having a high-powered technical capability. It is independent of both the supplier (the defence industry) as well as the end-user (the National Defence Force).

The second point to be made is that the Armscor Board of Directors act as the independent state tender board. They are appointed by the Minister of Defence and are required to adjudicate on the awarding of defence contracts. It is clear, therefore, that Armscor is not a commercial undertaking and there is no value in privatising it.

In 1994 I appointed a work-group called the Ministry of Defence Acquisition (MODAC) work-group. The MODAC work-group consists of representatives from the Defence Industry, Defence Secretariat, Defence Force and Armscor. In its most recent report presented to me on 31 May 1996 it recommended the maintenance of Armscor as a statutory state corporation responsible for acquisition. I have accepted the report and its recommendations and have asked the Armscor Chairman, Mr Ron Haywood, to investigate Armscor's other function, namely the international marketing of South Africa's defence industry.

The marketing of South Africa's defence industrial capabilities has been very successfully conducted by Armscor. Big corporations like Denel are quite capable of doing this themselves. However, the hundreds of other firms which have a place in South Africa's Defence Industry need assistance. Whilst not discriminating against the larger corporations, Armscor facilitates

the marketing of our goods and services overseas.

That is the status quo as it prevails today. I have asked Mr Haywood to head a team to recommend how best the international marketing function can be executed.

- (2) On the second part of this question, we believe that the security needs of our country can best be met by Armscor under the Ministry of Defence.
- (3) Falls away.

Local authorities in Republic

*34 Mr M T MAFOLO asked the Minister for Provincial Affairs and Constitutional Development

(a) How many local authorities are there currently in the Republic, (b) how many of these authorities are financially viable, (c) which of these local authorities have the capacity to undertake (i) service delivery and (ii) housebuilding programmes and (d) in respect of what date is this information furnished?

N1121E

THE MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT

(a) There are 811 municipalities (local authorities) in the Republic, consisting of metropolitan councils, metropolitan local councils, local councils, rural councils, representative councils and district councils.

(b) My Department, in conjunction with the Institute for Municipal Treasurers and Accountants, measures the financial viability of local authorities through a project, called the Project Liquidity, on a monthly and quarterly basis.

In general, most of the local authorities are financially viable. There are however a number of local authorities currently experiencing serious financial problems which have resulted in defaults on loan payments as well as bulk accounts such as water and electricity. My Department is attending to these problems in conjunction with the various provincial governments.

(c) (i) The newly established rural and representative councils do not have the

SAAF 'turned its back' on blinded instructor

Stephané Bothma

PRETORIA — A former SAAF officer blinded and partially deafened by the 1983 Pretoria car bomb explosion held no grudge against the ANC for his disabilities, but was bitter and angry because his former military masters turned their backs on him by refusing financial compensation.

The car bomb, detonated outside the then SAAF headquarters on Friday, May 20 1983, killed 19 people and injured more than 200 others.

Neville Clarence, an ex-fighter control instructor for the SAAF, yesterday told the truth commission that the former air force chiefs "did not want to be burdened by this blind officer" and "simply turned their backs" on his pleas for compensation.

"I accept my disability as almost unavoidable, although unfortunate, in the so-called freedom struggle I was just in the wrong place at the wrong time and accept that I was attacked by my opponent while my guard was down," Clarence testified.

"What I cannot accept and what leaves me bitter and very, very angry,

is that for the past 13 years I have unsuccessfully attempted to get compensation," Clarence told the commission.

Three other witnesses before the commission, who had all lost family members in the explosion, said those responsible for planning the act should be brought to book.

Susan Walters and Elizabeth Klok both lost their husbands in the blast. Adrianna de Wet lost her mother.

Another witness, Dawn Botha, accused the commission of not using the power at its disposal to summons perpetrators of human rights violations to explain their actions.

Botha, who testified that her brother Leon Meyer and his wife Jackie Quinn had been murdered in a "gruesome" manner during a 1985 cross-border raid into Lesotho by members of the former Vlakplaas unit, said despite the names of the perpetrators having been known for some time, they had not been summonsed to tell their story.

Botha said her brother, who had received military training in Cuba and eastern Europe, did not deserve to die in such a gruesome manner only for the upholding of apartheid.

Massacre victims break silence

PORT SHEPSTONE — After shunning the truth commission hearings since they started in April, IFP-aligned victims of human rights violations yesterday finally broke their silence.

The IFP supporters were testifying at hearings in Port Shepstone on the KwaZulu-Natal south coast.

Their testimony related to the September 4 1992 massacre at Nswangwini near Port Shepstone in which 10 IFP members and an unborn baby were killed and many others wounded.

Women's Brigade chairman Thokozile Dlamini told the commission that youths had gathered at her house on their way to an IFP youth conference in Ulundi.

"All of a sudden there was a short burst of gunfire, followed by pandemonium as children screamed and

scurried for cover," Dlamini said.

She later found young men and women at the scene, some wounded and some already dead.

Dlamini said survivors had said some of the attackers wore police uniforms and others camouflage similar to the old SADF uniforms.

Another two people were killed while on their way to her house.

She said her daughter, Thandekile, was seven months pregnant when she was killed in the shooting.

Dlamini said she still bore emotional scars from the attack, had developed a nervous disorder and had been receiving medical attention.

"My soul has never been at rest because the killing of these children at my home and under my guardianship has burdened me with guilt, particularly when I see their parents," she said. — Sapa

Chiefs 'totally opposed' to Bill

Wyndham Hartley

CAPE TOWN — Modernists in government were attempting to weaken if not destroy the institution of traditional leaders to the detriment of the country, KwaZulu-Natal chiefs told a parliamentary committee yesterday.

Chief Hlengwa, leading a delegation of traditional leaders, said that the KwaZulu-Natal house of traditional leaders was "totally opposed to the Council of Traditional Leaders Bill before Parliament".

The legislation was "offensively dismissive" of traditional leadership. It was a sad day for SA when national legislation in a "supposedly democratic" country could be tabled without traditional leaders being consulted.

Hlengwa warned the committee that other African countries were belatedly discovering that the institution of traditional leadership should not be weakened or destroyed as it held communities together. The increasingly "cold and arrogant" attitude of gov-

ernment towards traditional leaders boded ill for SA politics.

The delegation objected to the fact that there had been no consultation on substantive issues in the Bill, such as the appointment procedures, and that members of provincial legislatures and houses of traditional leaders should be disqualified from being members of the national council. Hlengwa said the provincial houses should decide who would represent them on the council.

Mwelo Nonkonyana of the Council of Traditional Leaders of SA criticised the failure of the constitutional development department to consult traditional leaders over the new legislation.

The issue of the national council for traditional leaders as provided for in the interim constitution became controversial when the ANC raced its Remuneration of Traditional Leaders Act through Parliament last year. The IFP argued that it was unconstitutional to approve legislation dealing with traditional leadership without referring it to the council for comment.

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Court told of SANDF support

Former senior officer, an accused in the KwaMakutha massacre trial, describes activities of Directorate of Special Tasks to defend apartheid

SAPA, AFP
Durban

A former SA Defence Force officer told yesterday how the military had worked closely with rebel movements in neighbouring states in the 1980s to defend the apartheid system.

Brigadier Cor van Niekerk, who is on trial for murder along with former defence minister Magnus Malan and 15 others, told the Durban Supreme Court that the army gave logistical support and training to rebels in Angola, Mozambique and elsewhere.

Van Niekerk, who was the head of the army's Directorate of Special Tasks from 1986 to 1990, said the directorate had played a key role in liaising with the Unita movement during the civil war in Angola.

"Our purpose was to diminish the threat against the Republic

of South Africa through support to other states and governments and support to revolutionary movements outside the country," he told the court.

The directorate was in charge of Operation Maroon, a covert SANDF project to train Inkatha supporters in Kwa-Zulu Natal engaged in a bloody war with the then-banned ANC.

The State alleges that Operation Maroon trainees massacred 13 people in 1987 at the home of ANC activist Victor Nhlul in Kwa-Makutha, south of Durban.

Although the existence of Operation Maroon is undisputed, Malan and Van Niekerk have denied that they sanctioned the attack on Nhlul's home.

Van Niekerk told the court that Operation Maroon was un-

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usual because it was the only "internal security" project run by his directorate.

He denied claims in court earlier yesterday by State witness and former SANDF intelligence officer Johan Opperman that the Directorate of Special Tasks had offensive capabilities or "infrastructure for fighting a war".

'Purpose to blunt threat against SA'

"No, there was not the facilities like an operations room, signals or medics, and the directorate was not mandated or capable of mounting fighting operations," Van Niekerk said.

The court heard earlier this year that documents detailing Operation Maroon's arms and structure were found hidden in a wooden box disguised as a light fitting in Van Niekerk's garage, along with other secret papers.

Asked by prosecutors yesterday why he had hoarded the files, Van Niekerk said "I kept them in case I needed them one day".

He said he had removed Project Maroon documents from Military Intelligence offices in 1992 and hid them in his home because allegations were surfacing in the press about alleged links between the project and resistance movements in southern Africa, and alleged links with murder squads and a "third force".

Van Niekerk said he knew that the documents would be destroyed after Project Maroon had been audited, so he took them home in case Military Intelligence operatives needed the documents to defend themselves against allegations surfacing in newspapers.

The trial, which began in March, continues today.

Accused pressed on missing files

DURBAN — The absence of Project Marion documents for January 1987, when the Kwa-Makutha massacre took place, featured again yesterday in the Durban Supreme Court, where 17 people face 13 murder charges arising from the attack.

Former military intelligence special tasks director Brig Cornelius van Niekerk, one of the accused, was being cross-examined by KwaZulu-Natal attorney-general Tim McNally. McNally has been focusing on documents removed in 1992 by Van Niekerk from MI's offices in Pretoria and hidden in his Pretoria home.

The documents on Project Marion, a secret government initiative to give Inkatha a military capability, were later handed over to police, but there were none for 1987.

Van Niekerk has testified he selected documents from the files "on face value" and did not pay attention to the dates.

At the time of the massacre

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Van Niekerk was in charge of several projects, including Marion, which provided paramilitary training for Inkatha members.

Inkatha recruits allegedly committed the massacre.

McNally put it to Van Niekerk yesterday that the absence of documents for 1987 was not by chance, but because that was when the massacre took place.

Van Niekerk replied: "If I was involved in KwaMakutha, believe me, I would not have put something like that on file in any case."

McNally referred to Van Niekerk's testimony on Wednesday, when he said the aim was to train the "offensive" element of the Marion force in anything from pre-emptive operations to protection tasks.

McNally asked if the Kwa-Makutha attack could be described as a pre-emptive operation when the target was UDF activist Victor Ntuh. The attack was on Ntuh's house, but he was away.

Those killed were mostly women and children. Van Niekerk said it could certainly be described as a pre-emptive operation if it had been lawful.

McNally referred to an October 1990 letter removed by Van Niekerk from MI offices.

Commenting on what was meant in the document by the Marion force returning from their Caprivi training to Natal, where they would be used by Inkatha leader Mangosuthu Buthelezi's aide Zakhele Khumalo, Van Niekerk replied: "I knew when I compiled this letter" that only Khumalo would use the force.

Khumalo, another accused, is indicted for approving Ntuh as the target for the alleged murder squad, six members of which are in the dock. He is also charged with being at the briefing of the killers. All the accused have pleaded not guilty.

The trial continues on Monday. — Sapa.

World without weapons

THE RECENT MEMORANDUM of Cooperation and Disarmament and Arms Control signed by President Nelson Mandela and New Zealand prime minister Jim Bolger is commendable

It publicly demonstrates the Government's commitment to the vexing challenge of "achieving a world free of all weapons of mass destruction" (referring to nuclear, biological and chemical weapons)

According to the memorandum, the two leaders agreed that "periodic consultation should take place between our governments on issues relating to disarmament and the non-proliferation of weapons of mass destruction"

It is argued here that similar bilateral agreements should be conducted with the acknowledged nuclear powers – Britain, China, France, Russia and United States

The same extends to the suspected nuclear powers such as India, Israel and Pakistan

New Zealand and South Africa are already favourably disposed to the idea of a nuclear weapon-free world. The nuclear powers seem ambivalent in their commitment to this idea

This can be the only explanation for their rejection of a binding time-frame for nuclear disarmament. As it stands, the message of the memorandum is akin to preaching to the converted

South Africa and New Zealand are new members of the Geneva-based Conference on Disarmament – the only international body charged with negotiating disarmament measures

Last year both countries worked hard to achieve the permanent extension of the Non-Proliferation Treaty (NPT) of 1968, which embodies an idea of balance between the peaceful uses of nuclear energy and comprehensive nuclear weapon disarmament

Over the years, the chief complaint against the NPT has been the nuclear power delay or failure to implement these objectives

The Government's extension position was informed by a belief that a permanent extension would be conducive to nuclear powers honouring their nuclear disarmament undertaking

So it is fitting that the two countries should continue to focus their attention on the idea of disarmament

The memorandum marks the only instance where South Africa has publicly brought up the disarmament question in its bilateral relations. This factor is conspicuously absent in relations with the nuclear powers

During President Nelson Mandela's recent state visit to Britain and France, it appears that there was no discussion of disarmament issues with their leaders

South Africa's actions were praised by these

It is high time South Africa stopped shying away from demanding a time-frame for nuclear disarmament from the super powers. **Zondi Masiza** explains why this has, in fact, become essential...



President Nelson Mandela ... a Government committed to nuclear weapon disarmament.

powers in so far as they promoted the non-proliferation norm. However, these very powers seemingly chose to ignore the lessons of the South African experience

Does this not question the supposed moral suasion South Africa has as the first country to dismantle its nuclear arsenal in 1990-91?

Today the nuclear powers possess over 20 000 nuclear weapons of all sorts. In the 1970s and 1980s, the nuclear arms race was explained in terms of the Cold War imperative

However, the post-Cold War has not seen any drastic and irreversible nuclear arms reduction. The nuclear powers' behaviour is redolent of the statement "My tongue swore but my mind was still unpledged" (Euripides)

The explanation for this phenomenon is to be found in the fact that the NPT is devoid of any sense of urgency to achieve a nuclear weapon-free world. The nuclear powers feel at liberty to determine their own pace of disarmament

The nuclear powers' stance has clear policy implication for this country. First, South Africa should stop believing it has the moral suasion to persuade these powers to disarm

Contrary to popular belief, the NPT shows that South Africa was never an acknowledged

nuclear weapon state. The nuclear powers are aware of this fact

Second, and more important, it is time South Africa stopped shying away from demanding that the nuclear powers agree to a legally binding time-frame for the elimination of nuclear weapons

The South African-sponsored Principles and Objectives on Nuclear Non-proliferation and Disarmament makes sense only if coupled with a time-bound disarmament

India objects to joining the NPT because of the unequal responsibility and obligations it confers on its signatories

Whether this is a pretext for India to build its own nuclear arsenal or not, the idea of a time-frame enjoys enormous support from the NPT non-nuclear signatories

Its acceptance by the nuclear powers will be an indication of their political will to fully implement the NPT. Also, this will send a clear message that the nuclear powers are discarding nuclear weapons as a currency of international power

As long as the nuclear powers retain their nuclear arsenal, the Indian criticism of the NPT retains its force. This situation frustrates efforts to make the NPT truly universal

India's nuclear stance is now increasingly becoming a burden of Non-Aligned Movement initiatives to achieve rapid nuclear disarmament measures

This was clearly demonstrated at the review and extension conference last year when some nuclear powers objected to the singling out of Israel as a country of proliferation concern in the Middle East

The resolution to address this question was considerably watered down – thus diffusing pressure on Israel to join the NPT

Recent reports from the Conference on Disarmament fear a possibility of India not joining the long-awaited comprehensive nuclear test ban treaty

In conclusion, it would be an important step towards making the NPT universal if South Africa were to raise the nuclear disarmament question in its bilateral meetings with the nuclear powers

(The writer is an international relations researcher at the Centre for Policy Studies, Johannesburg)

(254) Rowetan 20/8/96

Arms giant denies subsidiary is responsible for Buffels River poison

ARG 21/8/96

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PIETER MALAN
Staff Reporter

ARMS manufacturer Denel has emphatically denied reports that its subsidiary Somchem may be responsible for poisoning the Buffels River, the only source of water for the holiday towns of Rooi Els and Pringle Bay

Yesterday The Argus reported that traces of the toxic elements beryllium and antimony were found in two streams flowing into the river

The Buffels River dam is about 200 metres downstream from Somchem's facility where artillery ammunition is tested

But Denel spokesman Paul Holtzhausen said tests carried out by the Council for Scientific and Industrial Research (CSIR) had found no trace of beryllium and antimony in the water

The Argus, however, has in its possession the results of two tests - one of which was carried out by the CSIR - which show that traces of both elements were found in samples taken

from two of the streams that feed the Buffels River

Beryllium and antimony are highly toxic. Antimony, if taken, gives rise to symptoms similar to those produced by arsenic. It affects the heartbeat, respiration and nervous systems

At this stage it is not sure exactly where the toxins come from, but experts said they might have been brought with sand used for construction of the bunker at the test site

Beryllium and antimony are also used to harden copper and it could be present in hardened copper used during tests of artillery ammunition, but Somchem denies this

The tests performed by the CSIR found that the antimony levels in the two streams were less than 30 parts per billion

Another test, carried out by the Consulting Testing Laboratories, an independent laboratory appointed by a Rooi Els resident group - the Monitoring Committee for the Buffels River Dam - found the antimony levels for the same streams ranging between 440 and 450 parts per billion

The "maximum limit for low risk" laid down by the Department of Water Affairs for drinking water is 200 parts per billion

The department's guideline states that in drinking water these toxic levels should not occur for more than two consecutive days or for a total of more than 12 days a year

The CSIR found that the beryllium levels in the two streams tested ranged between 729 parts per billion and 739 parts per billion. The independent analysts found the beryllium levels to be between three and 29 parts per billion

The maximum levels laid down by water affairs for beryllium in drinking water is 10 parts per billion

Industrial chemist Nino Costa, who was involved in monitoring Somchem's activities, said the discrepancies between the tests meant that new tests were needed

Water Affairs and Forestry Minister Kader Asmal yesterday ordered an urgent departmental investigation into the matter

SADF agent 'stole \$1,6m in state money'

(254)

BD 22/8/96

CAPE TOWN — An agent contracted by the SADF to buy 500kg of chemicals in Croatia for its secret chemical weapons project, codenamed Project B or Project Coast, pilfered \$1,6m in state funds, SANDF chief Gen Georg Meiring told Parliament's public accounts committee yesterday.

Meiring and his top staff had been called to answer questions raised by the auditor-general about the misappropriation of funds linked to the SADF's development of chemical and biological warfare capability.

While Meiring and his staff insisted yesterday that making key details of the project public would breach secu-

rity, they did disclose a trail of intrigue and deception involving a foreign agent who disappeared with \$1,6m and the sale of state assets worth at least \$11m for \$77 000.

From \$2,45m deposited in a Swiss bank account, two parties were paid for chemicals and \$790 000 was refunded. Chemicals were received, said Project Coast controller Gen Niel Knobel, but the remaining \$1,6m was never repaid.

Although Meiring refused to name the foreign agent or say where he was, documents before the committee said the Office for Serious Economic Offences was investigating the deposit of \$1,6m "into an account in Croatia".

The agent had been used to buy "very sensitive chemicals" from an East European country for Project B to develop chemical and biological weapons. The deal had gone sour and the agent disappeared with the money.

An officer had been sent to Europe to trace the agent, but he was "set up" and arrested after being repaid with "fraudulent money instruments".

The agent had since made a statement to SA's embassy in Bonn and had contacted the defence force offering to help recover the money, but Meiring said it had been difficult to keep in

Continued on Page 2

SADF agent

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touch with him. An auditor-general's report said about \$5m was written off when the project was abandoned.

Committee members questioned the sale of four state companies involved in the project to senior staff for nominal amounts. Two — Roodeplaat Research Laboratories and Delta G Scientific — were privatised in 1990

and their MDs were made majority shareholders. Advocate Dawie Fouche, investigating the case, said it appeared contractual obligations totalling R32m in respect of Roodeplaat were cancelled the day the company was transferred.

The transfer was approved by former defence minister Gen Magnus Malan and former finance minister Barend du Plessis. Malan's nephew, Philip Mijburgh, held 75% of Roodeplaat. This relationship was not disclosed while the sales were being negotiated, Fouche said. — Sapa, Reuter.

Generals will be called to testify

(254)
Stephané Bothma

BD 22/8/96
PRETORIA — Seven former police generals, including three national commissioners, will be the first of the old-guard security force officers to be summoned to testify before the truth commission.

After commission deputy chairman Alex Boraine announced last week that the commission would start using its powers to get alleged perpetrators of human rights violations to tell their side of the apartheid tale, a source close to the commission confirmed that "prominent" generals such as Krappies Engelbrecht and Basie Smit would be the first to receive "invitations."

Included are former SAP commissioners Johann van der Merwe, Mike Geldenhuys and Johan Coetzee. The other generals are Engelbrecht, Smit, Johan le Roux and Bertus Steyn.

The commission's decision to start using its muscle followed several complaints by victims of alleged security force abuses that perpetrators had not

Continued on Page 2

Generals

(254)
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yet been called to account for their actions. The commission decided earlier this week that the seven generals who had supported 22 lower ranking policemen in a letter "testing amnesty waters" by confessing "knowledge" of a host of human rights violations, including more than 20 murders, would be the first to be called to testify.

In the letter, sent by an attorney to the commission last month, the policemen admitted knowledge of a host of crimes including murders and the bombing of Khotso House and Wits Command.

Following the "invitations" to the

generals to testify — which will be delivered from September 1 — the commission will extend its invitation to a number of prominent policemen, many named by alleged victims in testimony to the commission.

They are believed to include former Vlakplaas commander Jack Cronje, Roelf Venter, Dave Baker, Martiens Ras and former SAP technical division head Wahl du Toit.

Boraine said earlier that alleged perpetrators would be subpoenaed should they ignore the invitations.

It is believed former Vlakplaas commander Eugene de Kock, on whom judgment on charges ranging from murder to fraud will be passed in the Transvaal Supreme Court next week, will testify before the amnesty committee as soon as his trial is over.

Defence force units helping to win war against rising costs

By **NORMAN CHANDLER**
Defence Correspondent

Units of the South African National Defence force have saved R782-million this year as the result of a productivity campaign started nine years ago

Total savings since 1987 have reached R1,3-billion.

At an awards ceremony in Pretoria, two army units were given

merit awards. North Western Command's signal unit has won an award for the implementation of a project which dramatically improves tactical communication, and the Far North Medical Command has won for its implementation of primary health care.

Awards have also gone to two naval units - SAS Chapman at Simon's Town for discovering a new method to replace the main

engines on strike craft, and Durban's SAS Scorpion base which successfully modified parts of a cooling system on the engines.

The SANDF's chief paymaster's office has won an award for use of a one-day magnetic tape for the distribution of salaries to commercial banks and for unit name-list schedules which establish accountability in regard to the accurate salaries of personnel.

Performance-improving techniques have won the chief of medical staff personnel a bronze award while 3 Military Hospital

has also won an award for implementing management initiatives designed to improve client service and productivity in the hospital's oral health department, saving the medical services R60-million.

Other awards went to Natal Command workshop (for central-

ising all resources) and Durban Air Force Base for allowing individuals to utilise their initiative and expertise in the work environment in order to increase the overall level of efficiency at 15 Squadron.

Awards also went to Bloemfontein (Bloemfontein), Ysterplaats (Cape Town), and Louis Trichardt air force bases for implementing productivity programmes.

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(254)

AGENT FLED WITH R7,3M

General keeps lid on chemical weapons plan

(254) CA 22/8/96
THE QUESTIONING of General Georg Meiring has revealed a trail of intrigue involving a foreign agent who fled with R7,3m and the sale of state assets worth R50m for R350 000.

SOUTH AFRICA'S white generals balked again yesterday at revealing full details of a project to make chemical weapons during the last days of apartheid.

Despite intense pressure from members of the parliamentary public accounts committee, SA National Defence Force chief General Georg Meiring and his top staff insisted that making public key details of "Project B" would be a "serious breach of security".

But what they did reveal showed a trail of intrigue and deception involving a foreign agent who disappeared with R7,3 million in state funds and the sale

of state assets worth at least R50m for R350 000.

Although Meiring refused to name the foreign agent or say where he was, documents before the committee said the Office of Serious Economic Offences was investigating the deposit of the R7,3m "into an account in Croatia".

Meiring said the agent had been used to buy "very sensitive chemicals" from an Eastern European country for Project B, which was aimed at developing chemical and biological weapons.

But the deal went sour and the agent disappeared with the money. An officer was sent to Europe to

trace the agent, but he was "set up" and arrested after being repaid with "fraudulent money instruments".

The agent had, however, since made a statement to the South African embassy in Bonn and had contacted the defence force by telephone. He offered to help recover the money, but Meiring said it had been difficult to keep in touch with him since then.

Committee members also questioned the sale of four companies involved in the project to senior staff for nominal amounts.

The committee then went into a closed session for a further briefing by Meiring. This was the second time this year that the committee had tried to get Meiring to lift the lid on the project in public. In May, he also refused to divulge details. — Reuter

Day of judgment=

NORMAN CHANDLER reports from Pretoria on the pending day of judgment in one of the most sensational South African history.

(254) ARG 23/8,

IT is a trial worthy of the very best crime or espionage novel, or perhaps even of Rasputin, Christie, Idi Amin and all the other horrors that society can dredge up

It is called the De Kock Trial - which for two years has provided an almost incredible and unbelievable litany of death and mayhem which formed part of the South Africa of yesteryear, a time when apartheid-sanctioned killers roamed the sub-continent and other parts of the world in search of the enemy

The horror was first unveiled by a former police sergeant who was awaiting execution, then by the Harms Commission and, finally, by the Goldstone Commission which received evidence of strange goings-on at the Vlakplaas base of a South African Police counter-insurgency unit - the infamous C10 unit - near Pretoria

The allegations made against members of this unit led to the arrest and, finally, the Supreme Court trial of its commander, Lieutenant-Colonel Eugene de Kock (48)

The unit's main work, according to his affidavits submitted to the Pretoria Supreme Court, was to identify what the apartheid-era identified as "terrorists" entering the country and to deal with "sensitive political issues" - a euphemism for ethnic cleansing, directed at black opponents of the former government and on a scale never before seen in South Africa

This sad chapter in our lives, it has been alleged in court, included the blowing up of the body of a dead suspect in a two-day orgy of violence, drinking and braai-ing following the ambushing of a taxi and the slaughtering of its four occupants, death threats to witnesses, torture of the most horrendous kind, booby-trapped appliances, bombings, vendettas against fellow policemen, kidnapping, random killings and assassinations, vicious assaults, misappropriation of state funds, horrific violence on trains, massacres of innocent people, and the tape recording of "everyone's conversations"

Said one witness "If I had to write down all the names of people who disappeared, my book would be as thick as the Bible"

The full horror of it all can probably be expressed in the fact that policemen who had blown up a suspect ("he had explosives wrapped like sausages around his body", according to a trial witness) had, the court heard, picked up bones and pieces of flesh with their bare hands, and that assaults on suspects by policemen were described



Lieutenant General Eugene de Kock, sketched as he stood trial in the Pretoria supreme court where judgment is to be delivered on Monday. The trial has been one of the most sensational in South African history.

to the court as akin to "shark feeding frenzy" and "like swarming bees"

A chilling aspect of the evidence led over the months was the reference to the claim that certain "police generals" had allegedly been aware of what was taking place at Vlakplaas, but whether this can be proved is another story

Next week, judgment in the De Kock trial will be handed down by Mr Justice Willem J van der Merwe in the Pretoria Supreme Court

De Kock, who has described himself (in another trial) as probably the country's most effective assassin, decided not to testify in his own defence after taking advice from his lawyers, who are being paid by the state.

So far, the costs have his defence have amounted to more than R4,7-million as a result of an agreement he reached with the police on his retirement in the event of prosecu-

tion arising from 27 years service as a policeman

De Kock - a man who carried eight passports and had seven different names - retired from the police in 1993, receiving a golden handshake of over R1-million

When he was arrested by members of the Transvaal Attorney-General's special task force charged with investigating Vlakplaas, it was discovered that he had cashed in nine life policies valued at some R400 000, as well as having British, Swiss, and Portuguese bank accounts containing millions of rands, a credit card in a false name, and that he continued to carry a passport in a false name

He had also tried to influence journalists to write defamatory stories about police officers investigating his case

During the trial he applied to the Truth and Reconciliation Com-

mission for amnesty but so far nothing has come of it

He also attempted on several occasions to obtain bail but it was refused by magistrates and judges who were told by his lawyers that they feared he would abscond

During his career De Kock was like a chameleon when it came to names - he travelled the world variously, Eugene Alexander Kock, Eugene de la Rey, Loure Vosloo de Wet, Eugene Dietz, Gai Magnuson, Totius Parker, and Jo Antonio Francisco Alves Macha

The charge sheet drawn against him listed 121 criminal charges including 10 alleged murder counts, two charges of attempted murder, 94 counts of fraud, and others regarding illegal possession of firearms, abduction, assault with intent to do grievous bodily harm and being illegally in possession of explosives such as mortars, and other weapons

De Kock pleaded not guilty to charges but through his lawyers the close of his defence several days ago, he admitted to six murders, two alleged murder charges kidnapping, assault and 28 fraud charges

Included in the murder charges are allegations that he was involved in the deaths of two former colleagues, and that one of the alleged attempted murders was on the person of former police captain and National Intelligence Agency employee, Dirk Coetzee, who himself is now facing murder charges this time in the Durban Supreme Court. De Kock has denied the Coetzee allegation

From the start of his long days of appearing in the regional court bail courts and the Supreme Court - where the case finally got underway on November 1 1994 - it is evident that the De Kock trial would be one of the most sensational South African murder trials

Even before he appeared before Judge van der Merwe, he had become a sort of super prisoner when it was revealed that while in custody he had visited the Verwoerd Rugby Club and, in his cell at the Adriaan Vlok police station in Centurion, had a cellular telephone, colour television with Net, a video machine, and was able to treat visitors to drinks such as rum and brandy

And, even before he came to trial witnesses had been killed, allegedly on De Kock's orders according to testimony delivered before Goldstone and Harms commissions. He himself had been threatened

of judgment

Historia on the pending day of judgment in one of the most sensational criminal trials in South African history

(254) ARG 23/8/96



COURT SKETCH FRANCOIS SMAL

De Kock, sketched as he stood trial in court where judgment is to be passed. The trial has been one of the most in South African history.

feeding

ence referred to by the story of De Kock, which was written by a man who carried eight passports and had seven different names - retired from the police in 1993, receiving a golden handshake of over R1-million. When he was arrested by members of the Transvaal Attorney-General's special task force charged with investigating Vlakplaas, it was discovered that he had cashed in nine life policies valued at some R400 000, as well as having British, Swiss, and Portuguese bank accounts containing millions of rands, a credit card in a false name, and that he continued to carry a passport in a false name. He had also tried to influence journalists to write defamatory stories about police officers investigating his case. During the trial he applied to the Truth and Reconciliation Com-

ence R47-million in his security

mission for amnesty but so far nothing has come of it.

He also attempted on several occasions to obtain bail but this was refused by magistrates and judges who were told by state lawyers that they feared he would abscond.

During his career De Kock was like a chameleon when it came to names - he travelled the world as, variously, Eugene Alexander de Kock, Eugene de la Rey, Lourens Vosloo de Wet, Eugene Dietz, Garrit Magnuson, Totius Parker, and Joao Antonio Francisco Alves Machava.

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De Kock pleaded not guilty to all charges but through his lawyers at the close of his defence several days ago, he admitted to six murders, two alleged murder charges, kidnapping, assault and 28 fraud charges.

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From the start of his long days of appearing in the regional court, bail courts and the Supreme Court - where the case finally got under way on November 1 1994 - it was evident that the De Kock trial would be one of the more sensational South African murder trials.

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And, even before he came to trial, witnesses had been killed, allegedly on De Kock's orders according to testimony delivered before the Goldstone and Harms commissions. He himself had been threatened

and, fearing for the safety of his family, sold his Erasmuskloof, Pretoria, home.

His family - his divorced wife, Audrey, and two sons - now live in Ireland.

Goldstone had long prepared a report on Vlakplaas activities, how people were trained, involvement in the manufacture of home-made guns, and the supply of weapons.

That report alleged that De Kock and other Vlakplaas policemen had trained people involved in hostel violence, had taken part in the killings of train passengers, and supplied the Inkatha Freedom Party (IFP) with guns.

The state, which closed its case on April 23, called almost 200 witnesses, including the Chief of Staff of the South African National Defence Force, Lieutenant-General Siphwe Nyanda (who was second in command of the ANC's Operation Vula, an attempt to establish underground internal political and military leadership structures while still in negotiations with the previous government) and Coetzee and a number of policemen who worked at Vlakplaas.

Also on the witness stand has been Butana Almond Nofemela, who was due to be hanged for the murder of a white farmer but whose sentence was changed to life imprisonment after he had made allegations of hit squad activity in the police force.

It was as a result of his testimony to the Harms Commission that investigations of hit squads began.

The government's witness protection scheme was brought into play to protect state witnesses such as Christiaan Geldenhuys and Major Kobus "Chappies" Klopper. Five former policemen were taken to a safe house in Denmark where they gave evidence to the special task force about alleged police criminality and so-called third force activities before testifying for the state in the De Kock trial.

De Kock has been described in evidence as having a volatile personality - one minute "loving and cheerful" and the next "beating a person up".

He was also the man, the court heard, who gave his colleagues booby-trapped grenades for delivery to members of Cosas, the student organisation.

This is the man who, starting from Monday, will hear his fate in a South Africa struggling to come to terms with itself and to eradicate for ever the memory of hit squads made up of the Boys from Vlakplaas.

Meiring says Cabinet has bound him to secrecy about chemical warfare

By **NORMAN CHANDLER**
Defence Correspondent

The country's top general says he is bound by a cabinet decision on secrecy in disclosing sensitive details of a chemical warfare project.

General Georg Meiring, Chief of the South African National Defence Force, said in Pretoria yesterday that Deputy Pre-

sident Thabo Mbeki had asked that a hearing of the joint standing committee on public accounts - which took place in Cape Town this week - be held in camera.

Meiring had this week refused to reveal details to the committee about the development of a military, chemical and biological warfare capability.

"My refusal to reveal certain

information stems from a letter signed by the Deputy President, Thabo Mbeki, on Monday August 19 1996, in which the situation concerning the secrecy measures about the project was explained," he said in a statement.

"In the letter, the deputy president states 'I would like to confirm that on April 3 1996, the Cabinet approved the lifting of

secrecy measures surrounding the project to enable the Office for Serious Economic Offences (OSEO) to continue its investigation, overseas on financial matters related to this project

"Any further decision by the Cabinet concerning the secrecy provisions can only be taken after conclusion of this investigation

"However, we agree that the

chief of the SANDF should answer all questions to enable him to brief the committee fully on the project, (and to enable him to brief) the committee, we request that the hearing be held in camera"

Meiring added there was "no unwillingness" on his part to disclose details of the project but he was not prepared to prejudice the OSEO investigation

(254) *Star* 23/8/96

R50-million SANDF contract questioned

(254)

A former spy chief and transformation consultants Deloitte & Touche are connected. **Mungo Soggott** reports

M+G 23-29/8/96

A CONTROVERSIAL army general and former spy chief is at the centre of a row over a R50-million management consultant contract to transform the South African National Defence Force (SANDF). Rival consultants have complained about the award of the transformation tender to leading consultancy Deloitte & Touche, says parliamentary defence committee chairman Tony Yengeni who intends to investigate claims that the tender process was handled incorrectly.

At the centre of the row is Major General Marius Oelschig, formerly logistics supplier to the Angolan rebel movement, Unita, and commander of Ciskei's army at the time of the 1993 Bisho massacre.

General Oelschig is now in charge of the armed forces' transformation and was head of the SANDF evaluation committee which recommended the State Tender Board select Deloitte.

Rival contractors have complained about General Oelschig's close relationship with Deloitte. The general worked

closely with the firm for two-and-a-half years on another transformation project which won him and them an international award in June.

There have also been questions about the coincidence between the Deloitte tender and the sum set aside by the SANDF for the contract. The military had secretly earmarked R50-million for the project. Deloitte pitched its tender at R49,59-million.

Oelschig's military background makes him a startling choice as the man tasked with leading the armed forces in shedding its apartheid legacy. His career has included a substantial stint in military intelligence where he was at one stage

director of special tasks, responsible for co-ordinating UNITA. He then became the military attaché to France. When he returned to South Africa he took up another post with army intelligence, before becoming chief of the Ciskei Defence Force in 1991.

In 1992 Oelschig, fluent in both Portuguese and French, returned to the national army and has since been involved in various transformation projects.

The award of the transformation tender to Deloitte was first announced in the State Tender Board's gazette in March. But it was only reported in the commercial press in June. It is understood the delay resulted from complaints lodged by the other bidders.

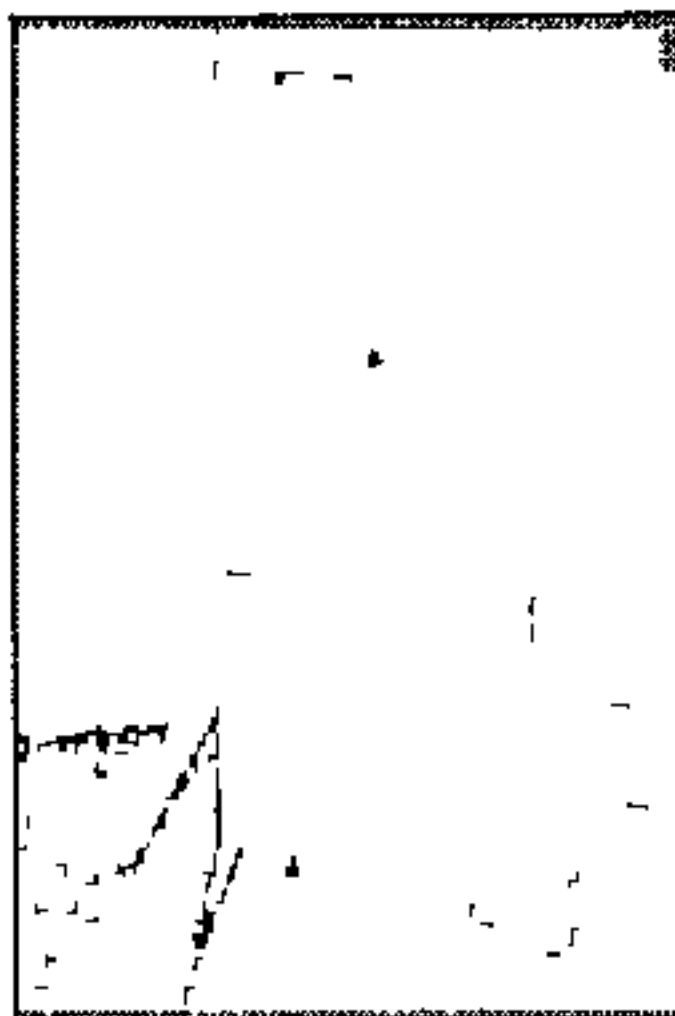
The public sector director at Deloitte and Touche, Pierre Tredoux, told the *Mail & Guardian* the transformation project it had worked on with General Oelschig was different from the work it would now be doing — it had involved "building a complex decision-making model to help the SANDF decide on how best to

deploy its resources".

Tredoux denied rumours that Oelschig would soon take up a consultancy post at Deloitte & Touche. He said he had a firm contract with all his clients that he would not recruit them at any stage.

SANDF Colonel John Rolt said Oelschig had only worked with Deloitte during the latter stage of the award-winning project.

Yengeni said at this stage he did not want to comment on the appropriateness of Oelschig steering the SANDF's transformation. "At this stage I do not want to link Oelschig's background with his current transformation work for the SANDF."



Major General Marius Oelschig: Tender

Secret chemical war remains secret

(254) mtg 23-29/8/96

Stefans Brummer
reports on the mystery
surrounding the Project
Coast chemical weapons
programme

PRESIDENT Nelson Mandela and his deputy, Thabo Mbeki, this week backed Defence Force Chief General Georg Meiring in his battle to keep details of South Africa's apartheid-era chemical weapons programme from the public.

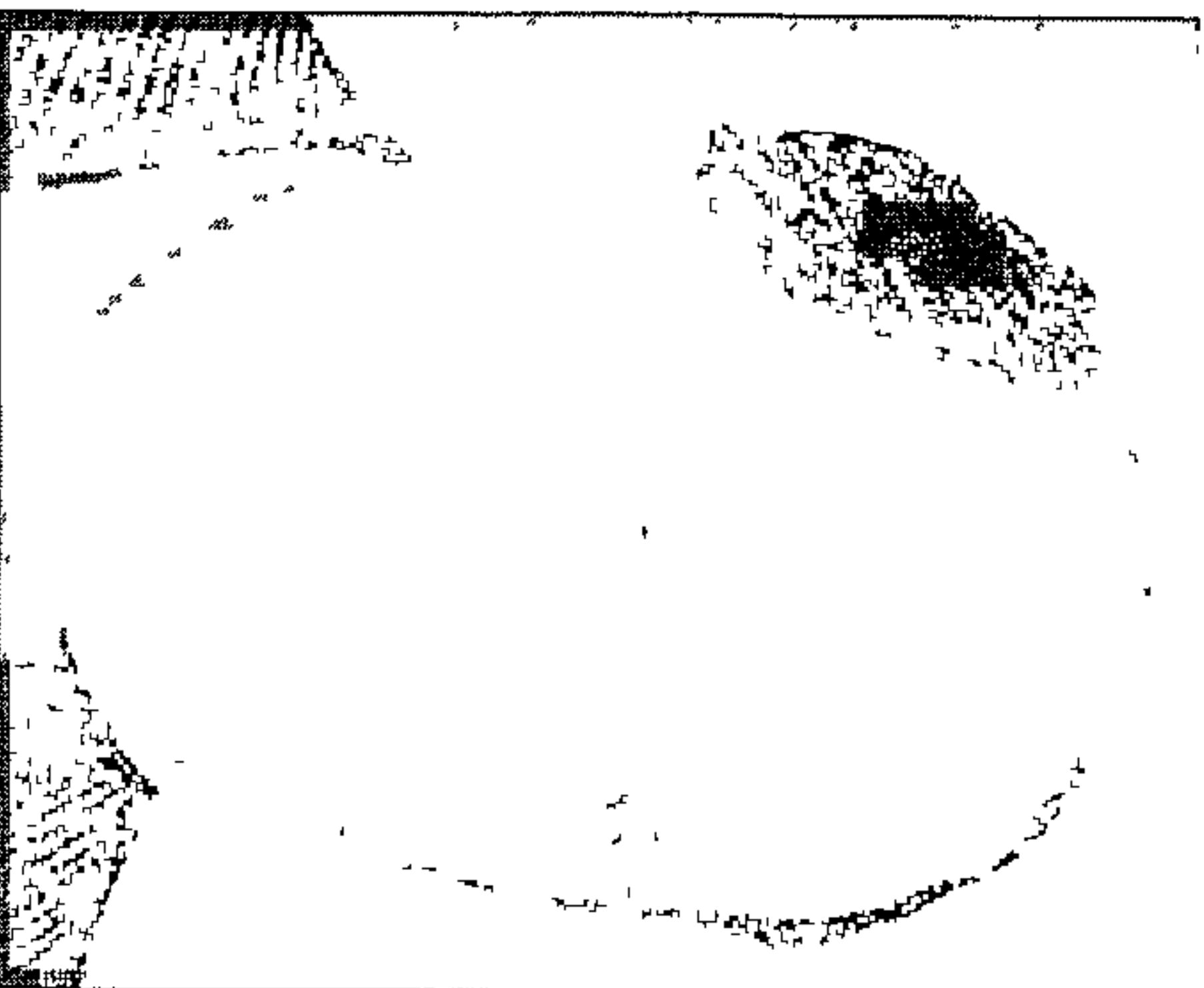
Parliament's Standing Committee on Public Accounts on Wednesday had to hear part of a South African National Defence Force (SANDF) submission on "Project Coast" in camera — after Mbeki ruled an earlier cabinet decision to lift the secrecy on Coast did not apply.

Democratic Party MP Ken Andrew, chair of the committee, later said he was "disappointed that so many elements of this still remain secret to the public", and that "African National Congress (ANC) members in particular" were upset about it. ANC MP Jewellyn Landers said "There was some unhappiness and also an attitude of 'We don't really understand why [the secrecy] is necessary'."

It is not clear why the executive has decided to back, at least for now, Meiring's attempt to keep an apartheid-era project under wraps. Wouter Basson, former head of Project Coast, is known to have maintained links with Libya as early as 1993 and still after the 1994 elections. The exact nature of Basson's visits to Libya — a country with which the ANC government has better relations than the National Party government had — is not clear.

NP leader FW de Klerk dropped a hint this week when he told the Truth and Reconciliation Commission that agreement had been reached within the Government of National Unity that some details of covert operations not be disclosed "in the interests of South Africa" — and that he and Mbeki had both served on a top-level ministerial committee monitoring such operations. De Klerk's spokesman Janus Schoeman confirmed the chemical weapons programme could be an example of the type of operation covered by the "framework agreement" of the GNU.

The chemical weapons programme was set up by the SADF in the mid-1980s under the cover of a number of front companies, chief among them Roodepiaat Research Laboratories and Delta G Scientific. The SANDF



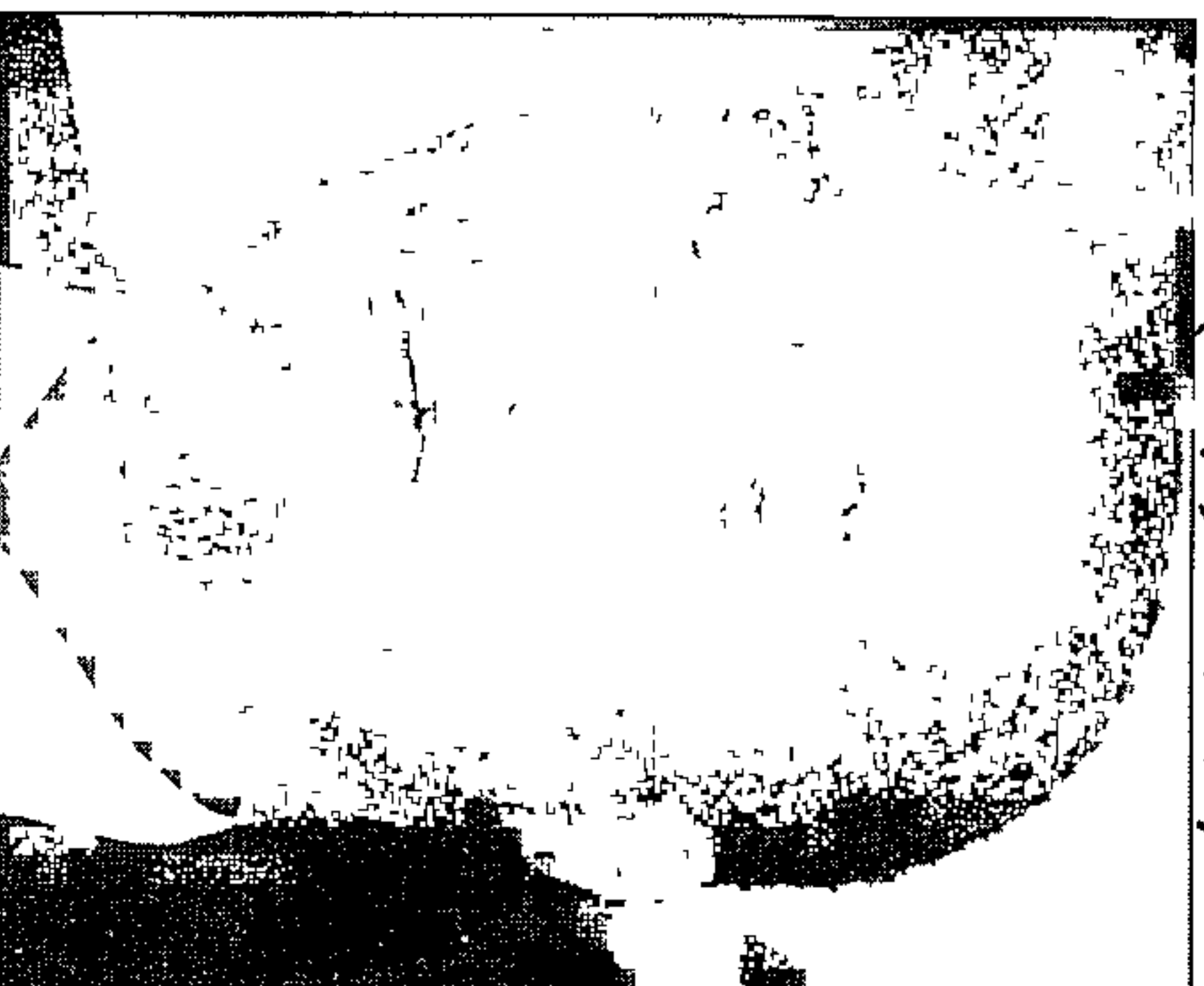
Magnus Malan Former defence minister

purposes only, but a *Sunday Tribune* report last weekend claimed projects included research into a bizarre sterilisation scheme to stem black population growth, and on poisons possibly used against anti-apartheid activists like Reverend Frank Chikane, who now heads Mbeki's office.

The privatisation of the front companies in the early 1990s, a process in which prominent Project Coast operatives pocketed state assets totalling more than R50-million for an investment of as little as R350 000, attracted the attention of the Office for Serious Economic Offences (Osco). Among the chief beneficiaries was former special forces soldier Philip Mjburgh, nephew of Magnus Malan, as defence minister, had been party to an April 1990 decision to privatise Roodepiaat and Delta G.

In late 1994 Osco reported to Justice Minister Dullah Omar on its investigation, saying it needed permission to follow the flow of funds overseas and asking that the secrecy on the project, regulated by the Protection of Information Act, be lifted.

Omar sent the request to cabinet, but a decision was not taken until April 3 this year, delayed by counter-presentations from the NP and the SANDF. Cabinet's decision reads that "Osco be authorised to continue its investigation abroad" and that "the secrecy measures surrounding the project be lifted."



Thabo Mbeki: In the interests of the country

A dispute over the interpretation of the Cabinet decision arose when Meiring, appearing before the public accounts committee on May 15, did not provide full details on Project Coast. He undertook to supply more details later, but asked that the committee hear it in camera. Andrew replied his committee operated in the open, saying he understood Cabinet to have lifted the secrecy.

Meiring wrote to Andrew again last week, saying "It is my understanding that Cabinet has given permission for the lifting of the secrecy measures surrounding the project to enable the Osco to complete its investigation. It is not our understanding that authorisation has been given for a revelation of all the project information."

Meiring said, there appears to have been extensive lobbying by "the generals" of Deputy Defence Minister Ronnie Kasrils, who has been handling the issue on Monday, Mbeki wrote to Andrew backing Meiring's contention that the cabinet decision to lift the secrecy was relevant only to the Osco investigation. "I would like to confirm that on April 3 1996, Cabinet approved the lifting of secrecy measures surrounding the project to enable the Office for Serious Economic Offences to continue its investigation overseas on financial mat-



General Georg Meiring No revelation

ters related to this project. Any further decision by Cabinet concerning the secrecy provisions affecting this project can only be taken after the conclusion of this investigation. However, we agree that the chief of the SANDF should answer all questions put by your committee to him. To enable him to brief the committee fully on the project, we request that the hearing be held in camera."

Mbeki's spokesman Ricky Nardoo confirmed the letter had been sent to Andrew, but said it was merely a confirmation of a second cabinet decision on the matter, about a month ago. He denied it had changed the April decision, saying it was merely a "clarification." Repeated approaches by the *Mail & Guardian* to Cabinet Secretary Jakes Gerwel for confirmation of the second Cabinet decision failed to elicit a response.

Mandela's spokesman Parks Mankahlana confirmed Mandela backed Meiring's interpretation. He said "The view would be an overall lifting can be considered once the Osco investigation is over. There is no intention to impose permanent secrecy on the matter."

Mbeki and Mandela's interpretation appears to be at odds with earlier statements by members of Omar's ministry. Omar failed this week to answer questions about the original intention of the April decision. Kasrils also did not respond to repeated approaches.

Correspondence between Meiring and Andrew also revealed that Mankahlana holds the key to disclosure on operational details and the results of the

chemical warfare research conducted by Roodepiaat and Delta G. Meiring said in his letter last week that "elaborate security arrangements implemented on instruction of the president make it impossible for the SANDF to access this information without the explicit instruction and co-operation of the president."

It is understood the information was captured on a computer optical or CD-ROM disk. SANDF spokesman John Rolt confirmed De Klerk had approved the security measure. "The present president after he was briefed, endorsed them. Therefore the current president can lift them."

Mankahlana said Meiring's statement referred to "an existing set of circumstances" and that it was not Mandela's own decision — he was "acting in Cabinet."

In the end, the public accounts committee learnt little new this week. Osco investigator Dawie Fouché testified that a five-year research contract between the SADF and Roodepiaat was cancelled by the SADF on the same day Roodepiaat was privatised and transferred to Mjburgh and other colleagues in August 1991. The termination of the contract meant the SANDF had to pay these new owners R32.6-million in "cancellation fees."

Andrew said the in camera session was cut short due to a lack of time shortly after the SANDF had started its briefing. He said Osco and the auditor general were taking the matter further now, but that the committee "will take it further in due course."

Apartheid's 'top assassin' faces judgment today in marathon De Kock trial

PRETORIA - The Supreme Court starts judgment today on the old-guard policeman who says he was apartheid's most effective killer

Eugene de Kock, who commanded a ruthless hit-squad unit and betrayed his former operatives this year to save his own skin, faces 121 charges ranging from murder to arms offences arising from three decades of trying to uphold apartheid

Colonel De Kock, 48, will be the highest-ranking apartheid security official to hear a judge pronounce his fate

His trial began shortly after President Mandela's election in April 1994

The accusations include massacres and random killings, attacks on township hostels and trains, car bombings, torture, beatings, and vendettas against fellow police

Colonel De Kock's own defence lawyers conceded in the trial last week that he would be found guilty of at least some of the 10 murders of which he is accused

The judge in the Supreme Court, Pretoria, is expected to spend much of the week announcing the verdicts

Asked by lawyers at another trial where he gave evidence if he agreed he was the security forces' "most effective assassin", Colonel De Kock said

(254) ARG 26/8/96
"Yes, I would say that would be correct"

That testimony helped convict three former colleagues in June of a 1989 car-bombing and won him indemnity in the case, but looks unlikely to help him in his own trial

He has applied to the Truth and Reconciliation Commission for amnesty

A policeman for 27 years, Colonel De Kock left South Africa in the 1960s to fight against the guerrilla struggle for independence in Rhodesia, now Zimbabwe

Back home, he formed a security police unit to thwart the South West African Peoples' Organisation in its fight for Namibian independence from South Africa

In 1980 he joined the now notorious Vlakplaas unit, based on a farm near Pretoria, where senior officers plotted the dirty tricks aimed at killing and discrediting enemies of white rule and sowing division among them

On his arrest in early 1994 he possessed eight passports and millions of rands stashed in offshore banks

Before Colonel De Kock became commander, the unit was led by Dirk Coetzee, who later exposed the government's "third force" death squads and joined the African National Congress - Reuter

35 soldiers in jail after 'mutiny' (254) over cleaning barracks

The Argus Correspondent

APR 26/8/96

PRETORIA - Thirty-five soldiers from Northern Transvaal Command spent the weekend in Pretoria Central prison after being arrested for mutiny.

At issue was an order to clean their barracks.

They were likely to be released today, said Colonel Daan Boshoff, spokesman for Northern Transvaal Command, after charges had been investigated.

They would face court martial if a preliminary investigation indicated there was substance to the charge.

The men were kept for one night in the prison at Voortrekkerhoogte, and transferred to Pretoria Central yesterday, Colonel Boshoff said.

The men allegedly refused to obey an order to clean their flat at Voortrekkerhoogte.

Cor van Niekerk, a spokesman for the Defence Force Union, claimed that the men had been unable to clean the flat because they had not been provided with cleaning materials.

Colonel Boshoff said he could not comment on this claim.

A preliminary investigation should be completed today. Then they were likely to be released, after charges had been put to them. Mutiny was a very serious crime.

Mr. Van Niekerk said this was the third time in three weeks members of Northern Province Command had been charged with mutiny, and it was always former MK and Apla people.

Colonel Boshoff confirmed at least one previous mutiny case, about three weeks ago at the Provos school, but said he did not know if the troops involved then, or those involved now, had formerly served with Apla or MK.

They were all members of the South African National Defence Force.

Millions of rands swindled - Manuel

By Rafiq Rohan
Political Correspondent

BROEDERBOND-LINKED investors walked off with millions of rands after making initial investments as small as R3 000 or R4 000, Minister of Finance Trevor Manuel has revealed.

The Office of Serious Economic Offences was investigating a scheme in which the Broederbond members are implicated in raiding state assets. One of those accused is said to be General Magnus Malan's nephew, Mr Philip Mijburgh.

Manuel said the scheme has been linked to Military Intelligence under the apartheid regime.

Companies and individuals listed in the documents are

- Contresida which invested R13 000 and got a settlement of R4,671 million,
- The Wynand Swanepoel Trust --

(254) Sowetan 26/8/96
Low investments grew into millions as Broederbonders pocketed money

invested R12 495 and received R4,48 million,

- Mr Immelman and Mr Spamer invested R6 500 each and they received R2,335 million,

- DS van der Merwe invested R3 500 and received a settlement of R1 245 million,

- P Delpont invested R2 000 and got back R718 443 00,

- JJ Niewehuis, J Davies and S Wandrag invested R1 666 and they each received R498 700, and

- JJ Hendricks invested R1 000 and got R359 221 00

Two companies linked to chemical and biological warfare production in dealings with the former South African Defence Force comprise the core group behind the skewed investment

scheme. They are the Roodepoort Research Laboratory and Delta G Scientific.

Project Coast, he said, was set up to create a chemical and biological warfare capacity for the SADF.

Project Coast set up two companies known as the Roodepoort Research Laboratory and Delta G Scientific. RRL was then privatised at the sum of R50 000, Manuel said.

Last year the assets of RRL were liquidated with an accumulated loss of R15 43 million.

Manuel explained that a special reserve fund of R33 million "had been established by the Military Intelligence, which not only covered the loss, but paid out the balance of R17,96 million between its directors and shareholders."

Six-month Malan trial set to adjourn today after defence closes its case (254)

DURBAN - The KwaMakutha massacre trial is expected to adjourn today, almost six months after it began, for the preparation of arguments by defence and state counsel

The defence is to close its case after calling a witness from Iscor - weapons used in the massacre were allegedly smelted in an Iscor furnace

When the trial resumes in the Durban Supreme Court, probably next month, counsel will present their arguments and Mr Justice Jan Hugo will call a further adjournment for the preparation of judgment

Judge Hugo and his assessors, Pietermaritzburg attorney H Q Msimang and retired magistrate T N Kruger, will have to decide the fate of 17 people facing 13 charges of murder and conspiracy to murder, arising from an attack on United Democratic Front activist Victor Ntuli's home at KwaMakutha on January 21, 1987

The supposed target, Mr Ntuli, was not at home when 13 other people, most of them

women and children, including several members of Mr Ntuli's family, were gunned down

The 10-strong murder squad was allegedly drawn from 206 Inkatha supporters secretly trained by the SA Defence Force as part of a State Security Council project code-named Marion

The 17 accused include six alleged members of the murder squad, Inkatha Freedom Party deputy secretary-general "M Z" Khumalo, various Military Intelligence officers and five former members of the general staff, including former minister of defence Magnus Malan

Yesterday one of the accused, former SADF chief General Jan Geldenhuys, told the court that he had not seen various documents on Project Marion apparently sent to him, or sent by him

The documents were presented to police as project documents by Bugadier Cor van Niekerk, former director of special tasks for MI, and also one of

the accused
ALG 20/8/96
The documents apparently sent to General Geldenhuys, which he claims he never saw until they were presented in court, are

● A memorandum from another accused, Vice-Admiral Dries Putter, the former intelligence chief of staff, dated November 27, 1985 and dealing with a briefing on Marion given to then KwaZulu chief minister Mangosuthu Buthelezi two days earlier

● A memorandum from Admiral Putter dated April 16, 1986, dealing with the report of a task group appointed to investigate ways of providing military support to Inkatha

Led by his counsel, Hennie de Vos, SC, General Geldenhuys denied ever approving the KwaMakutha operation, or receiving a request to approve it

He denied ever conspiring with any of the accused to murder political opponents of Inkatha - Sapa

Seven police generals to testify in camera

Stephané Bothma

PRETORIA — The seven former police generals to be subpoenaed by the truth commission would testify in camera, a spokesman confirmed last night.

The information obtained will form part of investigations being conducted by the commission's investigating unit

Generals Johann van der Merwe, Mike Geldenhuys and Johan Coetzee — all former police commissioners — Basie Smit, Krappies Engelbrecht, Johan le Roux and Bertus Steyn will, however, have the right to legal rep-

resentation when called to testify in terms of section 29 of the truth commission Act. Their subpoenas to appear before the commission will be issued on Thursday

In terms of the Act their testimony will not result in public findings by the commission as it forms part of the special investigating unit's probes "But, the commission could decide to bring out a report or convene public hearings based on the testimony," the spokesman said.

People named or implicated in the generals' evidence would be the next

group of witnesses subpoenaed by the commission, a source said

Other special hearings — all in camera — would include the testimony of 20 lower-ranking police officers who told the commission in a letter this year that they knew of many crimes committed during the apartheid years

Hearings about several crimes allegedly committed by the police in the Eastern Cape during the same era would also be conducted before December this year. These included the so-called Goniwe and "Pebco three" murders, the source said

BD 28/8/96 (254)

Ex-SADF chief denies seeing project papers

DURBAN: Former SA Defence Force chief General Jannie Geldenhuys told the Kwa-Makutha massacre trial in the Supreme Court here yesterday he had not seen various documents on Project Marion apparently sent to him, or sent by him

They were presented to police investigators as project documents by Brigadier Cor van Niekerk, former Director of Special Tasks for Military Intelligence

Van Niekerk and Geldenhuys are among 17 people facing 13 charges of murder arising from an attack on a UDF activist's house at KwaMakutha in 1987

The attack was allegedly carried out by IFP supporters secretly trained by the SADF as part of a project code-named Marion

The documents apparently sent to Geldenhuys are a memorandum from another of the accused, former Chief of Staff, Intelligence, Vice-Admiral Dries Putter, dated November 27 1985, dealing with

ET 28/8/96 (254)
a briefing on Marion given to former Kwa-Zulu Chief Minister Mangosuthu Buthelezi two days earlier and a memorandum from Putter, dated April 16 1986, dealing with the report of a group appointed to find ways of giving the IFP military support

Documents apparently sent by Geldenhuys include a telex message addressed to Geldenhuys' deputy, the Chief of the Army and Putter dated April 8 1986, dealing with the report of a group appointed to investigate a security management system for KwaZulu, and a memorandum to the Chief of Staff Intelligence, dated April 1990, giving an overview of Project Marion since its inception in March 1986

Geldenhuys said he believed this last document and the memorandum from Putter, dated April 16 1986, never left the offices where they were written. He noted neither bore a date stamp and the 1990 document was not signed — Sapa



MARATHON DEFENDANT: The defence of Magnus Malan and 16 others facing 13 murder charges has been wound up Picture: AFP

(254) ARG 29/8/96 Malan trial nears climax

The Argus Correspondent

DURBAN - Counsel will present their arguments in the KwaMakutha massacre trial on September 10

Mr Justice Jan Hugo yesterday adjourned proceedings to that date after the defence closed its case

The trial began in the Supreme Court, Durban, in March and it has taken almost six months to lead all the evidence. The State closed its case at the end of April

After State and defence counsel present their arguments next month Mr Justice Hugo will call a further adjournment while he formulates his judgment

Mr Justice Hugo will also give his reasons for the discharge of three of the original 20 accused

Former defence minister Magnus Malan and 16 others face 13 charges of murder, five of attempted murder and one of conspiracy to murder

The charges against the rest arise from an attack on the home of United Democratic Front activist Victor Ntuli at KwaMakutha, south of Durban, on January 21, 1987

The supposed target, Mr Ntuli, was not at home at the time, but the attackers gunned down 13 other people, most of them women and children, including several members of Mr Ntuli's family

The 17 accused include six alleged members of the murder squad, Inkatha Freedom Party deputy secretary-general "M Z" Khumalo, various Military Intelligence officers and five former members of the general staff, including General Malan, former SADF chief General Jan Geldenhuys and former army chief General "Kat" Liebenberg

The last defence witness, retired Iscor security manager John van der Westhuizen, said yesterday that on no occasion were SADF weapons brought to the Pretoria plant for smelting. The State alleges AK-47 rifles used in the massacre were later smelted in an Iscor furnace - Sapa

Public Protector to check R520-m Pilatus deal

CLIVE SAWYER

Public Protector

(254)

ARG 29/8/96

THE South African Air Force controversial R520 million purchase of 60 Pilatus trainer aircraft during the arms embargo has been referred to the **Public Protector** for investigation.

Auditor General Henri Kluever is to offer an auditor from his office to assist the Public Protector in the probe, it was disclosed in Parliament's public accounts committee yesterday.

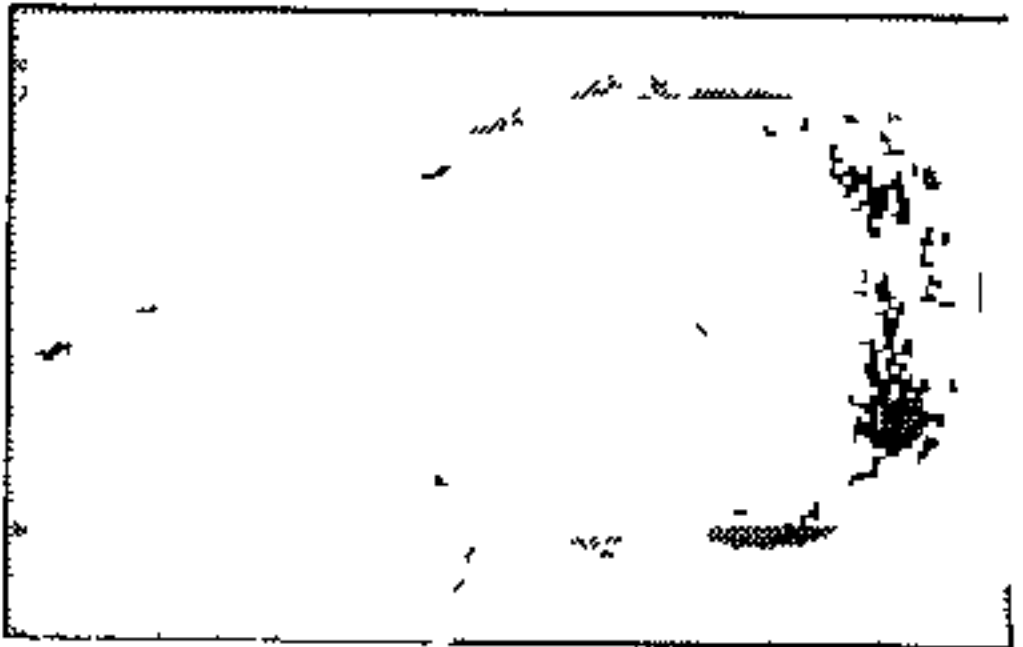
The contract was negotiated by Armscor on instruction from the then National Party government.

The deal took place in the face of an international effort to persuade the Swiss manufacturers of the planes to hold up delivery until the arms embargo against South Africa was lifted.

Mr Kluever said the purchase of the aircraft had been referred for investigation by the defence force.

Committee chairman Ken Andrew asked Mr Kluever, who's office conducted its own probe of the deal, to forward the report to the Public Protector.

"I have never been overworned by the desire of the defence force to supply information unless it is squeezed out of them," Mr Andrew said.



Security firms or private

Star 30/8/96 (254)

Former soldiers have enormous potential to incite violence, writes Mark Malan

armies?

It was heartening to note that Brigadier Jackie Sedibe had been appointed the SANDF's new head of corporate communications. But it was perturbing that her predecessor, Major-General Gert Opperman, will be retiring with a voluntary severance package on August 31 to take up a managing director's post with the Coin Security Group.

General Opperman, who is highly respected among the soldiery, and who has played a key role in the transformation of the defence force, will be joining the ranks of thousands of former soldiers and policemen who are now employed in one of Africa's most vibrant growth industries.

The flow of former SANDF soldiers to the private security industry is sure to increase dramatically with the granting of special severance packages by the defence department to full-time soldiers. Soldiers who chose to quit the defence force for a more lucrative career in private security previously sacrificed the lion's share of the benefits they had accrued. Now they are being of-

fered the chance to receive a substantial cash benefit by volunteering to quit.

While the cash value of these benefits vastly exceeds that received by members of the non-statutory forces with equivalent years of service who volunteered for demobilisation, it will in many cases be insufficient to provide for the perceived needs of the recipients. This means that many former statutory force members will enter the job market with skills irrelevant to the majority of prospective employers, with the notable exception of private security companies.

Like General Opperman, many will be excellent combat soldiers, with extensive command experience – experience which the embryonic SANDF can ill afford to lose.

Many of the security companies in Angola, and elsewhere in Africa, are managed by former SANDF soldiers, and not only are South African security companies active in countries such as Angola, Sierra Leone, Mozambique and Uganda, but there are also proliferating private security operations inside the country.

A cursory glance at the telephone directory reveals an almost endless list of security firms offering clients a 24-hour armed response service. Private security, it would seem, is a highly competitive industry.

The expansion of this industry depends upon increasing levels of crime and violence and the rise of insecurity among the middle- to higher-income citizenry. The latter observation takes on ominous dimensions when one considers the potential capacity of armed response guards to initiate or incite violence and the fact that private security guards already outnumber the full-time military by more than two to one.

They have also succeeded in usurping a large degree of policing authority by being more visible to the public than police officers. Yet the attitude of the Government towards private security firms seems to be one of appreciation, rather than concern.

The sale of redundant armoured personnel carriers (APCs) to security firms lends credence to a spectre of non-state neo-militarism. Armscor has sold 118 Saracen APCs to private security companies, sufficient to transport the equivalent of two infantry bat-

talions. Yet the Government has only recently moved to ban the sale of South African APCs to local organisations and individuals (three years after the AWP's spectacular break-in with an APC at the World Trade Centre).

Although the National Conventional Arms Control Committee (NCACC) has expressed some concern that APCs may be misused for criminal or extremist purposes, the ban on sales of APCs to local organisations and individuals does not seem to apply to security firms.

In similar vein, National Intelligence responded to reports that IFP warriors were receiving weapons training in a number of paramilitary camps in advance of the elections in KwaZulu Natal by saying that they had a problem with "legal technicians", in that some of the training was being done under the auspices of private security companies, and therefore did not necessarily violate the law.

Regardless of Government attitudes, civil society should be concerned about the

trend towards privatisation of security. Whereas the SA Police Services and SA National Defence Force are accountable to Parliament and the people of South Africa, the same accountability and transparency are not demanded of private security companies.

Moreover, members of the police services and defence force are sworn to uphold the constitution and to serve the people of South Africa. The owners of private security companies operate in terms of the profit motive. While both may bear and use arms in the line of duty, there is a fundamental difference in the ethos of the servants of the

people and that of the service providers to the wealthy.

The trend towards privatisation and militarisation of security, and the longer-term implications of this for the security of the citizenry, demand urgent investigation. A logical starting point would be a detailed audit of private security companies, including arms, equipment, personnel, training, doctrine and operations.

Mark Malan is a senior researcher at the Institute for Defence Policy (IDP).

NE

Black empowerment shifts to the defence industry

(254) 32

By Jonathan Rosenthal

Johannesburg — Bobby Makwetla, the managing director of African Renaissance Holdings, has bought a stake in the defence industry through the acquisition of 30 per cent of Analysis Management & Systems (AMS) by Kago Industries

AMS is a privately owned electronics company, which in July signed an agreement to supply British Aerospace with avionics computers for use in the Hawk jet trainer

The new shareholders would help AMS in broadening its client base and assist the company in diversifying into civilian product ranges.

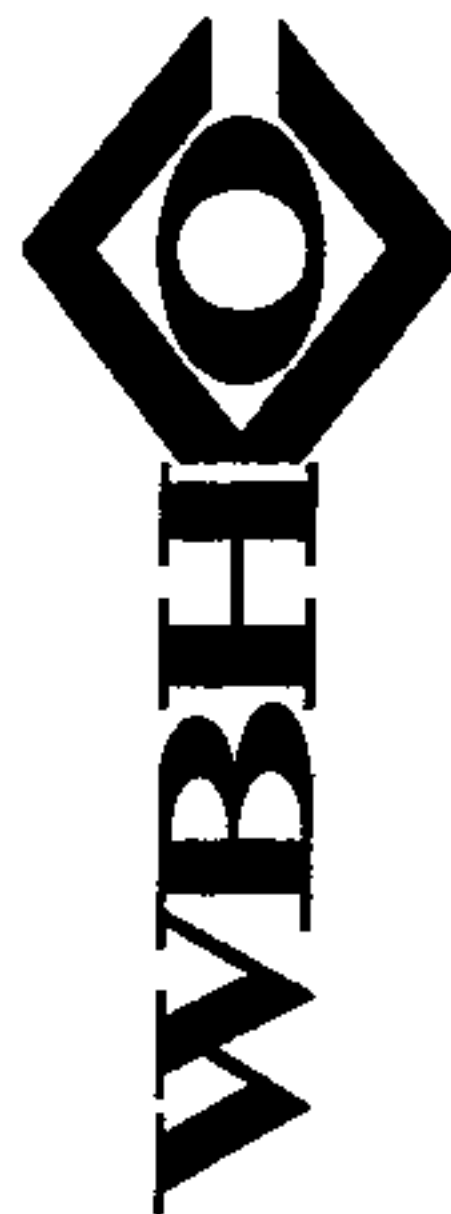
Kago Industries is a new black empowerment company owned by Makwetla, Lee Samuels, Gabriel

"We will be looking for clients among parastatals, in the corporate world and offshore,"

Makwetla said

Bart Cilliers, the managing director of AMS, said, "In heeding the government's call for black empowerment, we are looking forward to the input that our new black directors can give us in the New South Africa and how to implement affirmative action effectively."

ET 6/9/96



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SANDEF gets peacekeeping lessons

(254)

AMW 10/9/96

Overseas experts begin first of several exercises to prepare for possible international operations

By **NORMAN CHANDLER**
Defence Correspondent

Top international peacekeeping experts yesterday began to prepare the South African National Defence Force for possible involvement in international peace support operations.

The SANDEF, the privately funded Institute for Defence Policy, the Norwegian government and the British Army Staff College are, collaborating in Exercise Morning Star, which is scheduled to end on September 20.

The IDP's involvement, which constitutes what is believed to be

the first civilian help to the SANDEF in a military capacity since the integration process started two years ago, is in terms of a peacekeeping training programme it operates in southern Africa.

The exercise is the first of a series to be held by the military, culminating in the tactical warfare Exercise Southern Cross at the Army Battle School at Lohathla in November.

According to the SANDEF, "the aim of Exercise Morning Star is to orientate members on the doctrine, planning, and command and control of peace support

operations at the strategic, operational and tactical levels."

The first week of the exercise is being taken up with a seminar at the South African Army College in Voortrekkerhoogte.

This will be followed by practical exercises which will be held next week.

Among speakers at the seminar are Brigadier Elisha Muzonzi of the Zimbabwe Staff College, Brigadier-General Henry Anyidoho of Ghana and former chief of staff of the United Nations Assistance Mission in Rwanda, Colonel R Bendim of the Argentinian Army, Lieutenant-Colonel

Peter Voetmann of the UN department of peacekeeping operations and Age Eknes of the Norwegian Refugee Council in Oslo.

Topics include conflict resolution and preventive diplomacy, the African peacekeeping environment, relationships between peace force countries and the UN, medical support, rules of engagement, humanitarian operations, communication, and peace support co-operation in southern Africa.

There has been considerable debate over recent months about South Africa's potential role in African peacekeeping and peace

support operations, particularly with regard to the situation in Burundi.

The Government has given its tacit approval for military involvement in a peacekeeping force if required, starting with humanitarian and later progressing, if necessary, to deployment of troops in support of such a force.

Deputy President Thabo Mbeki and Deputy Foreign Minister Aziz Pahad recently held talks in Tanzania and at the Organisation of African Unity headquarters in Addis Ababa over South Africa's participation

State closes case in Malan murder trial

(254) BD 11/9/96

DURBAN — The State believed it had proved beyond all reasonable doubt that former defence minister Gen Magnus Malan and 13 of the other accused in the KwaMakutha massacre trial were guilty of murder, KwaZulu-Natal attorney-general Tim McNally said yesterday.

He was presenting the State's final argument in the trial of 17 people accused of murder, attempted murder and conspiracy to murder arising from an attack in 1987 on the KwaMakutha, Amanzimtoti, home of UDF activist Victor Ntuli.

The attack was allegedly carried out by Inkatha members who received paramilitary training from the SA Defence Force.

Ntuli was not at home at the time of the attack and 13 other people were shot dead, most of them women and children.

Yesterday McNally told Judge Jan Hugo the state did not believe former military intelligence officer Cmdt Jan van der Merwe's denial of evidence that after the massacre he collected the AK-47 rifles used in the attack and took them to Pretoria for smelting.

However, the State was not in a position to ask for him to be convicted on any of the charges McNally also said there was not sufficient cogency in the evidence against two alleged members of the murder squad, Hloni Andreas Mbuyazi and Alex Vulindlela Biyela, for them to be convicted on the main charges of murder and attempted murder.

However, the State believed it had proved they were guilty of conspiracy to murder Mbuyazi and Biyela are among six alleged members of the murder squad in the dock.

The trial is continuing — Sapa.



SA Commercial, Catering and Allied Workers' Union officials and more than 300 retrenched Liberty Life employees gather outside the Rand Supreme Court yesterday to oppose the finalisation of a court order barring the workers from protesting outside Liberty Life properties. Picture TREVOR SAMSON

Liberty's court bid to bar retrenched workers is postponed

(254) BD 11/9/96

Deborah Fine

MORE than 300 retrenched Liberty Life Properties employees gathered outside the Rand Supreme Court yesterday to oppose the finalisation of an interim court order barring them from entering or protesting outside Liberty's upmarket Sandton City, Eastgate and Alberton shopping centres. The matter was postponed yesterday.

day to September 17 to allow the workers — mostly members of the SA Catering, Commercial and Allied Workers' Union — to file opposing papers.

The interim order, granted on Thursday night, interdicts the union and 310 former Liberty employees from entering or occupying the shopping centres, congregating or demonstrating within a radius of 500m from the centres, obstructing access to the

premises as well as interfering with customers, contractors, other Liberty employees and centre tenants.

In papers before court, Liberty said the company and the union had negotiated an agreement in April this year whereby Liberty was to proceed with the rationalisation of four divisions. Notices of termination of employment had been issued to all affected employees, but in breach of the settlement

reached they had attempted to continue their duties in September.

Meanwhile, former Liberty regional development officer Tony Katsapas, who is suing Liberty for R750 000 on the grounds of unfair dismissal in 1994, toyed with the workers outside the court yesterday. He said he and the workers would continue to picket outside Liberty's properties until both matters had been resolved.

Row brews over SANDF transformation post

Wyndham Hartley

CAPE TOWN — A row is brewing over Gen Marius Oelshig, who ordered the Ciskei Defence Force to open fire at the time of the 1992 Bisho massacre, controlling the SANDF's transformation process.

Oelshig yesterday gave evidence to the truth commission in Bisho on his order to fire on ANC marchers, which led to the deaths of 29 people.

It prompted ANC MP Joseph Mashimbye to ask the defence secretary, at a meeting yesterday of the joint parliamentary committee on defence, for details of the trans-

formation process. Oelshig is managing Mashimbye said he wanted to know what the policy was regarding a serving officer giving evidence against the state which employs him. This was an apparent reference to Oelshig's testimony.

He said he was interested in the transformation process but "my opinions on the man would be obvious". He said it made no sense that Oelshig was running the transformation process at the same time as the defence review was under way, adding "there is a lot going on in the transformation process which can undermine the defence review". Committee chairman Tony Yen-

geni said the discussion should concentrate on transformation and not on Oelshig. Discussion of the man could be held on another occasion.

SANDF director of strategy Brig Len le Roux said that Oelshig was the staff officer appointed by the chief of the SANDF to run the transformation programme.

He pointed out that the final authority over the programme lay with the command council on which both the minister and the deputy minister served.

Mashimbye suggested a special meeting should be held to discuss Oelshig's transformation process because the defence review "must

not be corrupted by other things".

Sapa reports Oelshig told the truth commission he had ordered his troops to open fire on ANC marchers at Bisho Stadium on September 7, 1992 after receiving reports that the soldiers were being shot at. Oelshig denied claims by ANC secretary-general Cyril Ramaphosa that a trap had been set for participants in an ANC protest march at a gap in the stadium fence.

He said he had issued the order to fire only after being told by his deputy, Col Dirk van der Bank, that people in the crowd were firing on troops deployed near the stadium and were storming their position.

"I confirmed that the troops were authorised to fire, meaning those troops who were in immediate danger. This was conveyed to the field commander by Col Van der Bank."

Oelshig said he believed the ANC had "engineered" the confrontation. This was borne out by the large presence of local and international journalists.

"They would not have been there in such large numbers if there was not the strong possibility of violence." "There was no way that confrontation would be avoided by the SACP/ANC. In fact that is exactly what they appeared to want and were actively working for."

(264) 08 12 19 96

Private 'bobbies' abound in SA

(254) M+G 13-19/9/96

As the economy has battled, the private security sector has grown in South Africa, writes **Mark Shaw**

THE death of 16 people at Tembisa station on July 31 has again brought the issue of private security into the public spotlight

The 16 died after Metrorail, a subsidiary of Spoornet that organises transport in urban areas, ordered a clampdown on checking commuters' tickets, and hired a private security company to help out. The guards used electric shock batons in an attempt to control the crowds, but people panicked and most of those who died were crushed to death.

More specifically, the incident raises the question of the interface between private and public forms of policing in South Africa.

Unlike the security business in Europe and North America, the South African private security industry has been little studied. Here the sector has, since 1980, grown rapidly, initially it expanded at about 30% a year, slowing to 10 to 15% in the last five years. (There has been an estimated annual average growth rate of 18% since the late 1970s.) The exact value of the industry is difficult to quantify — a recent estimate suggested that the guarding industry alone was worth around R3,6-billion.

This growth has followed similar developments elsewhere in the world. Large expansion occurred in the 1960s in the United States and Canada, and in the 1970s in Britain and Europe. The growth in private security has not been confined to industrial societies. In parts of Africa, notably Kenya, Zimbabwe and Nigeria, private security has grown rapidly since independence. In these countries, it generally remains electronically unsophisticated, and is heavily based on guards.

But the South African industry shows some unique traits — a mix between a sophisticated electronic sector and the physical provision of guards. It is also distinguished by a comparatively higher growth on the reactive side.

Traditionally, both in South Africa and elsewhere, security companies have played a proactive function: guards patrol defined areas to prevent crime, modelled very much on the concept of the "bobby on the beat".

In South Africa the combination of electronic and guarding functions has led to a marked growth in the "armed response" sector: typically, panic buttons relay electronic signals via a control room to armed security officers patrolling in cars, who therefore play roles far more similar to the state's traditional law-and-order function than in many other countries.

And, the growth in the South African industry has not reflected broader trends in the economy



Private affair Security companies look after their clients' interests first, while the police are concerned with wider justice. PHOTOGRAPH: SIDDIQUE DAVIDS

Indeed, there seems to be an inverse relationship, with the industry growing remarkably in poor economic conditions. In the pre-election months, when most business in the country stagnated, security reflected record growth. Since the election there has been some stabilisation, although rises in crime are again boosting security companies. But, to some degree, parts of the market, like guarding, are increasingly showing signs of saturation.

The development of the private security sector in South Africa, however, has not been untroubled. There is no doubt that incidents like Tembisa have been damaging to the industry — appeals for more powers for certain categories of security guards are likely to fall on deaf ears if the public and official perception is that private security officers are untrained and act unprofessionally.

Public perceptions, whether the industry likes it or not, are shaped by individual instances of abuse — the recent raping of a student by a security guard at the University of Zululand, for example, or the notorious case of security officer "Louis" van Schoor's shooting dead of 41 alleged burglars over a number of years.

The dangers of replicating the Tembisa incident are real. More and more, private security companies operate in the "private-public" sphere, that is, private property which is open for public usage — for example, shopping malls or university campuses.

There is also a growing trend of

using private means in purely public spheres, such as policing urban neighbourhoods or central business districts. In more extreme cases, private firms engage directly in public order activities like the clearance of squatters.

Despite these trends, it must be recognised that private security is not a new concept. It existed in a variety of forms before the establishment of public police, and in some cases evolved into public control. It seems to have persisted in frontier societies where police had not penetrated or developed. In the United States, private security, like forms of vigilantism, developed rapidly because of the delay between the establishment of settlements and the arrival of federal law enforcement.

What is interesting is the recent re-emergence of forms of private security working alongside the police. The prevailing wisdom that the growth of private security is a result of the withdrawal of the state from some functions — allowing private industry to expand into the vacuum — needs to be tested.

This functionalist argument maintains that the development of private security is a consequence of the inability of the state to police certain activities adequately. In theory, a private-security sector would then arise to fill the gap between rapidly expanding public demand and an unresponsive criminal justice system. On its own this explanation is inadequate: the relationship between public and private

police is more complex than the contraction of one and the subsequent expansion of the other. And, in any event, police forces have not contracted. In the period when private security grew, so did spending on policing.

Related to this is the misperception that growth in the industry eases pressure on the police. In fact, quite the opposite: the industry puts in place mechanisms — guards, alarms and detection devices — to gather information which can be fed to police. Rather than decreasing demands on the police, private security may overburden it in some areas. The clearest indicator of this in South Africa is the issue of "false alarms" — in KwaZulu-Natal between January and April this year the South African Police Service travelled 170 000km in response to electronic alarms, accounting for 40% of all complaints in the province, but only 1% were valid.

Studies carried out in North America suggest that the growth of private security is not so much a function of the withdrawal of the state, but the expansion of forms of property ownership which encourage the use of private security.

The more visible presence of private security has been encouraged by the blurring between forms of private and public property: shopping malls (and Tembisa station for that matter) are privately owned yet are accessible to the public, giving greater scope for policing of the public by private means.

Also, to argue — as the industry increasingly does — that private security serves as a useful component to state structures, ignores

their differing goals.

The private company seeks to protect the interests of its client, while the police theoretically defend the rights of citizens. In the main (and barring some cases in the private investigation sector), private companies are more concerned with the prevention of loss than the detection of offenders.

In particular, the exercise of discretion by such private security personnel will often be far more influenced by their perceptions of their immediate employer than any generalised concept of the public interest. Thus offenders will only be handed over to justice if this is in the perceived interest of the client. This implies that public and private policing do not fit as neatly together as first assumed.

But if the public policing activities of private security continue to grow, what are the policy alternatives? Greater regulation, beyond that offered by the Security Officers' Board, is only valid if it is possible to enforce — which, arguably, is not currently the case in South Africa.

One option, given that the public at large is exposed to private policing, is the establishment of an independent complaints mechanism to provide a publicly accessible means to oversee the industry. But, without such a mechanism, the industry will remain contract driven, and responsible in the final analysis to individual clients rather than the public at large.

Mark Shaw is co-ordinator of the Crime and Police Policy Project at the Institute for Defence Policy.

SA's costly pilots bale out of air force

Wyndham Hartley

CAPE TOWN — Air force pilots in whom the state has invested more than R1,1bn have left the SAAF in the past 18 months, mainly because career prospects and salaries are better in the private sector.

This was disclosed last week when Defence Minister Joe Modise, in reply to a parliamentary question from NP MP John Gogotya, said that 148 pilots had left the SAAF between January 1 last year and June 30 this year. Of these 42 were fighter pilots, 41 of whom had left for better career prospects; 32 other pilots resigned, seven retired and three left after completing their flying contracts.

BD 16/9/96 (254)
Modise said 104 of the 148 gave better private sector opportunities as their reason for leaving.

SAAF spokesman Col Derek Page said the cost to the taxpayer of getting a pilot operational varied, with fighter and helicopter pilots costing more. It took five to six years, at an average cost of R8m, to get a pilot operational.

However, the loss of air force pilots to the private sector was a worldwide phenomenon, affecting the Royal Air Force, the US Air Force and the Royal Australian Air Force, among others, Page said.

Another factor affecting SAAF pilots was that they no longer flew combat missions and, with budget cuts, flying had been reduced — “and you must

understand that they joined up to fly”.

The US Air Force had lost pilots after the Gulf war. Many had left after a period of intense excitement.

Modise said the SANDF had attempted to stem the tide with a salary increase on July 1, along with increased occupational and danger allowances.

DP spokesman James Selfe said it was an extremely worrying development since the operational effectiveness of the SAAF was “only as good as its pilots. For some time we have been urging government to make conditions of service in the air force more attractive ... we trust that they will do so before the air force, like the navy, starts imploding,” he said.

'No argument to justify charges against Malan'

(254)

Defence calls for acquittal

Nov 20/9/96

SAPA
Durban

Former defence minister General Magnus Malan had spent eight months in the glare of adverse publicity, only to have it emerge that there was no sensible argument supporting the charges against him, his counsel Sam Maritz SC told the Durban Supreme Court yesterday.

Arguments for the acquittal of another four of the 16 accused were heard yesterday.

They all face 13 counts of murder, five of attempted murder and two of conspiracy to murder in connection with the 1987 massacre of 13 people at Kwa-Makutha, near Durban.

Maritz yesterday gave Mr Justice Jan Hugo legal authority for the principle that a conspiracy did not exist unless there was an agreement or contract between the alleged conspirators.

He said he had searched the charge sheet, the documents presented as exhibits and the record of evidence in vain for any contract between the alleged Kwa-Makutha conspirators with the aim of murdering United Democratic Front activist Victor Ntuli or

any other opponents of Inkatha.

Even if the Liebenberg Report on the training of Inkatha recruits in "offensive actions" among other things was accepted as a contractual offer, which the defence did not concede, there was no evidence to show that any of the accused accepted that offer.

Maritz said most of the documents in the case were consistent with a lawful aim, namely the protection by central government of the officials and infrastructure of the regional government in KwaZulu. Malan was just doing his job, Maritz said.

Maritz also argued for the acquittal of former chief director of Military Intelligence Major-General Cornelius Johannes van Tonder, who was implicated by State witness Captain "JP" Opperman.

Earlier yesterday, defence counsel Marius van Zyl argued for the acquittal of former Colonel Gerhardus Mario Jacobs, who was the officer commanding a base in the Caprivi Strip where the recruits were trained.

The court also heard the second half of the argument for the acquittal of Brigadier John Reeves More.

(Proceeding)

Ex-soldiers threaten Mandela

Cape Corps 'mutiny'

TYRONE SEALE
POLITICAL STAFF

Police are investigating threats by former Cape Corps soldiers who say they have ready access to arms they will use against the state, including senior Government members.

The threats have been issued by the South African Old Soldiers Steering Committee (SAOSSC), which claims a membership of between 5 000 and 10 000.

A source told Saturday Argus the organisation has threatened to endanger flights of senior Government officials – including President Nelson Mandela – and to disrupt airports. The organisation issued its threats during a meeting last week with members of the police and defence intelligence establishment.

Established last year, the organisation has had little success in trying to convince the Government to pay out demobilisation packages to former Cape Corps members similar to those paid to former members of the liberation armies, Mkhonto we Sizwe and the Azanian People's Liberation Army.

The Government has argued that former liberation fighters made financial sacrifices in the course of the struggle against apartheid, when regular payments to rank and file members did not take place.

Earlier this year the organisation stated its demands in a meeting with Mr Mandela, Defence Minister Joe Modise and his deputy, Ronnie Kasrils.

At the time Mr Mandela advised the group to obtain legal advice before further negotiations.

Yesterday police confirmed that a meeting took place last week between a SAOSSC delegation and J J Maree of the internal security branch of the SA Police Service.

However, SAPS spokesman John Sterenberg could not confirm the details of the threats, but said police were taking the organisation's claim of its access to arms seriously and were investigating.

A defence ministry spokesman said the

(254) ARG 21/9/96

ministry was unaware of the threats or the meeting, and an SA National Defence Force media liaison officer said he would investigate the claims before commenting.

Saturday Argus has obtained a statement, written this week, in which SAOSSC spokesman Rodney January confirms the meeting that took place at Cape Town International Airport.

Mr January was unavailable yesterday, but a former executive member of his organisation confirmed the Cape Town Airport meeting.

According to the SAOSSC statement, the organisation told Superintendent Maree that it could threaten stability in the country if the Government did not meet the demands.

The statement says: "The security police were informed that the SAOSSC had ample resources available to enable them to create havoc, should their demands not be met.

"He (Mr January) also said that the SAOSSC had widespread support from the community in their struggle to obtain their goals.

"Mr January said his organisation had warned the police that the SAOSSC would not hesitate to carry out its threats in order to have its demands met.

"We also informed the security police that we have information about weapons and ammunition depots where we can obtain resources without any opposition.

"We further emphasised that our members are highly trained and that we have no boundaries, and that our threats should not be evaluated lightly.

"We informed Superintendent Maree that our members are at present undergoing management training, negotiation skills training as well as refreshment courses, to prepare them for the implementation of our future strategy."

The statement, issued on an SAOSSC letterhead, quotes Mr January as saying his organisation is eager to pursue a peaceful solution, but the Government first has to satisfy their demands to defuse the situation.

15 000 women desperate to join up

ASHLEY SMITH
STAFF REPORTER

ARL 25/9/96

(254)

The army has been inundated by applications from young women looking for jobs, but only about one in 70 shortlisted applicants can be accommodated at the South African Army Women's College in George for the January intake

With employment prospects for this year's matriculants looking extremely bleak throughout the country, 15 000 women were competing for only 220 training positions, said college commanding officer Henry Holland-Muter

An "astronomical" number of applications from women had inundated the 10 provincial commands

The 15 000 candidates being tested were pre-selected by South African National Defence Force headquarters in Pretoria

Colonel Holland-Muter said the applicants were "job hunting"

"Unfortunately, we are training junior leaders and not fighting soldiers, so selection criteria are extremely high," he said

The chaplain at the college, Marius van Rooyen, said successful candidates would be trained in four phases, with their performance evaluated throughout

This week about 100 candidates from the Western Cape were subjected to a battery of psychological testing, which forms part of the selection process

David April, a psychologist at the Western Cape Medical Command, emphasised that the intelligence tests used by the army were totally "culture-free"

"Irrespective of the person's background or exposure to psychological testing, this form of evaluation will not discriminate against anyone," he said

Those who passed the test would be evaluated further. Candidates came from as far afield as Swellendam, Robertson and Montagu but many would probably be disappointed



At ease: some of the 15 000 women applicants for voluntary military service surround army captain Zanele Sepamla, centre, at the Castle



Threat facing SA is from within

The SANDF can be used to stabilise South Africa and fight crime, writes Jakkie Cilliers

(254) Star 26/9/96

In the dying days of Codesa, at a time when the euphoria about the new South African rainbow nation was reaching fever pitch, the securocrats of the "old order" repeatedly warned that the incoming South African Government of National Unity would soon discover it would be unable to rule South Africa without the instruments of law and order with which the National Party had armed itself.

In time this analysis has proven to be tragically accurate.

Today, as crime, violence and corruption are perceived to be rampant, gloom and pessimism pervades South African society. To many foreign observers South Africa is rapidly becoming ungovernable. Foreign investment has been reduced to speculative cash inflows.

Should South Africa not adequately deal with the very high levels of internal crime and violence the country will, very shortly, require much higher levels of security spending than at present and undermine the tentative progress made towards a constitutional state based on a respect for human rights.

There are many reasons for this violent situation, ranging from historical imbalances over centuries to the transformation

of the civil service and the very liberal nature of our new constitution. As we debate the cause of the illness, the patient is in danger of dying from the symptoms.

By international comparative standards, South Africa is not significantly under-policed. Already the number of police personnel (140 000 in total) - 328 people per police officer - compares favourably with an international average of 1 014.

Clearly more police alone will not solve the problem.

Yet despite the many plans and initiatives the Department of Safety and Security has recently placed on the table, the domestic law-and-order situation does not appear to be improving.

Against this background the Department of Defence has recently concluded the first round of its Defence Review. It culminated in August with a national consultative conference following which, in the next few months, the review will be tabled in Parliament.

The minister of defence and his staff have made a trailblazing effort, unrivalled by other departments, to involve people and to consult widely. The department has been rewarded in this process by an emerging national consensus on national defence

priorities and a greater degree of trust between various stakeholders. This has been a remarkable process and the Department of Defence deserves credit for its efforts.

The essence of the Defence Review is that the SANDF intends to provide a "core" conventional force ready for expansion to a war force in time of military threat. Clearly the size and capabilities of such a core force are debatable and reliant upon a number of assumptions regarding the nature of any future conventional threats.

The threats facing South Africa are not military, but criminal. Porous borders, inadequate population movement control and a culture of lawlessness characterise our society.

Yet Government does not appear committed to containing the spiralling crime or to executing the tasks which the country will now require of our security agencies.

For example, despite the good intentions of the white paper on defence (and the agreement amongst all defence and police analysts) that the South African National Defence Force (SANDF) should withdraw from the internal security situation, it is inevitable that the support that the SANDF currently provides to the police will increase, not decrease.

Reasons for this belief include the slow progress made in the transformation of the

SAPS, the virtual collapse of the criminal justice system, the ongoing crises within South African prisons and the failure of the Government thus far to deliver on its socio-economic commitments.

The system which should protect and ensure the safety of our citizenry is, in effect, "broken". In contrast, the possibility that the SANDF will deploy on major conventional operations in defence of the country during the years that lie ahead is highly improbable. As a result, the nature of the core force should, firstly, be less intended to defend against conventional attacks than as a rapid reaction force to deal with larger, unexpected contingencies, whilst adopting a conventional peacetime training mission.

Equally important, the Department of Defence may have been better advised to plan its activities and budgets to reflect to a greater degree the real tasks of the SANDF, which will inevitably entail:

- Increased border control duties
- Disaster relief and search and rescue
- Assistance to the SAPS to fight violence and crime, particularly in visible policing duties such as roadblocks
- Building a framework for common security in Southern Africa.

Had we accepted, as our starting point, these considerations, the Defence Review may have looked much more closely at optimising our national security in an integrated manner. The Department of Defence may have:

- downsized the "conventional" SANDF into a smaller rapid reaction force to deal with unexpected contingencies,
- thought very hard about the future of the rear area protection system (the old commando system), and
- decided to make the SANDF primarily responsible for all aspects of both border control and security with the exception of customs and excise and home affairs responsibilities at border posts.

South Africa has to reduce the levels of internal violence and crime.

No country can continue with our present levels of crime and violence without destroying its economy and regional leadership position, without the citizens taking matters into their own hands or without the state having ultimately to resort to draconian emergency measures.

The time for political correctness and consultation is past. The time for governance has come.

Jakkie Cilliers is the director of the Institute for Defence Policy. This article has been shortened.

Commonwealth backs down on tough stance against Nigeria

(226) Nov 30 1976

New York - Commonwealth ministers buried their differences yesterday to put Nigeria back on the path to democracy. However, the compromise could weaken their position considerably.

The eight-nation Commonwealth Ministerial Action Group (CMAG) ended two days of talks on Nigeria by announcing it would ditch the threat of imposing sanctions and would send a fact-finding mission to the oil-rich African state.

But the price they paid for the compromise - designed to ensure that dialogue with the Abuja government did not grind to a halt - could come back to haunt them.

Although several members previously insisted Nigeria should guarantee Commonwealth officials access to opposition groups and human rights campaigners, the ministers decided to abandon the idea yesterday.

"If you wait for guarantees in this life you never get anything achieved. You have to venture forth and we're venturing forth, all of us together," Lynda Chalkley, the British Overseas Aid Minister, told reporters.

Last month CMAG scrapped a fact-finding mission when Abuja denied access to opposition groups. Ministers said they hoped an-

other visit would take place by the end of the year.

Nigeria was suspended from the Commonwealth in November after it executed author Ken Saro-Wiwa and eight other human rights activists.

"It will be a very interesting visit," said a Canadian Foreign Minister Lloyd Axworthy, who softened his position to fit in with his colleagues.

The Nigerians want to discuss their suspension ahead of any other topic and CMAG's new stance could result in ugly scenes if a ministerial visit is denied access to leading dissidents.

Zimbabwean Foreign Minister Stan Mudenge told reporters

he hoped the Nigerian government would co-operate.

"We have made it clear to the Nigerians what it would take for us to be able to make a formal assessment of the situation in the country," he said.

"When we are in Nigeria we'll meet those people who have an opportunity to meet us. We hope to have access to anyone who can be of help to us."

Axworthy, who has taken a consistently hard line on Nigeria, last week denounced "appeasers" for hampering efforts to deal with Nigeria.

He sought to play down his remarks yesterday, saying the atmosphere of the talks had been

"relentlessly cheerful"

CMAG agreed to a set of sanctions in April but suspended them until September to give Nigeria more chance for dialogue.

In June, Canada unilaterally imposed the measure, including a ban on sports links and arms sales, but experts say only an embargo on oil sales would hurt Nigeria.

Britain and New Zealand oppose the idea, saying it would hurt ordinary Nigerians rather than their leaders. And an embargo would only work with the support of the United States, which buys 40% of its oil from Nigeria - Reuters

THE SOUTH African Government faces growing domestic criticism from arms officials, human rights groups and political sources over a recent decision to sell weapons to Rwanda

South Africa, which on Thursday approved private sales of arms to Rwanda's government, is at risk of becoming known as a "source of destabilisation" in Africa, the *Sunday Independent* said in a front-page story

SA arms sales criticised

(254) Sowetan 30/9/96

Nan Cross of the advocacy group Ceasefire Campaign, described the decision as "highly questionable". "We should not be selling arms to governments which have not been democratically elected, nor should we be selling arms to politically

unstable regions," Cross said. "It was South African weapons that fuelled the genocide in Rwanda in 1994." An unnamed official from Armscor also questioned how South Africa had determined that Rwanda was a suitable country to sell weapons to, the *Sunday*

Independent said. Water Affairs Minister Professor Kader Asmal, who headed a committee that approved the sales, said last week that Rwanda's neighbours had been consulted about the sale of "defensive arms" to the country's

"legitimate government"

But unnamed South African diplomats working in the region said they were unaware of "significant" consultations with governments on arms sales to Rwanda, the newspaper said.

A spokesman for Asmal said the Minister would issue no further comment on the matter until next week, the *Sunday Independent* said. - *Sapa-AFP*

THURSDAY
OCTOBER 3, 1996 ★

NEW

SANDF PRESENTS EQUIPMENT SHORT LIST

A new navy — for R3.7bn

CT 3 / 10 / 96

(254)

THE REPLACEMENT of SA's three aged Daphne class submarines with four second-hand British vessels, at a cost of over R2 billion, is seen as being essential for the future of the navy. Political Writer **BARRY STREEK** reports

A MULTI-BILLION rand deal to replace South Africa's ageing naval fleet with four corvettes and four submarines is under consideration

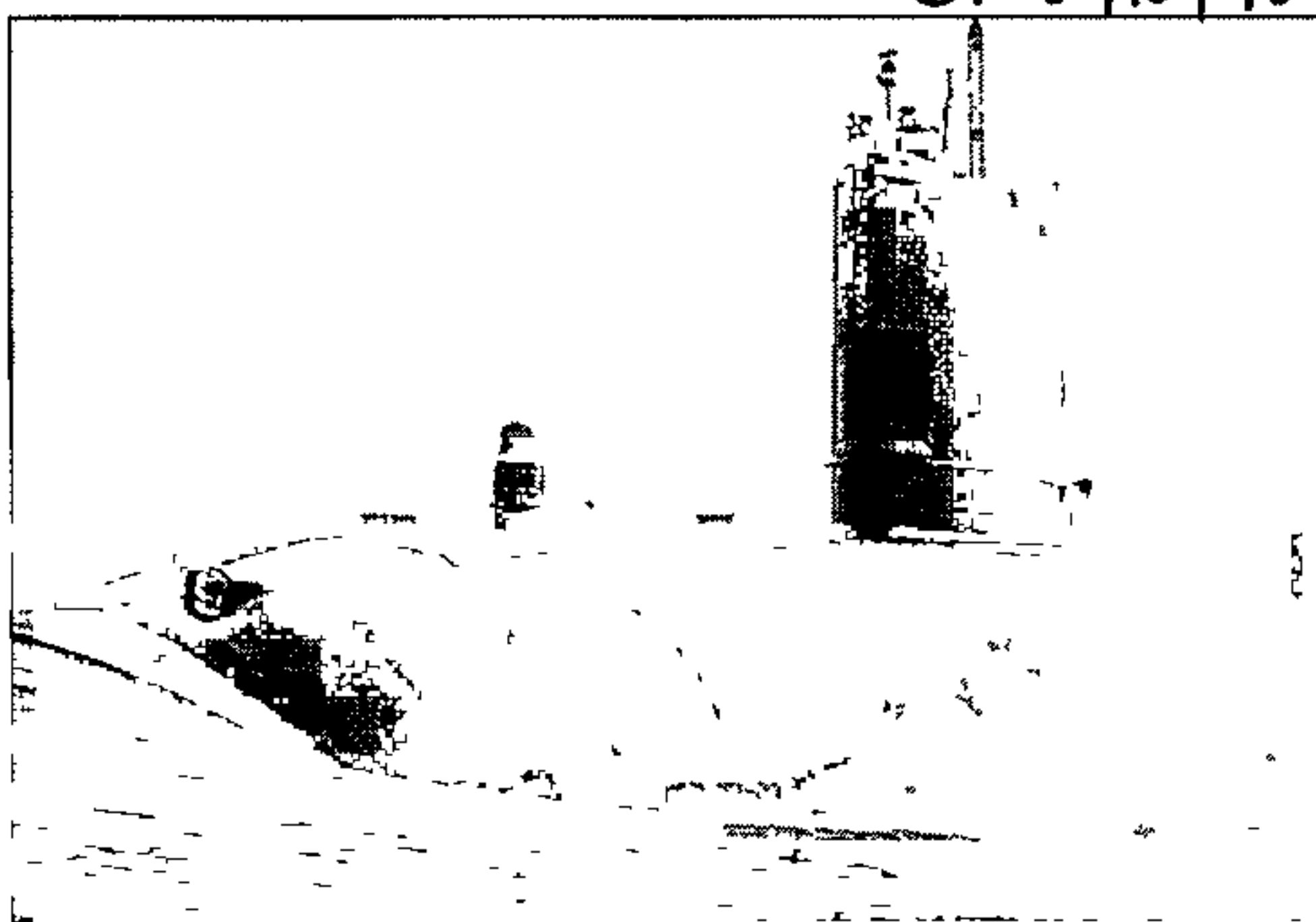
A decision to re-open negotiations on the controversial purchase of four corvettes, at an estimated cost of R1,7 billion, could be taken next week

And Parliament's Joint Committee of Defence could also give the green light for further negotiations about the purchase of four second-hand British Upholder class submarines for more than R2bn

The committee is to meet on Wednesday next week to consider the South African National Defence Force's short list for capital spending for next year's budget, selected from 145 projects listed in a secret military capital expenditure programme

The moves to re-equip the navy, as well as the army and air force, come at a time when the defence force is under increasing pressure to reduce spending in the face of expected budget cuts next year

All indications are that the purchase of the four corvettes will appear on the short list — and that this will be approved by the committee



SLEEK SUB: An Upholder class submarine on patrol. The vessel has a displacement of 2 455 tons, a top speed of 20 knots, and is armed with surface-to-surface missiles as well as torpedoes **PICTURE: RN**

Although the submarine contract needs a relatively quick decision if it is to go ahead, the committee is unlikely to give a go-ahead next week — but it is expected to endorse continued discussions and negotiations about the proposed deal

The committee chairperson, Mr Tony Yengeni, said yesterday it had been agreed in the Defence White Paper that South Africa needed an effective navy and that this required both surface and underwater craft

Earlier this year, Defence Minister Mr Joe Modise said the South African Navy would "fall to pieces" if the purchase of the four corvettes did not take place and he would have preferred it if they had already been built

The replacement of South Africa's three small and aged French Daphne class submarines has also become necessary if the

country is to maintain an underwater fleet. Last month, all three were out of service after a Japanese trawler damaged the navy's only operational submarine

Yengeni said his committee had asked the SANDF to brief his committee on its weapons and equipment needs, and to draw up a short list for next year's budget from its 145 proposals. It did not believe all these could be supported

"They have to decide what goes on the short list," he said

He also said he understood that a decision would have to be made soon on the British submarine proposal and his committee had asked the SANDF to investigate the matter further and report back

Yengeni said "I am sure the corvette programme will be part of the short list proposals by the defence force"

If his committee approved this, the whole question of the cost and

the offset counter-trade proposals would have to be investigated and discussed

He also said his committee had asked for "a detailed report" on the submarine programme

The Democratic Party's defence spokesperson, Senator James Selfe, said the corvette programme depended on the terms of the counter-trade proposals, as this would be decisive in determining the actual cost.

If the navy was to be a deterrent a submarine force was essential

The SA Navy had the technology, but the submarine shells were deteriorating rapidly, Selfe said

He said submarines could detect vessels fishing illegally in South African waters, but they could not make arrests, which had to be done by surface vessels

"That's why both submarines and corvettes are necessary," said Selfe

The proposed R2,03bn purchase of the four Upholder class submarines would be South Africa's biggest post-apartheid weapons purchase

If a deal is agreed, the money would be paid over 10 years

The four diesel-electric submarines were built for the Royal Navy in the late 1980s and early 1990s, at a cost of about £1bn (R7bn), but saw only brief service. They are now laid up in a shipyard, awaiting sale

They were initially offered to Chile and to Canada at about the same price South Africa would pay

Mr Helmoed-Romer Heitman, South African correspondent for Jane's Defence Review, said the price was good and their purchase would significantly bolster South Africa's navy

Judge frees six Malan co-accused

THE judge in the Kwamakhuta massacre trial yesterday acquitted six alleged members of the massacre squad, saying the State had not proved its case beyond reasonable doubt.

They faced charges of murder, attempted murder and conspiracy to murder. Judge Jan Hugo told the Durban Supreme Court that evidence by the two key State witnesses, also confessed accomplices in the massacre, could not be relied upon.

The six acquitted are Peter Msane, Celukwano Ndlovu, Martin Khanyile, Prince Mkhuze, Hloni Mbuyazi and Alex Bayela.

Hugo said although there were defects in their evidence, they deserved the benefit of the doubt.

The judge and his assessors were unanimous in their belief that the key State witness was a liar.

Hugo said yesterday that former Military Intelligence operative Captain J P Opperman's evidence was often contradictory, improbable or absurd.

This included his claim that he was appointed to command the massacre squad even though he had no combat training or experience.

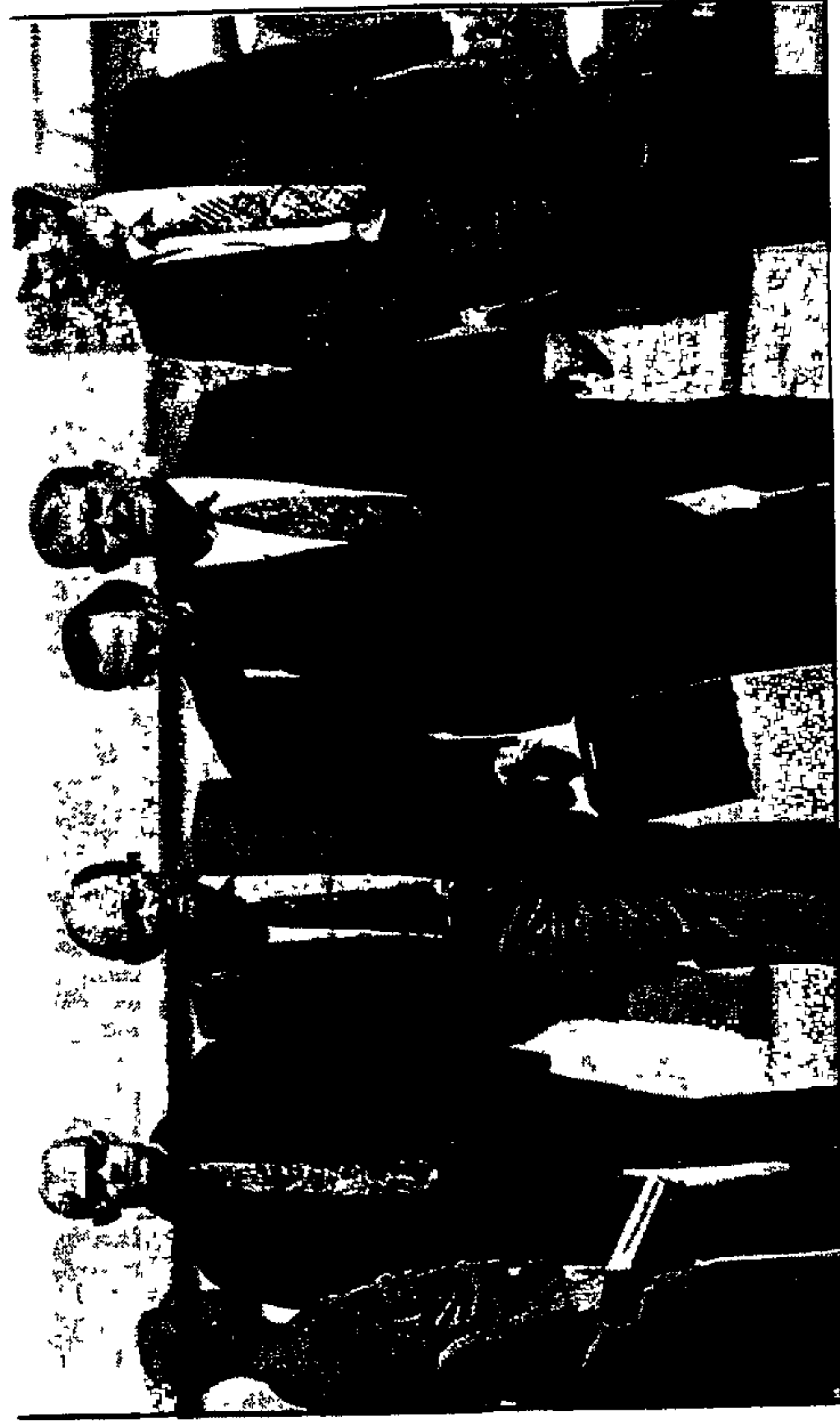
Hugo said Opperman's evidence that the target was a single man, United Democratic Front activist Victor Ntuli, was a clear lie in view of the large number of weapons and ammunition used.

He listed several instances in which Opperman changed his evidence. He said the careless way in which the attack was planned and executed tended to support the defence's suggestion that it was not an authorised military operation.

However, he added: "It seems likely to us that Opperman must have had backing from somewhere. The question is from where and from whom."

Hugo said Opperman's evidence that Port Natal police security branch major Louis Botha agreed to steer police away from the massacre site and to "sweep it" for incriminating evidence was particularly unbelievable. This is in light of the fact that Botha at the time believed Opperman to be a civilian, on Opperman's own evidence.

The judge also described as unsatisfactory evidence given by a second key State witness, former Military Intelligence operative Andre Cloete — Sapa



Minister Magnus Malan flanked by his lawyers arrives at the Durban Supreme Court yesterday morning.

*The World's Best Brandy
Recommends its
Diamond Jubilee
in Crystal*



FRIDAY
OCTOBER 10, 1996 ★

FORMER TOP BRASS AWAIT VERDICT

Six freed in marathon Natal massacre trial

DURBAN: Freeing six accused in the KwaMakutha massacre trial yesterday, Justice Jan Hugo slammed the evidence against them by the state's three main witnesses and said the six were entitled to the benefit of the doubt.

SIX people accused of having been part of a murder squad that massacred 13 people at KwaMakutha, Amanzimtoti, in 1987 were acquitted in the Durban Supreme Court yesterday.

They were in the dock for more than six months, along with some of the most powerful figures of the previous regime, including former Defence Minister General Magnus Malan, former SA Defence Force chief General Jan Geldenhuys and former army chief General "Kat" Liebenberg.

The remaining 10 accused are to learn their fate today.

Justice Jan Hugo ruled that evidence against the six by the state's three main witnesses, all confessed accomplices in the massacre, was unreliable. He said the state had not proved their guilt beyond any reasonable doubt.

Judge Hugo said he and his assessors, retired magistrate Mr T N Kruger and Maritzburg attorney Mr H Q Msimang, were unanimous in their belief that the key state witness, former Military Intelligence operative Captain Johan "J P"

Opperman, was a lying witness.

Although there were defects in the testimony of the six accused, Hugo said, they were entitled to the benefit of the doubt and were therefore acquitted.

The six are Mr Peter Msane, Mr Celukwano Nicholas Ndlovu, Mr Martin Thulani Khanyile, Prince Phezukwendoda Mkhize, Mr Hloni Andreas Mbuyazi and Mr Alex Vullndlela Biyela.

Justice Hugo criticised the way in which the case had been investigated and prosecuted.

He said methods used by the Investigation Task Unit led by Senior Superintendent Frank Dutton, including the apparent coaching of witnesses and transferral of paragraphs from witnesses' statements to those made by other witnesses, had led to apparent contamination of the evidence.

He singled out Dutton's evidence on lax security in 1995 at Iscor's Pretoria furnaces, where the massacre weapons were allegedly smelted.

Hugo said if Dutton had not meant the court to infer these were

the same security measures in force in 1987, the evidence would have been irrelevant. If the inference was intended, as seemed likely, then Dutton's evidence "was misleading, and probably deliberately so".

Judge Hugo said a failure of the prosecutor, KwaZulu-Natal Attorney-General Mr Tim McNally, SC, to call important witnesses had led to a vital lack of corroboration for crucial evidence against the six.

He said the state relied in its case against the six almost exclusively on the evidence of the three main witnesses which, because they were accomplices, was subject to cautionary rules. Other witnesses not subject to these rules had been available, but had not been called.

He said it was often contradictory, improbable or absurd.

The judge said the careless way in which the attack was planned and executed tended to support the defence suggestion that it was not an authorised military operation.

However, Hugo said, it was difficult to believe Opperman had planned the operation entirely on his own, as claimed by the defence.

He also described as unsatisfactory the evidence given by a second state witness, former Military Intelligence operative Sergeant Andre Cloete — Sapa

MAGNUS MALAN GOES FREE

Emotional scenes as all massacre accused acquitted

ARGUS CORRESPONDENTS

Durban - Magnus Malan walked out of the Durban Supreme Court today a free man after he and nine others were acquitted of all charges related to a 1987 massacre.

There were emotional scenes inside and outside of the court after Mr Justice Jan Hugo announced the verdicts. Inkatha Freedom Party deputy secretary-general M Z Khumalo, also acquitted today, immediately got through to IFP leader Chief Mangosuthu Buthelezi on a cellphone to convey the news.

Natal Attorney-General Tim McNally SC said he had no immediate response to the verdicts and would deal with the question later in the day. He said this was "the end of the line" and the State had no intention of lodging an appeal.

Judge Hugo said it was quite apparent General Malan was involved in establishing Operation Maroon, but that he had not intended or foreseen the activities that would flow from it.

The acquitted today on charges relating to the Kwamakhutha massacre were M Z Khumalo, Lieutenant-Colonel Gerhardus Jacobs, Brigadier John More, Brigadier Cornelius van Niekerk, General Cornelius van Tonder, Vice-Admiral Andries Putter, General Kat Liebenberg, General Johannes Geldenhuys, Senior Superintendent Louus Botha and General Magnus Malan.

M Z Khumalo and the IFP's David Matubela led a procession of Inkatha supporters from the courthouse steps.

Not one of the three key State witnesses who were accomplice witnesses were granted indemnity at the end of judgment. Military Intelligence operatives Captain Johan Opperman, Sergeant André Cloete and Caprivi trainee Alex "Sosh" Khumalo were granted their legal right to address the court on their right to indemnity.

They declined to do so. Judge Hugo ruled they had not answered all questions put to them during the trial honestly and frankly. He denied them indemnity from prosecution for the massacre.

The State case rested on their evidence. In terms of section 204 of the Criminal Procedures Act, accomplice witnesses may be granted indemnity from prosecution, even if they incriminate themselves, provided they are truthful witnesses.

Mr Khumalo thanked his parents and followers for their support.

The first two of the accused to be freed today were Lieutenant-Colonel Gerhardus Jacobs, who was responsible for training the Inkatha recruits in the Caprivi in 1986, and former Durban security policeman Louus Botha, who was alleged to have removed incriminating evidence from the scene of the Kwamakhutha massacre in January 1987.

In acquitting Colonel Jacobs, Judge Hugo said his only involvement in the case was that he was in command of the trainees in the Caprivi, after which he had no further contact with them. Judge Hugo said there was no evidence to prove that the training provided in the Caprivi was intended for any unlawful purposes or hit squad killings.

The judge said he could not find a single inconsistency in Senior Superintendent Botha's evidence. The policeman's evidence that he knew nothing of Operation Maroon or Operation Kwamakhutha rang true. "His denials are infinitely more believable than the allegation of Opperman", he said.

On the conspiracy charge against Superintendent Botha, the judge said there was also no real evidence other than a few comments by Captain Opperman, that Superintendent Botha knew anything or participated in a conspiracy to murder in the years following the massacre. As he left the court, Superintendent

Botha said "I knew from day one that I was not involved". Asked whether he was relieved he said "Of course I am".

"I am exceptionally happy that the course of justice has run its course. Now all I am asking is that the court findings be accepted." He said he was always confident he would be acquitted. "It was not me, it was not me."

Asked if he had ever been concerned, he said "Do look like I am stressed?"

The smiling policeman was in a jovial mood as he thanked friends for their support. He is taking legal action against the State, but would not elaborate.

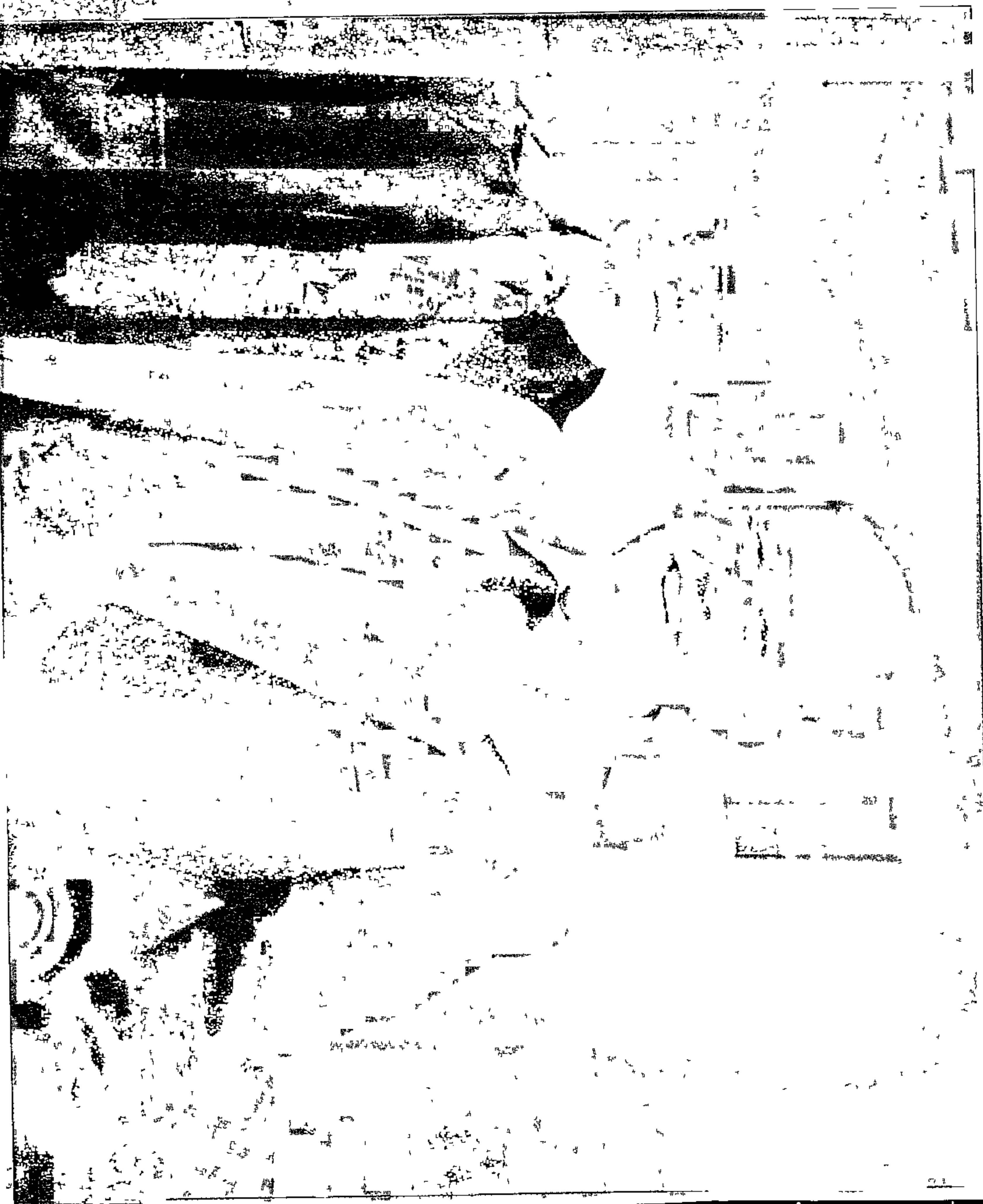
Asked if they would celebrate tonight, Superintendent Botha said "We already celebrated last night, the writing was on the wall".

Judge Hugo recapped earlier conclusions that the court found no proof that official military authority was given for Operation Kwamakhutha, which resulted in the massacre of 13 people. He said he found Brigadier John More - at one stage a senior staff officer in charge of Operation Maroon - articulate, intelligent and a dedicated soldier who was an "impressive witness".

Justice Hugo said Brigadier More maintained throughout his evidence that he understood the phrase offensive to mean nothing more than a reaction group against attacks, within the standard military definition of the word as outlined regularly in the documents before court.

"We see no reason whatsoever to doubt the evidence of accused 12 (More)", Judge Hugo said in respect of Brigadier More's denial that he had ever met Captain Opperman to discuss the planning and approval of Operation Kwamakhutha.

Brigadier More said he was relieved the case had come to an end. He said he knew from the beginning he would be found not guilty. "My heart goes



In page 3

Good cheer: Magnus Malan at the court in Durban. Mr Justice Jan Hugo said the general did not intend or foresee the activities under Operation Maroon.

(254) ARG 11/10/96

High emotion as Magnus walks free

(254)

From page 1

ARG 11/10/96
out to the family of lost loved ones in the massacre," he said

Meanwhile, the Truth and Reconciliation Commission could subpoena the 20 people originally put on trial. The TRC has confirmed there was a "a strong possibility" that all 20 could be subpoenaed to appear before the TRC.

KwaZulu Natal-Free State TRC co-chairman Richard Lyster said "Certainly we can subpoena them, but they are likely to be quiet."

He said Judge Hugo had said there was little doubt the KwaMakhutha massacre had been conducted by Inkatha supporters trained by the army at Caprivi.

"There would be a strong sense of frustration if everybody is acquitted. There are two different burdens of proof here. The court uses beyond reasonable doubt and we make our findings on a balance of probabilities," said Mr Lyster.

"The judge said there were clearly many unanswered questions."

Earlier, the investigation task unit whose detectives were responsible for gathering the State's case said it would reserve comment until judgment was over.

The judge slated aspects of the unit's work. Its previous head, Senior Superintendent Frank Dutton, was described as "self-satisfied" by Judge Hugo. Superintendent Dutton is currently working for the United Nations in Europe.

Inkatha supporters breathed a huge sigh of relief when the acquittals were announced and took to the streets outside with cries of "amandla". About 15 IFP supporters carrying traditional weapons started singing and dancing.

Police sharpshooters had taken their places on the roofs of buildings surrounding the court, while their colleagues in the public order policing unit manned barricades outside the building.

Police spokesman Captain Trevor Reddy said security forces were preparing for a demonstration.

Before today's verdicts were announced, Major-General Tienie Groenewald said he expected acquittals all round. He and his co-accused wanted to prove their innocence.

He thanked the legal teams and said the trial was fair and showed the truth commission there was a right way and wrong way. The way the trial had been conducted was the right way.

Massacre trial: more v



Judgment looms ... former defence minister Magnus Malan leaves the Durban Supreme Court (with a bodyguard and others) yesterday

Verdicts likely today



rs) yesterday.

Six accused 'entitled to benefit of the doubt' and freed:
judgments on Malan and the other nine continue in Durban

SAPA, REUTERS AND
OWN CORRESPONDENT
Durban

Former defence minister Magnus Malan and nine others accused of the Kwa-Makhutha massacre nine years ago could learn their fate today after the acquittal yesterday of the six men charged with actually firing the AK-47 shots that killed 13 people, including children, in the KwaZulu Natal hamlet.

Malan smiled broadly outside the Durban court after Mr Justice Jan Hugo announced his verdicts on the first day of his judgment after the more than six-month trial.

Malan and other retired generals are, apart from murder, accused of masterminding a covert divide-and-rule plot against ANC targets in the late 1980s.

Senior IFP politicians led the cheering yesterday afternoon in the Supreme Court when the six were acquitted of all charges, including 13 of murder, four of attempted murder and conspiracy to murder.

The court had been told that they were trained by the apartheid-era military in the Caprivi. They were in the dock for more than six months with some of the most powerful figures of the previous regime, including Malan, former defence force chief General Jan Geldenhuys and army chief General "Kat" Liebenberg.

The six filed out from their seats in the dock, leaving the balding Malan and grey-haired generals behind. The remaining defendants, who have also pleaded not guilty, were due back in court at

9am today

"Our boys are out, they are free, they can go home and start their lives again. We are relieved and we thank God," said senior IFP politician Koos van der Merwe.

Zakhele Khumalo, the party's deputy secretary-general, is the only Inkatha member still on trial, but Judge Hugo said yesterday prosecutors had failed to prove Khumalo knew anything of the bloody attack on the home of an ANC sympathiser.

Originally 20 defendants were charged with 13 murders, attempted murder and a wider and vaguer charge of conspiracy to murder. Four were freed earlier due to lack of evidence.

Giving judgment yesterday, Judge Hugo ruled that evidence against the six by the State's three main witnesses - all confessed accomplices in the massacre - was unreliable. He said the State had not proved their guilt beyond any reasonable doubt. He and his assessors were unanimous in their belief that the key state witness, former military intelligence operative Captain Johan "JP" Opperman, was a lying witness.

Although there were defects in the testimony of the six accused, the judge said, they were entitled to the benefit of the doubt and were therefore acquitted. The six are Peter Msane, Celukwano Nicholas Ndlovu, Martin Thulani Khanyile, Prince Phezukwendoda Mkhuze, Hloni Andreas Mbuyazi and Alex Vulindlela Biyela.

They were indicted with having been part of 206 Inkatha supporters trained secretly by the

SADF at a base in the Caprivi Strip as part of a State Security Council-sanctioned project codenamed Marion. They were charged for the attack at activist Victor Ntuli's house on January 21 1987.

Judge Hugo criticised the way in which the case was investigated and prosecuted. He said methods used by the Investigation Task Unit led by Senior Superintendent Frank Dutton, including the apparent coaching of witnesses and transferral of paragraphs from witnesses' statements to those made by other witnesses, had led to apparent contamination of evidence.

The judge also criticised investigators' failure to hold proper photo and identity parades.

He said a failure by the prosecutor, KwaZulu Natal Attorney-General Tim McNally, SC, to call important witnesses had led to a vital lack of corroboration for crucial evidence against the six.

The judge said the careless way in which the attack was planned and executed tended to support the defence suggestion that it was not an authorised military operation.

However, it was difficult to believe Opperman had planned the operation entirely on his own, as claimed by the defence. "It seems likely to us that Opperman must have had backing from somewhere," he said. "The question is from where and from whom."

He also described as unsatisfactory the evidence given by a second State witness, former military intelligence operative Sergeant Andre Cloete, who had been weak in the witness box and badgered into making "almost any concession"

Star 11/10/96

(254)

Witnesses slated as six go free in Malan trial

PO 11/10/96 (254)

DURBAN — Six former KwaZulu policemen accused of killing 13 people at KwaMakutha township were acquitted in the Supreme Court yesterday.

Judgment on former defence minister Magnus Malan, IFP deputy secretary-general Zakhele Khumalo and eight others blamed for organising the murders is expected today.

Reuter reports the six acquitted — Peter Msane, Celukwano Nicholas Ndlovu, Martin Thulamkhanyle, Prince Phezukwendoda Mkhize, Hloni Andreas Mbuyazi and Alex Vulindledla Biyela — had been accused of carrying out the attack on alleged ANC

supporters on January 21 1987.

The ruling began with a fierce attack by Judge Jan Hugo on the prosecution case, based on three key witnesses he referred to as "self-confessed criminals." He cast doubt on the reliability of the witnesses saying the court had to be aware they were "self-confessed criminals" who were trying to get some benefits by testifying. "We would have greatly doubted their veracity, even if they were not accomplices," he said.

The accused have pleaded not guilty to the charges. Four of the original 20 accused were acquitted earlier because

of lack of evidence against them.

Judge Hugo also criticised the methods of the investigation, saying some evidence was probably "deliberately misleading" and that the prosecution had failed to call numerous witnesses who might have been able to shed light on the affair.

Supporters in the public gallery erupted in cheers as the six filed out of the courthouse with beaming smiles.

Farouk Chothia reports the ANC KwaZulu-Natal region said it would be "forced to accept and live with" the ruling.

Continued on Page 2

Malan (254)
PO 11/10/96

Continued from Page 1

ing, but warned that in the "eyes of our people it may not be acceptable". The ANC said the prosecution team, led by KwaZulu-Natal attorney-general Tim McNally, had failed "our people".

The party's safety and security spokesman Bheki Cele said the onus now lay on McNally to "let us know" who had killed the 13 victims of the KwaMakutha massacre. The ANC also said it doubted its constituency would have faith in the judicial system unless it was transformed.

The IFP welcomed the acquittals, saying the state should be more cautious before embarking on prosecutions which had "high-level political

connotations". The verdict had strengthened perceptions that there was a preference for prosecuting IFP members in a bid to "deal" with opponents of government, the IFP said.

Truth commission KwaZulu-Natal spokesman Mdu Lembede said while he accepted the verdict, it had the "potential to send a wrong signal to people contemplating applying to the commission for amnesty" who had been awaiting the outcome of the Malan and De Kock trials before deciding what to do.

Attorney Howard Varney, who oversaw investigations leading to the prosecutions, said he was disappointed, but respected the verdict.

It should be noted that the court had "certainly" accepted that a prima facie case existed, but the State had failed to prove its case beyond a reasonable doubt.



Gen Magnus Malan outside the Durban Supreme Court yesterday.

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ACQUITTED: Former defence minister Magnus Malan walked free yesterday after standing trial with 19 others on 13 counts of murder, five of attempted murder and one of conspiracy to murder

PHOTOGRAPH AFP

Outrage and dismay over Malan finding

(254)

Star 12/10/96

OWN CORRESPONDENTS
AND SAPA

"Unbelievable," exploded Akhona Mvelase of KwaMakhutha when she heard that former defence minister General Magnus Malan walked free yesterday

Mvelase said she had hoped for justice after the massacre nine years ago of 13 children, women and men at a prayer meeting at the home of her neighbour, Victor Ntuli.

News that Malan was acquitted of masterminding the massacre polarised KwaZulu Natal

Malan and 19 others were charged last year with 13 counts of murder, five of attempted murder, and conspiracy to murder arising from the January 21 1987 killing of 13 people in KwaMakhutha, south of Durban

Four of the accused were acquitted during the trial, another six on Thursday and the rest yesterday Inkatha Freedom Party deputy secretary-general Zakhele Khumalo was among the accused

Mbusi Ntuli, whose brother Victor, an ANC sympathiser, was the intended target of the massacre, said "There is no way now I can feel reconciliation"

Victor Ntuli was not home at the time of the massacre, but was shot dead at a rally two years later

Mbusi, who was 12 at the time of the attack, criticised provincial Attorney-General Tim McNally for failing to call witnesses to testify during the seven-month trial.

ANC spokesman Dumisani Makhaye said. "In the eyes of our people this verdict may not be acceptable. The prosecution failed them. It is doubtful whether our people will ever have confidence in the judicial system if it remains the same"

IFP spokesman Ed Tillett said Makhaye's statements were a veiled threat that judgments unfavourable to the ANC could result in violence and that the ANC was entitled to hold the judicial system in contempt if judgments were "inconvenient"

The NP welcomed the judgment. Its Westville branch congratulated Malan, telling him: "You are still one of the world's best generals."



JUBILANT: IFP supporters celebrate the verdict outside the Durban Supreme Court yesterday PHOTOGRAPH: SHERELEE CLARKE

The trial sharpened animosity between the ANC and IFP.

The judge blamed unnamed IFP members for the massacre

About 15 000 people have died in a decade of warfare between the two groups over control of KwaZulu Natal. Political analysts said they feared the verdict could stir trouble.

IFP secretary-general Ziba Jiyane said his party was pleased with the outcome of the trial. He blamed politicians for pressing McNally to prosecute despite the fact that he indicated there was insufficient evidence

While IFP supporters celebrated the verdict outside the court yesterday, the ANC said it would study the judgment before issuing a detailed response "The ANC nonetheless unequivocally accepts and respects the decision of the Supreme Court in this regard," it said

However, the party questioned McNally's handling of the case, asking why he had decided to prosecute without ensuring adequate evidence was placed before the court

President Nelson Mandela said "I have confidence in the judiciary. I am a politician and am guided by their decision. I will not interfere in the judicial process." If South Africa wished to build its democracy, "we must respect the institutions of government, and the judiciary is a very important arm of government. We were not in court and did not have the benefit of hearing the evidence and cross-

examination. The judge had all those opportunities and I fully accept the decision," he said.

The investigation task board overseeing the investigating task unit which probed the massacre said it was disappointed by the court's findings.

Board member Howard Varney said the unit believed it had a compelling case against the accused. Although he had not studied Mr Justice Jan Hugo's judgment, he did not agree with some points raised by the judge

Right-wing parties welcomed the acquittal, saying it proved the trial had been a witch-hunt against Afrikaners. Conservative Party leader Ferdi Hartzenberg said the finding that state witnesses had been unreliable underscored the fact that attempts were being made to discredit the Afrikaner. The trial also proved the NP had let down those who acted on its orders during the apartheid years

Herstigte Nasionale Party leader Jaap Marais expressed delight over the verdict, saying the actions of Malan and his co-accused had been in defence of their country. The acquittal would put the Truth and Reconciliation Commission under immense pressure, he said

Cosatu was "extremely disappointed" by the acquittals, which would have "far-reaching negative consequences", while the PAC said the acquittals exposed an injustice against its Azanian People's Liberation Army and blacks in general.

ing trial with 19 others on 13 counts of
PHOTOGRAPH AFP

'I'M COMING BACK TO LOOK AFTER MY PEOPLE'

Malan to stand by his troops

GENERAL MAGNUS MALAN accepts full responsibility for orders issued while he was Minister of Defence and has vowed to ensure that soldiers who served under him during the years of struggle are not "persecuted" for their actions.

GENERAL Magnus Malan, acquitted in the trial arising from the KwaMakhutha massacre, intends to play a more active role protecting the soldiers who fought under his command "I am coming back to look after my people," he said

Malan and his 19 co-accused were acquitted by the Supreme Court, Durban, on 13 counts of murder, four of attempted murder and a conspiracy to murder

The judgment has received widespread criticism from the ANC and its political allies — but has prompted Malan to vow that soldiers under his command will not be persecuted for their actions in another development, an

office has been established at defence force headquarters in Pretoria to advise serving or former members who face investigation

General Kat Liebenberg, among those acquitted in the KwaMakhutha trial, has urged defence force members to contact the advice office if they are approached by investigation teams

Malan has appealed to soldiers who served under him not to seek amnesty from the Truth and Reconciliation Commission. He said the defence force would make its submission to the TRC next week. He said he carried direct political responsibility for the military instructions he had given during his term as Minister of Defence

"I can give the assurance that my instructions were legitimate," he said "The military instructions came from the cabinet, the state security council, Parliament and the Defence Act. The army's task was to protect the constitution of the government and uphold it"

He would not apologise for his military instructions and would stand by every national serviceman, Malan said

"Everyone who contributed to the struggle helped to prevent this country from becoming a smoking war ruin"

● Police Commissioner Mr George Fivaz said yesterday he would investigate criticisms of the police investigation into the KwaMakhutha massacre trial

"Any perception that important court cases are lost because of police incompetence can only undermine the credibility of the new SA Police Service," Fivaz said "Urgent steps will be taken to

obtain a copy of Mr Justice Jan Hugo's judgment to analyse his comments on the quality of the investigation"

● The ANC has accused National Party leader Mr F W de Klerk of responding with "distasteful and insensitive arrogance" to the acquittals in the trial

Speaking at a press conference, ANC deputy secretary-general Ms Cheryl Carolus said De Klerk, in addressing the NP provincial conference in Bloemfontein, had omitted those parts of the judgment that implicated the NP government

The judge had found the killings almost certainly were carried out by members of the IFP, which had received support from the NP government, Carolus said

No sympathy had been voiced for the massacre victims and their families, nor had De Klerk expressed concern that the killers were at large, she said — Sapa

ET 14/10/96

(254)

KwaMakhutha survivor bitter over trial verdict ⁽²⁷⁴⁾

Sowetan 14/10/96

By Sipho Khumalo

THE brother of the late Mr Victor Ntuli, the intended target of the KwaMakhutha massacre, says he is bitter about the outcome of the trial of General Magnus Malan and others

Mr Mbusi Ntuli (22), who survived the attack on that fateful day because he was in hiding with Victor, is scathing in his criticism of the outcome

"Justice has not been done," he said in an interview

Ntuli was also equally critical of KwaZulu-Natal attorney general Mr Tim McNally, accusing him of "engineering the defeat"

"He did not believe in the existence

of hit squads and he was in the Harms Commission, which ruled out the existence of hit squads," he said

Ntuli said that members of the families who survived the attack were willing to give evidence in the trial but McNally removed them from the witness protection programme

He also questioned why political commissar to the Caprivi trainees Mr Daluxolo Luthuli was not called as a witness

Against party

Luthuli is a self-confessed Inkatha Freedom Party hitman, who was also billed to appear as a witness after turning against the party

Ntuli also noted that President Nelson Mandela wanted reconciliation in the country and that his government forked out R7 million for the defence of the generals

"But there is nothing for us who were kicked out of our home. Our house is still being occupied by Inkatha

"It is unfair, Malan is going back to his nice house but we have nowhere to go," he said

The National Democratic Lawyers Association said the problem was that the country was trying to uncover the truth from the apartheid era using people who were themselves part of that system

Date change could cost us millions

CLIVE SAWYER
POLITICAL CORRESPONDENT

Another 6 000 former freedom fighters may have to be absorbed by the defence force – and become eligible for demobilisation packages – following last-minute changes to transitional arrangements in the new constitution

The move could cost taxpayers millions and could seriously disrupt the programme now under way to integrate former Umkhonto weSizwe and Azanian People's Liberation Army guerrillas into the National Defence Force

Gora Ebrahim, Pan Africanist Congress constitutional negotiator, welcomed the opportunity for members of the PAC's military wing to be included in the deal for for-

mer liberation army guerrillas. But Gerhard Koornhof, National Party spokesman on defence, said the African National Congress had used its majority for the last-minute change to be adopted, and charged that the ANC gravy train was at full speed.

"Without actually changing any wording in the constitutional transitional arrangements, the ANC moved the deadline for the closure of the certified personnel register from May 8, the first adoption of the constitution, to October 11, the second adoption date.

"By cleverly proposing that the date of October 11 be regarded as the adoption date of the constitution for the purposes of the list, they have added more than 6 000 names that are now going to qualify for demobilisation packages."

(254) ARG 15/10/96
Mr Koornhof said this would cost taxpayers millions, and it was doubtful that the defence force had budgeted to integrate or demobilise an additional 6 000 people. The ANC should provide details of the further cost and how it would be financed.

"The ANC has again proved itself a party of self-centred interest, seeking party political gain and public support at the expense of the taxpayer."

Under previous agreements, thousands of former freedom fighters were given the opportunity of being absorbed into the SANDF. Because the defence budget was severely cut almost immediately afterwards, they qualified – with members of the SANDF – for demobilisation packages and many have since left the defence force with substantial sums.

KwaMakhutha massacre probe may be reopened

Stephané Bothma

PRETORIA — The investigation into the 1987 KwaMakhutha massacre, which left 13 people including women and children dead, could be reopened, police commissioner George Fivaz said yesterday.

Following Friday's acquittal of former defence minister Magnus Malan and others in the Durban Supreme Court on charges of murder and conspiracy to murder relating to the massacre, Fivaz said an examination of the feasibility of reopening investigations into the killings was now required.

"After the acquittals, the SAPS is compelled to approach the issue on the basis

that the killers are still at large and must still be brought to justice."

He said it could not automatically be assumed that the KwaMakhutha massacre would be regarded as closed and that the real killers would go undetected. However, the feasibility of a fresh probe would depend on a number of judicial and other factors which would have to be closely examined.

Fivaz said a first step would be to study Judge Jan Hugo's judgment.

The judge's criticism of police personnel and the quality of the original investigation would also be analysed.

Meanwhile, Safety and Security Minister Sydney Mufamadi said he regarded

that the killers are still at large and must still be brought to justice. He said it could not automatically be assumed that the KwaMakhutha massacre would be regarded as closed and that the real killers would go undetected. However, the feasibility of a fresh probe would depend on a number of judicial and other factors which would have to be closely examined. Fivaz said a first step would be to study Judge Jan Hugo's judgment. The judge's criticism of police personnel and the quality of the original investigation would also be analysed. Meanwhile, Safety and Security Minister Sydney Mufamadi said he regarded

Hugo's criticism of the investigation task unit's handling of the case as serious and would study the judge's comments with a view to ensuring that future investigations always met the highest possible standards.

However, he said he had the highest regard for the work done by the unit's members, even if there might be aspects of their investigations which could be criticised.

Mufamadi said the unit achieved what the former NP government had failed to do, namely to present a compelling case to attorney-general Tim McNally and to persuade him that criminal charges against the most senior government officials of the past were justified.

(25/11)

Ed 15/10/96

KwaMakhutha massacre probe may be reopened

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ENTER THE COMMISSION

FM 18/10/96

The acquittal of all the accused in the Malan trial had hardly been announced by Judge Jan Hugo when the Truth & Reconciliation Commission declared that it was better equipped to establish the "truth about our past" than the trial court

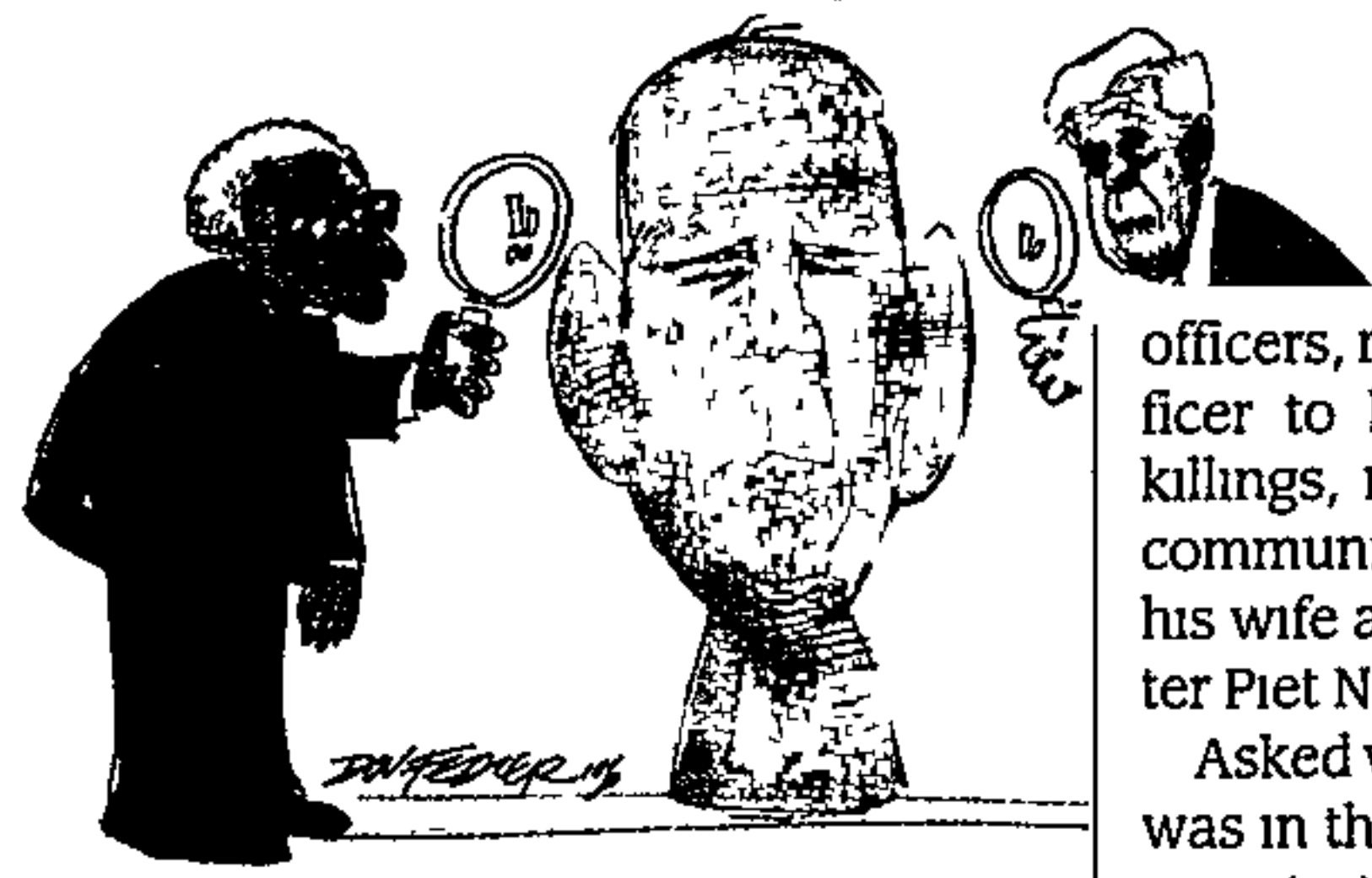
Before former Defence Minister Magnus Malan and the 19 co-accused could fully savour their freedom, the commission warned that it might conduct its own investigation "into the issues raised in trial" If it did, it would not hesitate to

"invite or subpoena" the acquitted men to testify before it

While asserting that the commission had a better chance of uncovering "the truth," chairman Desmond Tutu and his deputy Alex Boraine gave the assurance that they were not quarrelling with the court's decision

Boraine, however, was careful to stress during an interview with the FM his view that the processes of the commission were better suited to the task of locating the truth than those associated with criminal trials — not that the moral and/or intellectual qualities of commission leaders were necessarily superior to those of Judge Hugo or his peers in the Supreme Court

In a trial the judge is bound by the evidence which comes before the court and has to declare in favour of the accused if there is reasonable doubt, Boraine said At a commission amnesty committee



hearing, the applicant comes before the committee "voluntarily," knowing he can only succeed if he makes "full disclosure" about past political crimes, he added

The absence of the adversarial dynamic of trial courts puts the commission "in a better position in trying to establish what happened," Boraine contended

But one objection to commission hearings on human rights violations was that there was no cross-examination of witnesses, no testing of their testimony, and thus that "truth" might be distorted by poor memory, personal bitterness or ideological bias

Boraine — who did not dispute that the commission wanted to protect the victims of past abuses from the ordeal of vigorous cross-examination — offered a different perspective the Promotion of National Unity & Reconciliation Act lays down that the commission cannot make a finding without later contacting the alleged perpetrator and giving him a hear-

ing, including the opportunity of "limited cross-examination" of the witness "We will fulfil that requirement Due process of law will be observed," Boraine said

What of applicants telling the amnesty committee what they believe it wants to hear? Given the widely held perception of commissioners as ANC-orientated, was there not a danger of amnesty applicants tailoring their disclosures?

Boraine dismissed these fears as "far-fetched," citing four reasons

- The amnesty committee is headed by three judges — Hassen Mall, Bernard Ngoepe and Andrew Wilson — who are accustomed to weighing up evidence,
- The applicants are under oath to tell the truth and risk prosecution for contempt of court if they deliberately falsify their testimony,
- The commission has a team of 60 national and international investigators, all of whom are experienced detectives and whose task is to test evidence submitted to the amnesty committee, and
- The applicants will have to live among their own people after testifying and are, therefore, unlikely to lie

In the wake of the Malan verdict, the commission announced that it would hear amnesty applications soon from five former security force officers, ranging in rank from warrant officer to brigadier, on a series of past killings, including the assassinations of community doctor Fabian Ribeiro and his wife and KwaNdebele Cabinet Minister Piet Ntuli

Asked whether an amnesty application was in the offing from any of the alleged perpetrators of the KwaMakhutha massacre — for which Malan and his co-accused stood trial — Boraine replied "We honestly don't know But the Investigation Task Unit (which investigated the massacre and was largely responsible for the Malan trial) is considering making a submission to the commission"

Convener of the Investigation Task Board Howard Varney confirmed that the unit would make a detailed report to Safety & Security Minister Sydney Mufamadi and put its case to different "forums," including — by implication — the commission

In a carefully worded statement, Varney posed the question of whether the

acquittal of Malan and his co-accused had closed the inquiry into "third force" activities of the former government "I would argue that it is far from over," Varney said

He pointed out that the trial court had found that about 200 Inkatha men had been secretly trained by the former SADF at the request of Inkatha leader Mangosuthu Buthelezi, that the massacre of 13 people at KwaMakhutha had been carried out by members of the specially trained force, and that the attack had been planned by two members of the SADF's Directorate of Special Tasks, Johan Opperman and Andre Cloete

The question was under whose instructions did Opperman and Cloete (both of whom gave evidence for the State) launch the attack? It was not answered by Judge Hugo ■

If you're a middle-aged white man: Stand up!

By PETER De IONNO

WHITE, grey-haired men in the defence industry were made to feel like "little children" when Public Enterprises Minister Stella Sigcau picked them out about the slow pace of affirmative action.

At a meeting on Friday, Sigcau told some 120 senior managers from Denel and its subsidiaries to produce a radical plan for affirmative action by the end of the year.

"True black South Africans must be taken into the organisation and developed to take over management positions," she told the meeting.

An insider said the meeting was "hushed with trepidation" when she ordered all men with grey hair to stand.

"We felt like little children, but we all stood and waited for the minister to speak," he said.

"We did not know what was happening. Some of us thought she might order us to leave then and there."

"The minister said the next time she spoke she

wanted to see more black faces."

He described the mood as tense as Sigcau warned she would "step in to further the process of change" if she was not satisfied with management proposals.

"Denel is not mirroring the demographics of South Africa," she said.

Seven of Denel's 10 board members are blacks, but most of its senior managers and engineers are white, male and middle-aged.

Executives complain that there are too few

blacks with high-level engineering qualifications to fill top posts in the high-tech industry.

Denel and its subsidiaries account for some 80 percent of the R3,5-billion-a-year industry.

Sigcau announced she would appoint two black deputies to "support" Denel managing director Johan Alberts.

A Denel spokesman confirmed Sigcau had spoken about affirmative action but would not comment further. Sigcau did not respond to repeated requests for comment.

ST 20/10/96

SANDEF 'not ready for role'

Wendy Knowler

20 23/10/96

(254)

LONDON — SA's defence forces were not ready to be of service to neighbouring states or international peace initiatives, Parliament's defence joint standing committee chairman Tony Yengeni said in this week's issue of Jane's Defence Weekly.

Yengeni told the London-based magazine: "It would be wrong to push into such roles now. The SANDF is a relatively young force, with the integration process at an early stage."

"It needs time to cohere." In the longer term, Yengeni said, SA had a role to play in ensuring stability in the sub-region and on the continent.

That role should be deter-

mined collectively by the countries of the region," he said, through organisations such as the Southern African Development Community and the OAU.

Yengeni said SA's defence industry needed to look for international partnerships to survive. "There are already developments in this area ... the Europeans have been here all the time, the Americans are very keen and the Russians are seriously interested."

"We will also encourage diversification, spreading this industry's technology into the general economy," he said.

Prospects for companies such as Denel were "bright". The industry had good products able to compete on quality and price, he said.

MEC questions 'vast numbers' of councillors

Linda Ensor

CAPE TOWN — The necessity of having such a vast number of full-time councillors in Western Cape substructures when many municipalities were facing dire financial straits would be investigated, provincial local government MEC Peter Marais said yesterday.

Fresh from a field trip abroad, Marais noted that the six Western Cape metropolitan substructures and the Cape metropolitan council had a combined total of about 340 councillors who governed a popula-

tion about the size of Miami, which was run by five part-time councillors and a mayor.

The Cape Town council had 74 full-time councillors and Tygerberg 72. Atlanta, which had a population the size of the whole Western Cape, had 18 councillors, while San Francisco had 11 councillors and Chicago, with a population of 8-million, had 50 councillors.

Marais said he planned to instruct the Demarcation Board to investigate whether so many councillors were needed, especially as wages represented about 40% of the

budgets of some municipalities.

The second amendment to the Local Government Transition Bill, expected to be passed in Parliament on November 6, would empower MECs to decide on the size of municipalities on the recommendation of the Demarcation Board. However, changes could be made only after the 1999 general elections.

Marais said he would like to test public opinion on the possibility of directly elected executive mayors, noting that the ANC nationally was also exploring the idea. He also disclosed that no less

than 45 councillors in non-metropolitan Western Cape areas had been disqualified for being in arrears with municipal payments and announced a new "get tough" approach to non-payment.

The outstanding debt to municipalities for rents, rates and services in the province now totalled R750m. The situation was deteriorating in some areas where payers were refusing to pay until non-payers did so, Marais said. For instance, payment in George had dropped from 93% to 66% for this reason. Most of the disqualified council-

lors were ANC members, though some were NP representatives, Marais said. They automatically lost their positions once it was discovered they were three months or more in arrears.

By-elections would have to be held where the councillors were elected on a ward basis, otherwise replacements would have to be made from the party lists. Towns affected included Hermanus, Mossel Bay, Robertson and others. The final tally for the metropolitan areas would become known next week.

Bill to give 30 000 'struggle veterans' demobilisation payouts

Wyndham Hartley

CAPE TOWN — Legislation to legalise the payment of demobilisation packages to former ANC and PAC soldiers, at a still unquantified cost to the state, was tabled in Parliament yesterday.

The "demob" packages follow the approval in Parliament earlier this month of special pensions for "struggle veterans". It is understood that about 30 000 people could qualify

for the packages. The Bill provides for the payment of demobilisation gratuities to members of the so-called non-statutory forces who were integrated into the SANDF after the election and no longer wished to pursue a military career. Those in the SANDF who do not satisfy the military's employment qualifications will also be entitled to a demobilisation gratuity if the Bill is approved in its present form. Demobilisation of the people

falling into this category has already begun but there is no legislation to govern the process. The Bill was prepared to legitimise the payment of demobilisation packages to former Umkhonto we Sizwe (MK) and Apla soldiers. It validates all payments already made.

The explanatory memorandum to the Bill says gratuities will also be tax free up to a maximum of R30 000. The packages will range between R12 000 and R42 000, depending on length of service with either MK or Apla.

In terms of the legislation Defence Minister Joe Modise will appoint a committee to vet applications to ensure that they are genuine and appear on the consolidated personnel registers which the parties were required to complete before the integration process began. Last month the ANC was accused of using the delay in the approval of the final constitution to get a further 6 000 members of the former liberation armies on its personnel register. The cut-off date was supposed to be the adoption of the constitution in May but because it was sent back this allowed a new date for finalisation of registration. DP MP James Selfe said that if demobilisation allowed trained soldiers to be disarmed and retrained rather than having them running around with their weapons "then it will be money well spent".

BB 29/10/96

(254) ED 29/10/96

SANDEF and unions reach agreement

(254) Star 31/10/96

It has taken this major step after months of consultation

By NORMAN CHANDLER
Defence Correspondent

The South African National Defence Force has concluded recognition agreements with employee unions after months of consultation and work stoppages by some soldiers protesting against conditions of service.

The agreements are with the Public Servants' Association, the Public Service League, the National Education Health and Allied Workers Union and the South Africa Health and Public Service Workers' Union.

The defence force has told commanding officers of various units that they are obliged to hold regular meetings with the unions.

Where more than one union has members in a unit, a defence force departmental chamber has been established to do away with time-consuming meetings with individual unions.

A labour relations communication forum has also been established at each unit.

The forums, which will include the unit's commanding officer, its per-

sonnel officer, a secretary, members of employee unions and representatives of non-unionised employees, will promote sound communication and labour relations between the commanding officer and employees, monitor agreements, initiate education programmes and ensure that peaceful labour relations are maintained.

The recognition of unions by the defence forces a radical departure from the past when unions were not allowed to function on military property.

The rights of individuals to stop work or strike for any reason was specifically forbidden in terms of military discipline.

Since 1994, when integration of the armed forces began to become a reality, the SANDEF has been plagued by work stoppages and refusals by some soldiers to accept conditions of service.

This resulted in mutiny situations, particularly at the former Wallmansthal assembly area, and soldiers marched on the Union Buildings in Pretoria to protest in person to the president.

Stop Rwanda arms sales, SA urged

~~254~~ Star 4/11/96 (254)

By Ross HERBERT

Star Foreign Service with Sapa-DPA

Kinshasa - War fever spread through Kinshasa at the weekend when Tutsis fled the capital as students looted their homes, and a bitter rift between the army and civilian government broke into the open.

The conflict has focused new attention on South Africa's role as an arms supplier to Rwanda, and Kenya's president, Daniel arap Moi, is reported to have told President Mandela on the telephone yesterday that it would be "prudent" for him to suspend all arms sales to Rwanda.

In addition, a delegation from Amnesty International arrives in SA today to try to put pressure on the Government to do so.

Moi is to host a regional crisis summit tomorrow on the situation in Zaire, and is quoted in Kenyan news reports as telling Mandela that a halt in arms shipment to Rwanda could help stop the escalation of fighting between Zairean Tutsis and their army's troops in eastern Zaire.

The shipments should stop "until Rwandan troops withdraw from eastern Zairean territory"



Revenge ... General Aundu.

On Saturday, Zaire's Armed Forces Chief of Staff, General Eluki Mongo Aundu, bitterly criticised the government of prime minister Kengo wa Dondo for the defeat his army has suffered at the hands of Banyamulenge Tutsi rebels in eastern Zaire.

"We regret that the government is moving too slowly and has not given the necessary means," Eluki said.

He promised revenge against Rwanda, but his criticism more directly threatened to fuel the collapse of Kengo's government.

As the Zairean army and Tutsi

rebels fought for control of the strategic Goma airport in eastern Zaire (it was not clear whether rebels have fully taken Goma), hundreds of students stole vehicles from "Tutsi-looking" drivers, and attacked Tutsi homes and businesses and the Rwandan embassy on Friday.

Parliament has called for the ousting of all Tutsis from government jobs and the expulsion of Rwandan refugees.

Kengo, who is half Polish and half Tutsi, has seen his already weak hold on political power further damaged by the rising anti-Tutsi sentiment in Zaire.

"I expected a lot more emotion against South Africa because of arms sales. I attribute it to one thing only and that is the image of President Mandela. My opinion is, I think, that no arms should be supplied to this whole region," said Jan van Deventer, the South African ambassador to Zaire.

US ambassador, Daniel Simpson acknowledged the White House was pressing hard to commit the Zaire military to the country's transition to democracy.

► Aid workers evacuated

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Ex-guerrillas balk

(254)

CT 5/11/96

DAN SIMON

ALMOST 22 000 former Apla and MK members have chosen to be integrated or demobilised from the SA National Defence Force since the complex integration process began three years ago

But about 14 000 Apla and MK members whose names feature on the defence force register for integration have yet to exercise this right, the defence force says

Yesterday, for the last intake of the year, 11 Apla and MK members reported at the Castle They will be taken to Wall-

mannsthal, outside Pretoria, where they will undergo medical tests before being posted to their new commands

The head of integration process in the Western Cape, Lieutenant-Colonel M C Volschenk, said about 200 former combatants had applied for integration this year. But there were problems

"The people are not coming forward. We have many outstanding people in the Western Cape. Even though we advertise they still don't come forward. No one knows when it (the integration process) will end," she said

Lethal landmines sold in SA through classified ads

OWN CORRESPONDENT

JOHANNESBURG A stock of deadly landmines has been sold to South Africans by a Cape Town-based man who describes himself as a "commodities dealer"

More than 200 landmines and limpet mines have been bought by people he says are "white South Africans"

The man has refused to be identified. The cellular telephone number he supplied was that of a computerised answering service in the United States, which passed messages to him from prospective clients wishing to reach him.

The man had advertised M-18 Claymore, SPM, PMN, and PMD-2 mines in the "Under R200" columns of The Star's classified advertising section.

A police spokesman said police were unable to act unless a complaint about the sale was filed.

The advertiser claimed this week to have sold similar mines to forces in the Bosnian conflict. He

declined to identify the recipients, but said they had responded to advertisements in foreign newspapers. He declined to say where he had obtained the landmines.

"The people who bought my stock were all white South Africans"

The landmines cost between R15 and R140 to manufacture. The man sold them as a "job lot" at about R150 each.

Asked what the buyers had said they intended to do with them, he said "one or two said they would be placing them in strategic places in their gardens near high security walls"

Asked if he or his customers were aware that the landmines would be a serious danger to children and pets, he described some of the anti-personnel landmines as "safe". They would explode only if an object or body weighing more than 45kg was placed on them, he said.

From questioning, he appeared to know landmines were lethal and

unstable and that there was no such thing as a "safe" one.

Possession of landmines and limpet mines was an offence under the Arms and Ammunition Act, a spokesman for the South African National Defence Force said.

It is also an offence under the Defence Act as this country has declared a moratorium on the manufacture and supply of landmines.

The government has taken the lead in supporting the United Nations' Convention on Certain Conventional Weapons which regulates the use of mines, booby traps and other devices.

The International Committee of the Red Cross office in Pretoria says anti-personnel landmines are among the "deadliest and most insidious weapons in the world today".

"In the past 20 years there has been a dramatic increase in the use of mines to terrorise civilians (and) deny access to farmlands, irrigation channels and roads"

ET 5/11/96

(254)

Peacekeeping force 'already in training'

Wyndham Hartley

(254)

CAPE TOWN — Efforts to have a 10 000-strong SANDF force ready for peacekeeping duties in central Africa were being accelerated and it was expected that the "lakes states" would help determine SA's role in the troubled region, Deputy Defence Minister Ronnie Kasrils said yesterday.

Cabinet arms control committee chairman Kader Asmal also said that the incomplete arms deal with Rwanda could be halted if the summit of lakes states requested it. Asmal said half the material had been delivered. This consisted of armoured personnel carriers.

The lakes summit called by Kenyan President Daniel arap Moi, which will be attended by Kenya, Ethiopia, Tanzania, Cameroon, Uganda and Zambia, was welcomed by the foreign affairs department yesterday. An SA special envoy will attend the talks on the deepening crisis in eastern Zaire.

Kasrils said that training had been undertaken in the SANDF to prepare troops for peacekeeping duties, but the process was not finished. "It is an awkward time, but for how much longer can SA turn a blind eye to the carnage in Africa."

Kasrils said there was increased pressure to complete the training programme and to reappraise SA's readiness to deploy a peacekeeping force. He said SANDF actions would be determined by today's summit.

Asmal, asked about the controver-

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'YOU CAN'T ESTABLISH A PRESENCE WITH A SPEEDBOAT'

Future of navy in balance as corvette issue resurfaces

CT 6/11/96

(254)

DECISIONS will have to be made soon on the future of the South African navy if advantage is to be taken of attractive offers from overseas that could save the country billions of rands. **WILLEM STEENKAMP** and **HENRY LUDSKI** report.

RUNCH time is approaching for the SA Navy. The joint standing committee on defence may decide today on whether or not to equip the navy with the equipment it desperately wants — and many argue it desperately needs — corvettes and submarines.

Time is running out for obtaining either. Decisions have to be made soon to take advantage of attractive offers from overseas, and further delays will be costly and time-consuming to the taxpayer. As one observer put it, "the window of opportunity is going to slam shut on our fingers" if there are any more delays.

The corvette question has been brewing for three years now. It was deferred last year by Defence Minister Mr Joe Modise to await the completion of the defence policy process, after the Spanish shipyard Bazan was identified as the best tenderer to supply ship platforms (the hulls and machinery).

The acquisition of corvettes is intended to fill the gap opened in the navy's surface capability when the last of its frigates was mothballed in 1985, and to replace and augment its ageing strike craft, of which nine are now in service.

According to a navy submission to a joint standing committee meeting last month, the first corvette could be delivered by the turn of the century — if the corvette programme is given the thumbs-up now.

The submission recommended that the corvette programme

should go ahead "without delay" if it is to be "realised effectively" and to exploit the "significant economic benefit" to the country, and that new requests for proposals from Bazan and four other shortlisted companies be sought within months.

The submarine issue — an offer of four modern Upholder class submarines from the Royal Navy — is a much more recent development, but it promises a number of benefits to the navy, which at present has an embarrassing submarine operational readiness of 14%, but only if South Africa moves fast. Other countries, the navy says, also want them.

On offer are four modern attack submarines, literally for the cost of one, with a package worth R560 million, including training, documentation, technical data, simulators, tools and equipment, spares, logistic support for five years and reactivation of the submarines, thrown in free.

In another submission to the joint standing committee, the navy said its Daphne submarines are 25 years old and nearing the end of their design life.

The navy had planned to extend their service life till at the latest 2010 by undertaking an expensive life extension programme, but even this would be fraught with problems, such as a future lack of spares — France is phasing out its last Daphnes and has shut down spares production lines — and high maintenance and operating costs.

It would be much cheaper to buy Upholders than to extend the service lives of the Daphnes and starting a submarine acquisition programme. The Upholders — built at a cost of R7 billion — can be bought for R2,35bn, but according to the submission, refitting the Daphnes and starting an acquisition programme in 1999 would set South Africa back an estimated R6,9bn in 1996 rand terms.

In a draft report last month on defence posture, functions and force design, the defence review drafting team identified four force design options for the SANDF, ranging from a radically scaled-down but largely ineffective defence force to a larger, more expensive one in the long term.

The SANDF is known to be championing the "minimum growth-core" force design — a happy medium option that allows for capabilities and technology to be maintained and, if funding becomes available, enlarged.

The naval vision in this option is to create two maritime defence areas, one each on the west and east coasts, to protect the Table Bay, Saldanha, Simon's Town, Richards Bay and Durban harbours.

Defence in each of the maritime defence areas would in the form of a "layered approach" with patrol boats guarding harbours, mine hunters and minesweepers keeping harbour approaches clear, inshore patrol vessels guarding approaches, three strike craft patrolling the "intermediate area", and two corvettes covering the remainder of the area out to 200 nautical miles. Two submarines would patrol the whole maritime defence area.

$$13. (x^2 - 5x)(8x - 7) [64x^2 - 242x + 105] \quad 14$$

$$15. 4/3 (x + 1)^{3/2} + x^{3/2}/2 (x + 1)^{1/2} \quad 16. 0$$

$$19. \frac{1 - x^2}{(x^2 + 1)^2} \quad 20. 8x(4 - x^2)^{-2} \quad 21. 2(x + 1)^{-1}$$

$$23. \frac{-2x}{(x - 1)^3} \quad 24. \frac{2 - 4x}{(x - 1)^3} \quad 25. \frac{-\pi - a}{(\pi + x)^2} \quad 21$$

The only substantially different option for the navy would be for it to retain all mine strike craft, forget about the submarines and corvettes and lose its combat support vessel.

On top of this, maritime reconnaissance aircraft and combat helicopters would be cut from the air



NEARING END OF DESIGN LIFE: The French Daphne class submarine Miana van Riebeck was delivered at Simon's Town 25 years ago

force, a serious loss for an already hard-hit navy.

Retired Rear Admiral Chris Bennett, of the SA Aerospace Maritime and Defence Industries Association (AMD), said recently that any debate around the acquisition of corvettes and submarines had to take into account the reality that South Africa was a strategically important maritime area.

He said that because a national sovereignty had to monitor and control what happened in areas under its control, South Africa had to establish a naval presence to exert its authority.

"You can't establish a presence with a speedboat," said Bennett.

As a maritime nation, South Africa, with the only navy in sub-Saharan Africa that had submarines, needed the credibility and capability to effectively patrol the area under its territorial control. It also needed patrol craft capa-

ble of carrying helicopters, fast enough to catch transgressors and with enough striking power to be able to say "stop or else".

Bennett said South Africa couldn't allow its capability to deteriorate. "If we lose the knowledge of how to run our maritime force, it's going to take a long time to re-establish our competence," he said.

But Mr Peter Bachelor, defence economist at the University of Cape Town's Centre for Conflict Resolution, said he found it difficult to believe the purchase of the corvettes and submarines was even being considered, given that almost all government departments were in a "virtual state of collapse".

"They (the navy) have to make certain definite choices and have to accept that they can't continue to hold on to everything at the expense of other departments,"

said Bachelor. He also found it surprising that the issue of the corvette purchase had surfaced again before the completion of the defence review.

"Raising the issue before the completion of the defence review will, I believe, amount to a subversion of the whole process. I'm also not convinced that our strategic environment really warrants the purchase of this equipment," said Bachelor.

Joint standing committee chairman Mr Tony Yengeni said last week that reaching a decision on the purchase of corvettes and Upholder class submarines was "not an easy matter".

He described the decision as a clear case of "balancing the needs of the department" against those of the broader society. The committee was at pains not to make "rash and rushed decisions" because eventually the

South African people had to understand and be happy with the reasons for whatever decision was reached.

Yengeni said that if the committee eventually agreed to make expensive equipment purchases, it would be on condition these were off-set against, for example, the creation of jobs and technology transfers.

He said he took exception to the "simplistic" way in which the matter had been reduced to an issue of "houses vs guns".

"We are engaged in a complex process of determining our optimal and appropriate defence capability in very clearly defined parameters. We are working towards national consensus on the issue," he said. "I've become increasingly confident that we can formulate policy with this national consensus, but it has to be understood that reaching such consensus takes time. There-

fore, I am strongly opposed to people using defence matters to achieve their party political objectives, and it is not in our national interest or in the interest of national consensus for these decisions to be shrouded in controversy."

In his presentation to a recent naval conference on the navy's 1996 policy review, navy chief Vice-Admiral Robert Simpson-Anderson told delegates that the new constitution and White Paper on defence identified the SANDF's duties as defence of the republic, serving South Africa's international obligations, preserving life, health or property, providing or maintaining essential services, upholding law and order in co-operation with the police and supporting any department of state for socio-economic upliftment.

Simpson-Anderson went on to point out that the White Paper stated that "all these functions do not carry equal weight" and that "the primary function of the SANDF is to defend South Africa against external military aggression." The other functions are secondary.

"Therefore, the size, design, structure and budget of the SANDF will be determined mainly by its primary function."

But Simpson-Anderson, who has no choice but to highlight the navy's secondary functions in his motivation for buying corvettes and submarines, because there is no discernible military threat at present, pointed out that "the concept of defending the coasts is out of the question."

It was for this reason that the navy favoured the creation of the two maritime defence areas, guarded by a "modest" surface force based on "a credible submarine deterrent" — which he illustrated by highlighting the major deterrent role that both British and Argentinian submarines played in the 1982 Falklands War.

And therein lies the rub. The Daphnes and the strike craft have to go, either now or later, and have to be replaced to maintain the navy's present defensive capability. But without submarines the surface force would have to be substantially enlarged to compensate — which is politically and economically unacceptable — and without surface vessels, there wouldn't be a navy at all.

SA's arms deal with Rwanda is off, says Pahad

Kevin O'Grady

(254)
BO 7/11/96

SA's government suspended its R80m arms deal with the Rwandan government yesterday as a result of allegations that Rwandan troops were conducting cross-border raids into Zaire

Deputy Foreign Minister Aziz Pahad said the decision followed talks with leaders in the great lakes region and had been communicated to the Rwandan government in Kigali

The national conventional arms control committee, chaired by Water Affairs Minister Kader Asmal, would review the decision when the situation in the region had normalised.

The decision follows Tuesday's summit meeting in Nairobi of leaders from Eritrea, Ethiopia, Kenya, Rwanda, Tanzania and Uganda, which stopped short of calling for an end to arms sales. However, pressure mounted on SA to suspend sales. Kenyan state radio reported this week that Kenya's President Daniel arap Moi told President Nelson Mandela it would be "prudent" to suspend the deal.

Pahad said SA would announce what it would do to defuse the conflict in the region after a decision was made on the issue by the UN security council.

Informal security council discussions were already under way. SA's role in any security initiative would have to be funded by the security council and the EU, said Pahad. SA had been gearing up to take part in peace-keeping activities in Africa.

It was a misconception that arms delivered to Rwanda as part of the deal were fuelling the conflict, as only a small number of armoured personnel carriers had been delivered, he said.

However, Reuter reports that a UN security council report said on Tuesday that Rwandan Hutu rebels in eastern Zaire had been supplied with arms from Europe and SA by people based in Kenya. Security council investigators sought to trace the origin of weapons, the arms dealers and transit points through a number of countries including Bulgaria, the Czech Republic,

Continued on Page 2

Arms

Continued from Page 1

France, Britain, Italy, Belgium, Spain and Malta

Funds were raised by Kenya-based Hutus through counterfeit dollar printing presses and "war taxes" were imposed on refugees employed by aid agencies, the report said.

"Reliable sources in Belgium, Kenya, Rwanda, SA, Tanzania and the UK painted a coherent picture of huge, loose, overlapping webs of more or less illicit arms deals, arms flights and arms deliveries spanning the continent from SA as far as Europe, particularly eastern Europe," said the report.

Zaire's Kinshasa Airport appeared to serve as a hub for weapons shipments. All Rwandans under suspicion in Kenya were travelling on passports from Zaire. Investigators were awaiting details on an earlier report tracing SA weapons to Seychelles en route to Zaire, with money passing through Geneva's Union Bancaire Privée.

Sapa-AFP reports that President Pasteur Bizimungu of Rwanda said the international force to help refugees in Zaire could intervene without the approval of the Kinshasa government. It was up to the UN to call on Kinshasa to abide by the resolutions of the Nairobi summit meeting, he said. The UN had the "right to send a force with or without the agreement of the country concerned."

4 000 SANDF members take severance route

By **NORMAN CHANDLER**
Defence Correspondent

Almost 4 000 members of the South African National Defence Force, including officers, non-commissioned officers and chaplains, have retired from the service in terms of a special severance package deal announced earlier this year.

The SANDF said yesterday that 5 302 applications had been received up until October 28, and

of these, 3 937 had been approved by the minister of defence.

Appeals against 818 applications which were declined are being processed by the ministry.

A total of 538 army officers were among the 581 officers from the army, air force, navy, medical services and military intelligence who opted for the package. Of these, 449 were accepted with the remaining 132 appealing against their non-approval.

Non-commissioned officers the service

form the largest number of people leaving the military.

Of 2 082 applications from the army, 1 998 were accepted. Two from the air force were accepted with appeals lodged by 201 others, 24 from the navy with 129 appeals, and 84 from the medical services with 11 appeals.

All 11 military intelligence non-commissioned officers who applied are leaving.

Twelve chaplains have also left

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Stew 8/11/96

'Black soldiers marginalised'

By BENISON MAKELE

(254)

TENSIONS ARE mounting between former MK and Apla members and their white officers over the pace of integration in the Intelligence Division of Military Intelligence.

A meeting at MI headquarters this week - in which non-statutory force (NSF) members were allegedly told about the "temporary nature" of their appointments - ended without addressing their grievances.

The former guerrilla army military intelligence operatives told City Press about their misgivings.

They claimed they had been marginalised as "desk clerks" who do menial tasks - for instance, a major delivering mail to embassies around Pretoria.

They claimed they did not receive the duty sheets which are supposed to guide MI operatives in their work.

"All we do every morning is buy newspapers, go to our offices and read till knocking-off time," one officer said.

None of the black soldiers, not even the generals, have top secret clearance, NSF members alleged. Several directorates are still run by white officers exclusively, with blacks only serving as sentry guards and cleaners.

Among these are Human Resources Management, Staff Support, Covert Collection, Counter-Intelligence, Military Security and Veterinary, said the disgruntled officers.

Other allegations of "racist" treatment include:

- The Intelligence Division's merit assessment board is made up of only white officers.
- The selection of military attachés appointed to foreign countries is still in the hands of white officers and black officers hear about a vacancy only once it has been filled.
- Blacks are sent only to problematic countries like Rwanda, Angola, Zambia, Ethiopia, among others - but only as assistant attachés.
- Afrikaans is the only language of communication.
- Only white members get car subsidies and merit allowances.
- Despite a moratorium on promotions white officers are still being promoted.

SANDF spokesman Colonel CJS Rolt said the allegations were serious and would be referred to the Chief Director of Equal Opportunities, Major-General Andrew Maso-ndo, for investigation.

However, he said it "seems that many of these allegations are distortions or untruths" as "the integration process has been completed and the members were informed at a meeting on Wednesday that they had all been placed on the permanent service list."

Defence is part of Pretoria's 'new national vision'

ROY COKAYNE

Pretoria — Joe Modise, the defence minister, said yesterday the defence industry was the second-highest earner of foreign currency in the manufactured goods sector, bringing in more than R1 billion through exports last year.

Officially opening the Defence Exhibition of South Africa 1996 (Dexsa96), Modise said by guaranteeing stability defence laid a firm foundation for a confident and secure future and was therefore part of the government's new national vision.

"Our strategic vision, as a means of illuminating defence procurement options, is therefore based on our desire to create long-term commercial alliances through industrial co-operation. Such arrangements will need to be based on carefully managed countertrade and keen financing for procurement decisions of political and economic significance.

"We are therefore interested in government-to-government co-ordination of countertrade as an effective tool for economic, industrial and social development," he said.

Johan Alberts, the managing director of Denel, said exports of military equipment had progressed this year but admitted the company "had not been so successful this year". He said revenue would be variable because big systems were not sold every year.

Speaking after a briefing at Denel's exhibit at Dexsa96, he said last year Denel's export revenue totalled R1 billion, of which R175 million was attributable to commercial products.

Alberts said Denel was trying to counter this by boosting the export of its commercial products, such as

mining equipment, to countries like Canada, Australia and China.

Alberts said it was clear from the group's exhibit that Denel dedicated its capabilities to more than defence requirements. He drew attention to some of Denel's latest developments, including a tail rotorless helicopter, on show at Dexsa96.

Alberts said Denel was committed as a responsible player in the defence industry "in terms of our research and development, marketing, exports, returns on investment and our contribution to the country and all its people".

OT (BR) 13/11/96
(254)

PERTORIA — The defence industry should involve black business to help redress past imbalances, Defence Minister Joe Modise said in Pretoria yesterday.

Opening Dexsa 96, an exhibition of local defence technology at Waterloof Air Base, he called for an effort to create opportunities for disadvantaged black businessmen, managers and graduates.

The government is determined to identify the imbalances of the past, and expects the defence industry to

Call for black business role in arms sector

involve black business to make this possible," Modise said.

Modise said SA intended forming long-term commercial alliances with other governments.

"Such arrangements will need to be based on carefully managed counter-trade and keen financing."

"We are therefore interested in government-to-government co-ordi-

nation of counter-trade as an effective tool for economic, industrial and social development."

He said SA firms had already signed about 160 joint ventures with their international counterparts since the lifting of the UN arms embargo in May 1994.

Employing about 50 000 people, the defence industry was the second

highest earner of foreign currency in the manufactured goods sector and last year yielded more than R1bn through exports.

Modise said SA had established a responsible arms industry coupled with an efficient system to regulate arms imports and exports.

The integration of the SANDF had also progressed well, he said.

"We can claim that our national defence force is professional, capable and loyal to the government of the day and to our constitution."

He said SA realised it would be expected to contribute to peacekeeping operations in Africa and was preparing for this. Decisions would, however, be taken only in concert with the international community.

"Our defence industry is an indispensable partner in assisting us to achieve the capacity required," Modise said — Sapa

Defence may lose billions in funds

(254)

BY NORMAN CHANDLER

Defence Correspondent

show 14/11/96

The defence budget is set to be reduced by a further R3,3-billion – equal to about 26% – to help pay for socio-economic programmes, in particular housing and medical services

Military procurement will not be affected by the cutback, says Defence Minister Joe Modise

He and General Georg Meiring, Chief of the South African National Defence Force, said yesterday that discussions were taking place among various government departments as to the severity of the cut

The budget currently stands at R12,3-billion and it is understood from top military sources that the treasury is determined to take money away from defence in order to meet other needs

The defence budget has already been cut by 50% since 1989. The sources say R3,3-billion is the figure needed from defence for other government projects

Said Modise "Budget shrink is not confined entirely to South Africa alone. I can give the assurance that if the budget is cut, South Africa will continue to equip its defence force as we are strategically placed and must play a major role in the region. South Africa has to be defended

"There are negotiations taking place between different departments of state to determine exactly the allocation of our budget for 1997-98

"We hope that in terms of procurement we will be able to plan for new acquisitions and in such a way that it will not necessarily affect our procurement requirements"

The cutback is to take place even though thousands of senior personnel are leaving the SANDF in terms of rationalisation now under way and scheduled for completion in 1999. This will reduce force levels to about 70 000 from a high of 131 000.

It is understood that the treasury's proposal could be one of the reasons why no decision has been reached to buy four new corvettes or light frigates and four submarines for the navy, as well as frontline jet fighters to replace the ageing Mirage and Cheetah squadrons

DP 'APPALLED AT WASTE'

Malan trial cost R9m

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CT 14/11/96

THREE ADVOCATES whose services were used during the trial of General Magnus Malan and his co-accused earned over R1 million each. Political Writer **BARRY STREEK** reports.

TAXPAYERS paid nearly R9 million for eight defence advocates and three firms of attorneys in the trial of former Defence Minister General Magnus Malan and his co-accused — and three of the advocates earned over R1 million each

This was disclosed yesterday by Defence Minister Mr Joe Modise in reply to a question tabled in the Senate by Senator James Selfe (DP)

The four senior counsel involved charged R6 000 a day for court appearances and R600 an hour for consultation, while the four junior counsel charged between R3 200 and R4 000 a day

Selfe said the R9m spent on the legal defence of Malan and his co-accused would anger the already hard-pressed taxpayers.

"It requires no imagination to know that this sort of money might instead have been spent on building new schools, keeping hospitals open, maintain roads and employ police officers

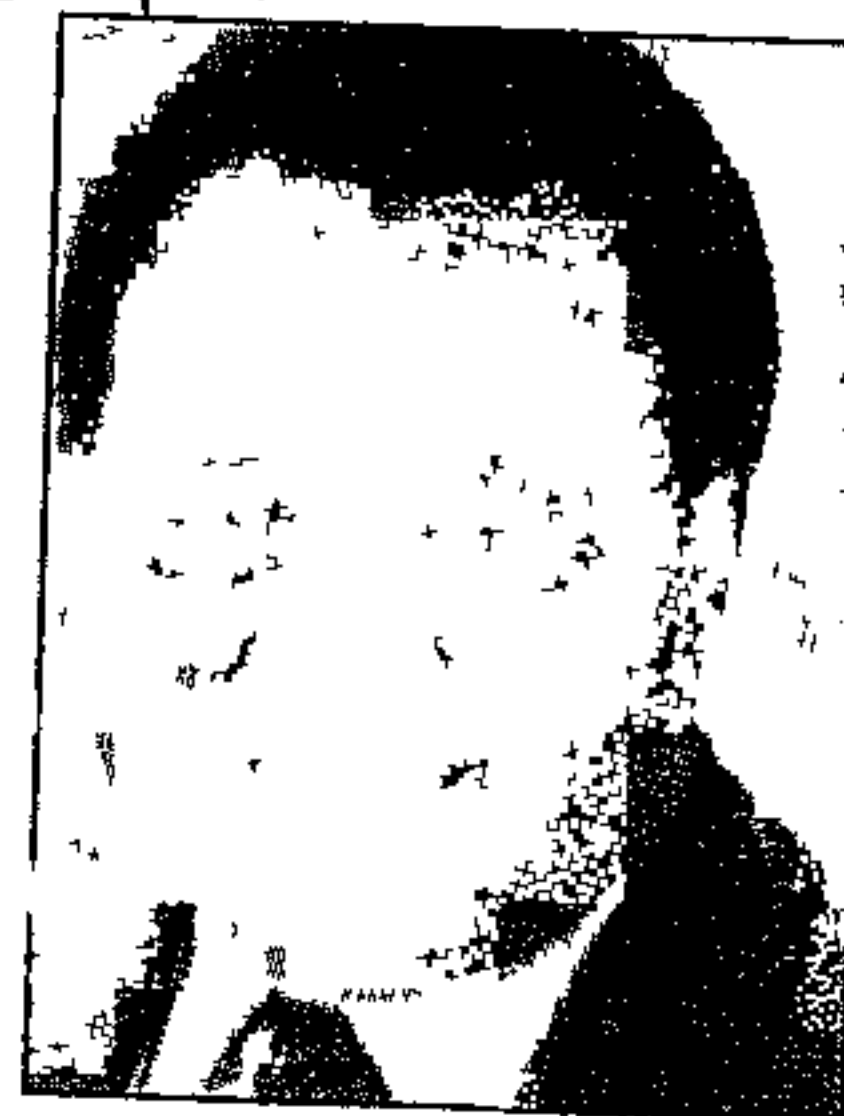
"We are appalled at this waste of money. Any ordinary citizen has, after all, to pay for his or her own defence," Selfe said

Modise's figures exclude the state's prosecuting costs in the trial

He said Mr J Engelbrecht SC was paid R1 013 820, Mr M Maritz SC R881 387, Mr S Mantz SC R1 013 861, Mr J de Vos SC R1 164 634, Mr P de Jager R745 961, Mr E Coetzee R731 041, Mr M van Zyl R626 403, Mr J Cilliers R716 104, Naudé Rademeyer and Joubert Attorneys R589 365 each, Malan and



DEFENDED: General Malan



DISCLOSED: Mr Joe Modise

Vermeulen Attorneys R542 365, PRT Rudman Attorneys R652 445

A further R321 529 was spent on subsistence allowances, administration costs and the screening team

Modise, at a very early stage of preparation for the trial, said potential clashes of interest had to be considered and an attorney in private practice was instructed to brief counsel to attend to this problem.

"He instructed two counsel at the Pretoria Bar to consult with all the accused concerned.

They had to establish clashes or potential clashes of interest and advise on the minimum number of defence teams which would be needed

"Four separate groups were identified in this way and consequently four separate legal teams were appointed," Modise said

Marathon Malan trial cost R9m ⁽²⁵⁴⁾

Wyndham Hartley

CAPE TOWN — The marathon trial of former defence minister Magnus Malan and others for the massacre of 13 people at KwaMakutha had cost SA taxpayers the mammoth sum of R9m, Defence Minister Joe Modise said yesterday.

Replying in writing to a question from DP senator James Selfe, Modise said four senior advocates, four junior advocates, and four firms of attorneys had been hired to defend Malan and the others on trial.

Modise stated that early in the preparations for the defence of Malan — which was dramatically successful with all accused acquitted last month — it was established that four different groups had been identified among the accused. Four legal teams therefore had to be appointed so as to avoid conflicts of interest between the accused in the trial.

Each team comprised a senior advocate, a junior advocate and a briefing attorney. Advocates were paid R600 an hour when consulting, and R6 000 a day when appearing in court.

The junior advocates earned between R320 and R400 an hour for consultations and then R3 200 to R4 000 a day for court work.

The four senior counsels earned about R1m for the trial. Junior counsel earned about R750 000 and instructing attorneys R500 000 each for the trial.

Legal fees for the 12 came to R8 677 584,13 with a hefty R321 533,46 paid out for accommodation and administration, taking the total cost to more than R9m.

Commenting on the figures, Selfe said: "This is a very considerable amount of money collected from very hard-pressed taxpayers.

"It is nothing short of a disgrace that people standing trial were given a 'Rolls Royce' defence at taxpayers' expense."

Whistle-blower Luthuli speaks out

(254) M+G 15-21/11/96

The Caprivi commander who exposed Inkatha hit squads is angry he wasn't called as a witness in the trial of Magnus Malan, report **Mehlo Mvelase** and **Ann Eveleth**

THE man who lifted the veil of secrecy once shrouding Inkatha Freedom Party-aligned hit-squads in KwaZulu-Natal launched a scathing attack this week on the prosecuting team who kept him silent during the Magnus Malan trial

Former Caprivi political commissar Daluxolo Luthuli spoke to the *Mail & Guardian* this week in his first interview since the "trial of the decade" — the bloodstained province's biggest third force trial — ended in acquittal in the Durban Supreme Court last month

Luthuli — who has been referred to as Chief Albert Luthuli's grandson, though he is only distantly related to the late African National Congress leader — said that from the beginning of the prosecution he had feared the murder conspiracy trial against former defence minister Malan and 19 other apartheid-era securocrats and IFP members would not succeed because of the failure to call witnesses like him

"From the beginning [the state] was supposed to prove the existence of the Caprivi, how they were organised

and who was responsible. When people like myself were not called, how were they supposed to prove how this paramilitary wing was created?" he asked

One of 73 potential witnesses listed by the state at the beginning of the trial, Luthuli is convinced his testimony could have bolstered the state's case. "There are a lot of things I could have added to that trial," he said

The presiding Judge Jan Hugo went even further than that: he referred to Luthuli as the *"fons et origo"* — the origin — of the whole investigation. Luthuli said he had expected to testify about the purpose of the 1986 Military Intelligence training of 206 IFP recruits in the Caprivi strip, as well as the selection procedures for spe-

cialised training and the meaning of key terms and phrases on which the state's case ultimately fell

"I understand the case was running around the word 'offensive'. Nobody gave a correct interpretation," he said. "I was supposed to be there to interpret those words 'offensive', 'defensive', so you know that if a defensive group has served and left the area, there must be an offensive group following in their footsteps"

The state alleged members of the defensive group of Caprivi trainees had collected intelligence on four potential targets, after which 10 members of the 30-man offensive group had carried out the 1987 Kwa-Makhutha massacre at the centre of the trial

Judge Hugo accepted that offensive group members had carried out the attack but ruled that their training could not be construed according to the primary meaning of the term "offensive", which is "to attack". Hugo accepted expert defence testimony that the term had an innocent or "defensive" meaning when used in a military context

Luthuli led the investigation task unit to the state's star witness, Johann Opperman, but says he now fears KwaZulu-Natal attorney general Tim McNally may have jeopardised his own testimony in future cases

Rejecting "that stupid quote [of McNally's] that I am an unreliable witness", Luthuli said he feared such a statement from the prosecutor could be used to discredit his testimony in other cases which are still pending. "It was up to the judge to say I was unreliable and then for McNally to charge me," he said

Although Luthuli had been involved in hundreds of incidents over several years McNally told the court he had not called Luthuli as he was an "unreliable" witness who had incorrectly stated that the KwaMakhutha massacre was a revenge attack for the death of a man who actually died six months later

Luthuli countered that McNally had previously called him to testify against self-confessed Esikhawini hit-squad members Romeo Mbambo, Gcina Mkhize and Israel Hlongwane "when I didn't want to be against them. I was the one who convinced them it was high time they told the truth. I wasn't even consulted or told I was going to give evidence against them," he claimed

The state called Luthuli in an unsuccessful endeavour to counter claims in mitigation by Mbambo and his co-accused in 1995 that they had acted under orders from senior members of the IFP and KwaZulu government

Convinced the state's three accomplice witnesses in the Malan trial — former Military Intelligence officer Johann Opperman, André Cloete and Caprivi trainee Alex Khumalo — were essentially telling the truth, despite the court's refusal to indemnify them, Luthuli says he is frustrated at the state's failure to secure convictions because the Caprivi men "were not recruited or trained as policemen, yet they were given police appointment cards. They have been involved in many massacres since KwaMakhutha [and] Military Intelligence were deeply involved. The Caprivi were their branch and if there were no Caprivi the violence would not be the way it is"

Luthuli admitted the acquittal of the Malan 20 had increased his personal fears, "because they all know who is responsible for them being accused as perpetrators of violence", but said he did not regret his 1994 decision to turn state's evidence because the truth had "relieved" him. "I feel more free now than ever before," he said

Luthuli said he looks forward to testifying before the Truth and Reconciliation Commission. "That is the place where I will open my heart"

McNally won't pursue new third force trial

M+G 15-21/11/96

Ann Eveleth

KWAZULU-NATAL attorney general Tim McNally has again come under fire from the Investigation Task Unit (ITU) probing hit-squads in the province after he declined to prosecute the third hit squad-related case brought before him since the October acquittal of former defence minister Magnus Malan and 19 others

The ITU's civilian board convenor Howard Varney said he saw "little prospect of organised political violence being exposed and stopped through the administration of justice" after McNally this week refused to prosecute former KwaZulu Police (KZP) commissioner Lieutenant-General Roy During and two senior KwaZulu government officials in connection with an illegal arms cache uncovered in 1993.

Last week McNally declined to prosecute former KZP deputy commissioner Brigadier Sipho Mathe in connection with allegations he issued a false police appointment certificate to a Caprivi-trained hit-man who had admitted to committing 24 murders.

Late last month McNally also declined to prosecute several senior IFP officials including provincial MPs on hit squad charges emanating from the 1995 trial of the Esikhawini hit squad. Varney said the cache referred to in the case investigated against During — comprising a light machine gun (LMG), a spare barrel and a large quantity of ammunition — was uncovered in a basement storeroom of the KwaZulu Legislative Assembly by a building manager in September 1993.

During arrived to investigate but, according to his own admission, stopped the investigation on the instruction of then KwaZulu chief minister Mangosuthu Buthelezi's administrative secretary Stan Armstrong who he claimed was his "superior": "According to During, Armstrong claimed that the weapon and

(254) ammunition was under the control of Robert Mzimela, then secretary of the KwaZulu government. Neither Armstrong nor Mzimela supplied During with an explanation," said Varney.

The ITU investigated charges of defeating the ends of justice against During for his role in stopping the investigation, and charges of unauthorised possession of arms and ammunition against Armstrong and Mzimela, both of whom continue to enjoy similar senior positions under the KwaZulu-Natal Government.

McNally confirmed his decision not to prosecute in the case but said this decision was taken by a member of his staff. Explaining the decision, McNally said: "The memorandum drawn up by the ITU and which accompanied the docket indicates a lack of confidence in the case. It stated that 'there does appear to be insufficient evidence against either Armstrong or Mzimela to make their prosecution on this case viable'. General During is described in the memorandum as 'a relative innocent in the affair'. The charge of allegedly defeating the ends of justice appears to have been something of an afterthought," McNally said.

Varney said the most serious charges were those against Armstrong and Mzimela, but agreed the evidence was "not that strong". Denying the charge investigated against During was an afterthought, Varney said the ITU had requested his prosecution by letter: "A strong *prima facie* case of defeating the ends of justice existed against General During. We should not have to explain to an experienced attorney general the seriousness of a police commissioner defeating the ends of justice."

McNally's office said, however, that there was "no evidence to suggest During ... [was] defeating or obstructing the course of justice. In fact During set in motion the investigation regarding the [weapons] ... The explanation of During that he



Tim McNally: The KwaZulu-Natal attorney general won't prosecute

received instructions from Armstrong must be accepted".

Varney countered that McNally's "assessment of the facts makes little sense. On During's own version he admitted to stopping a police investigation into the possession of a highly lethal weapon which has since vanished. During was the chief of police. Armstrong was not During's superior," he said.

Varney added that the ITU regarded the case as "extremely serious", especially in light of evidence led in the trial of Vlakplass commander Eugene de Kock that substantial weaponry from the SADF's operations in Namibia was illegally procured, some of which were handed over to IFP func-

tionaries in Ulundi: "It appears that light machine guns were amongst [these weapons]," said Varney.

McNally said "there is nothing in the papers available to me to suggest any link between the machine gun in question and Eugene de Kock". McNally added that "Varney is an attorney who is employed by the Department of Safety and Security as the convenor of the ITB. His role is that of an investigator. So far as I am aware, he has no experience as a prosecutor. It is his function to oversee the investigations of his unit. It is the function of the attorney general and members of his staff to make decisions as to whether to prosecute or not."

Military's greatest lie wa

WAS IN COURT

ILLUSTRATION DAVID HAZEL

Two prominent human rights lawyers have pointed to what they perceive as fatal flaws in the way the so-called Malan trial was conducted

They believe the prosecution, led by KwaZulu Natal Attorney-General Tim McNally, made a number of serious errors. Further, the authors contend that the court itself failed to play a sufficiently proactive role, which it could have done. Presiding was Mr Justice Jan Hugo.

The lawyers are Howard Varney, convener of the Investigation Task Board which did the groundwork that led to the State's case, and Jeremy Sarkin, associate professor of law at the University of the Western Cape and national chairman of the Human Rights Committee of South Africa.

They give a critique of the Malan judgment in an article that will appear in the December edition of the South African Journal of Criminal Justice.

Varney and Sarkin say *S v Peter Msane and Nineteen Others* was the most significant trial to date of politicians and security force members for crimes committed during the apartheid years.

The result of the trial, namely the acquittal of all the accused, will, according to the authors, have major consequences for a range of issues related to the criminal justice system, the Truth and Reconciliation Commission and attempts to end the cycle of impunity for criminal acts.

Equally serious, say Varney and Sarkin, is the fact that the result of the trial has strengthened the opinion of many South Africans that the existing system of criminal justice is deeply flawed because of its heritage as an apartheid institution. This crisis of legitimacy will continue.

In the article they state that many must be asking why the Malan trial accused were acquitted when the evidence appeared to point overwhelmingly to their culpability. A number of factors contributed to this outcome.

Serious errors by the prosecution included its failure to maximise the evidence available to it, its exclusion of crucial elements of the conspiracy from its presentation, its failure to present the documentary evidence coherently and systematically, its failure to call key witnesses, and its failure to raise key aspects of the case, for example, the question of the accused's foresight of the killings.

The authors contend that the court did not play a sufficiently proactive role. A criminal court is there to do justice. Although South Africa has a system where the opposing parties are adversaries in court, the role of a criminal court is not one of a mere referee, as a civil court is. The court was alert enough to see that the prosecution had fallen short in key aspects and it was highly critical of the prosecution.

Nevertheless, the court failed to apply its own mind to these matters and failed to intervene where the interests of justice required such intervention. The court further failed to pay sufficient attention to the evidential detail and to critically analyse the documents in relation to the oral evidence. This shortcoming led the court to draw certain conclusions which were highly improbable.

The authors point out that among other findings Judge Hugo stated that "practising deception in a military sense is one thing. Giving evidence in court is another". He held that while the military had carried out deceptions in the course of their work, they would be unlikely to mislead a court of law, because a court tests evidence "by documents or by cross-examination".

Varney and Sarkin say that, unhappily for the court and the truth and the administration of justice in South Africa, deception on a spectacular scale is precisely what happened in this case.

The case arose from the massacre of 13 people at the home of United Democratic Front activist Victor Ntuli at KwaMakhutha, south of Durban, in January 1987. The massacre took place in the context of increasing rivalry and bloody conflict in the KwaZulu-Natal region between Inkatha led by Chief Mangosuthu Buthelezi, and the UDF, which was aligned to the ANC. The court made the finding that

"There can be little doubt that the deceased at KwaMakhutha were gunned down by people

who were members of the trainees recruited by Inkatha and trained in the Caprivi."

According to military documentation this training and deployment followed requests from Chief Buthelezi for a paramilitary capacity, with an offensive component, "to act against the ANC". The response of the Government was Operation Marion which involved the SADF training and giving ongoing support to a paramilitary unit. The two central objectives were to protect Inkatha from UDF/ANC attacks and to act offensively against the UDF/ANC. The members of the paramilitary unit, some 206 men recruited by Inkatha, were secretly trained in the Caprivi Strip in Namibia during 1986.

Varney and Sarkin say it is evident from the documents that the offensive paramilitary capacity of Operation Marion was cleared at the "highest political level". The then minister of defence, Magnus Malan, was tasked by the State Security Council (SSC) with supplying the top secret paramilitary support. The project was managed by the Directorate of Special Tasks (DST).

Between 1987 and 1989 the paramilitary group was deployed in support of Inkatha's struggle with the UDF. The demobilisation of the paramilitary unit and the integration of many of its members into the KwaZulu police took place two-and-a-half years later, in mid-1989, only after "security problems" threatened to compromise the entire operation. These problems related to the threat of exposure following the arrest of trainees by the police for crimes

committed in the course of offensive actions.

The picture presented by investigators to the attorney-general was a simple one. Chief Minister Buthelezi requested a paramilitary capacity with an offensive component, the State Security Council authorised the military to supply such a capacity; and the SADF executed the plan.

The Investigation Task Unit (ITU) recommended that there was sufficient evidence to prove murder and conspiracy by members of the military and Inkatha beyond a reasonable doubt. It was accordingly recommended that

Paramilitary supported Inkatha against UDF

criminal cases be commenced against the 20 accused.

It was suggested that although there was a case against Chief Minister Buthelezi and members of the SSC based on inference and by reference in the documents, their prosecution ought to be considered at a later stage after further evidence had come to light. Nonetheless, the part played by Buthelezi and the SSC in Operation Marion was central to the charge of conspiracy.

Despite their necessary implication in the conspiracy, the attorney-general excluded Buthelezi and the members of the SSC from his description of the conspiracy. In his presentation to the court, McNally ascribed innocent roles

to Buthelezi and the SSC members even though he acknowledged that they had played key roles in Operation Marion. From this moment on, the case began to crumble. As was eloquently argued by defence counsel, if the State conceded that Buthelezi had requested nothing unlawful, and if the State conceded that the SSC had authorised nothing unlawful, it could hardly argue that the military's execution of the same plan was unlawful.

When Judge Hugo asked, at the stage of closing argument, why the State had not listed Buthelezi as a co-conspirator, McNally had little to say beyond echoing the defence argument that Buthelezi was known to be a proponent of non-violence.

There were two key sources of evidence before the court, the documentary evidence and the oral evidence of witnesses. The documents before the court set out the purposes behind Operation Marion and provided excellent corroboration for the oral evidence given by accomplices who were called as State witnesses.

McNally however failed to call key witnesses whom he believed to be unreliable, such as Caprivi trainee leader Daluxolo Luthuli, who was on a witness protection programme and whose information led to the exposure of the KwaMakhutha massacre and Operation Marion. McNally also declined to call as a witness or charge Colonel Mike van den Berg, the author of some of the most incriminating documents. The court itself declined to call Van den Berg as a witness, when it ought to have done so in the in-

terests of justice.

Although the accomplices' witness performances were poor, it was quite evident from the documents that the "offensive" capacity requested and supplied was intended in its planning, attacking meaning. The authenticity of the documents was challenged.

Varney and Sarkin say references in the documents clearly illustrated the unlawful intentions behind Operation Marion. Such references included:

"A report drawn up in October 1988 raised the concern that similar offensive steps (are) part of Marion's tasks", military personnel particularly those involved in "planning" could be "charged with capital offences" (crimes for which the death penalty could be imposed).

After the military had declined to phase out their support for offensive actions, a military memorandum dated May 2 1990, drawn up by Colonel van den Berg, referred to a meeting with Buthelezi and reported him as saying: "Offensive steps were still a necessity; meaning the deployment of hit squads".

In the same document, Mkhumalo, personal assistant to Buthelezi and Accused No 7, purported to have indicated that "at the minimum, cells were required that could take out undesirable members".

Proving the unlawful intention should have been elementary. But the attorney-general tied it to a cut-off date of the conspiracy to the incorporation of many of the trainees into the KwaZulu police in June 1989. The



s in court

(254) AMR 29/11/96

IRST

Relief ... former defence minister General Magnus Malan smiles as he emerges from the Durban Supreme Court on October 11 1996 after being acquitted of all charges related to the 1987 KwaMakutha massacre, a trial in which two human rights lawyers claim KwaZulu Natal Attorney-General Tim McNally's prosecution made a number of serious errors.



was notwithstanding the fact that many of the most incriminating documents were produced subsequent to this date

The failure of the prosecution to present a thorough analysis of the documents permitted them to be seen separately from the oral evidence

Only two passages in the documents appeared to be favourable to the defence version. One contained a reference to the offensive capacity and the other a reference to Buthelezi's intentions. The State failed to place these passages in context with the other more pertinent and direct refer-

McNally failed to call key witnesses

ences on the same topics. However, this failure of the prosecution should not have absolved the court from conducting its own comprehensive analysis of the documents to see whether corroboration of the oral evidence existed

However, the court failed to acquaint itself with the detail in the documents and to critically analyse the contents. An example of this failure was the court's dismissal of the relevance of paragraph 15 of Captain J P Opperman's duty sheet dated October 31 1988. Opperman was DST's liaison officer for Operation Marion and a witness for the State.

Paragraph 15 read "Offensive actions must only be carried out

by trained cells under strict control. Authority must be granted by DST-2 beforehand. Targets must be approved by Reeve, SAP (S - security branch) and SADF. Criminal prosecution of participants must always be taken into account." (Reeve was the military codename for M Z Khumalo)

The judge called the reference to "trained cells" an "aberration", and stated that the use of the word "cells" was strange as it had not been used before. Yet the very document produced before the duty sheet, a memorandum of October 1988 from Chief of Staff Intelligence to Minister Malan had referred to the training of "small offensive groups"

It read "Offensive steps and indemnity from prosecution is still a problem and solutions are required. Training of further small offensive groups which can act effectively without security problems is currently being investigated"

The "small offensive groups" were quite obviously the cells referred to in J P Opperman's duty sheet. Yet Judge Hugo raised the remarkable question "It would be interesting to know where this concept originated"

Another example of the failure of Judge Hugo to critically assess the evidence was his treatment of the "temporary disappearing" of the Caprivi trainee leader Daluxolo Luthuli, referred to in certain of the 1988 Military Intelligence documents

The military signal of August 31 1988 from the office of the minister of defence to the office of General Jannie Geldenhuys (Chief of the SADF and Accused No 18) revealed that there was a need to "temporarily remove" a certain member of the Marion group. This was Luthuli, who had been arrested by the police on a criminal charge arising out of offensive action

The evidence of General Neels van Tonder, head of DST and Accused No 14, confirmed that Luthuli had been charged and that it was necessary to spirit him away from the law to avoid the security problems that would flow from his prosecution, namely, the exposure of the whole operation

Senior military officers met with the two highest-ranking police officers, Generals Johan van der Merwe and Basie Smit, in an endeavour to formulate a method for dealing with such problems arising from the taking of offensive actions

The resolution offered by Van der Merwe was that "each case must be dealt with on its merits. There is no manner upon which to be proactive. Where a member is in difficulty, bail can be arranged, but then the member must be taken away"

The fact that the military was willing to subvert the course of justice speaks volumes. Such conduct typified the modus operandi of the military accused and should have settled the debate on whether offensive actions could be cast in an innocent light. Incredibly, Judge Hugo saw little significance in this evidence, dismissing it as "not the subject of any charge before us"

He also accepted the defence argument that in the context of military operations in the 1980s "offensive" actually meant "protective"

To prove guilt the prosecution had to show intent to murder on the part of the accused. This could be done by showing direct intent, or by showing that the accused foresaw the possibility of murders occurring as a result of the creation of Operation Marion, and continued with the project, reckless as to the consequences

The prosecution failed to present a case for liability based on foresight. The court criticised the attorney-general for raising the question of foresight in passing in his closing argument. Yet the court itself failed to focus any attention on this central aspect of the case. Given that the court directed numerous questions to the accused on other points of clarifi-

Full response

Human rights lawyer Howard Varney was an "integral part" of the Malan prosecuting team and his criticism amounts to "invective", KwaZulu Natal Attorney-General Tim McNally says

For his full response turn to Page 13

cation, this was a remarkable omission

The fact that unlawful conduct was foreseen was apparent from the earliest documents in which the military warned that indemnity from prosecution was required

That the Caprivi trainees would use their deadly skills proactively against their political enemies was more than apparent from the evidence. Yet the court failed to see this. Judge Hugo even described the training in the Caprivi as no more sinister than the training of guards for an agricultural society

Astonishingly, the court failed to appreciate certain basic facts which were common cause and which made such a comparison incomprehensible

Unlike security guards, the Caprivi trainees were recruited from one side in a bloody political conflict, after their training they were deployed under the control of political role players in the same violent struggle, they received no instruction on the law and when it was legally permissible to use lethal force. Security guards for farms are not trained secretly, nor are they trained to use AK-47s and explosives

Varney and Sarkin say the court found that the evidential probabilities were in favour of the defence version. In so doing, it drew conclusions and made speculations that were in themselves highly improbable

The court found that the accomplice witnesses "must have had backing from somewhere. The question is from where or from whom?"

The court made no attempt to answer this question. The only version before the court was that the backing came from the SADF's Directorate of Special Tasks

The defence claimed that the massacre was a "private frolic", a theory which the court dismissed. Under the circumstances, it was quite remarkable that even if the court was unable to link the accused beyond a reasonable doubt to the massacre, it did not find that the backing must have come from the SADF and Inkatha

The court accepted the defence contention that since the attack in KwaMakutha did not accord with the precision of a military operation, that it was unlikely that the SADF had anything to do with it. The State, however, did not claim it was a military exercise, but rather an action of Inkatha supported by the military

This modus operandi was consistent with the documents and in line with classic counter-revolutionary warfare principles adopted by the South African State in the 1980s

The argument of the military and Inkatha accused was that the purposes of Operation Marion were entirely protective and lawful. The defence claimed that the only reason for keeping the operation secret was to protect the political image of Buthelezi and to prevent a connection being made between the support provided and the State

The court accepted this version although it was highly improbable. If only lawful and protective services were provided, there was no reason why this could not have been done openly through expanding the KwaZulu Police or establishing a home or community-guard system. The State was already openly supporting KwaZulu police

In conclusion Varney and Sarkin say the acquittal of General Malan and his co-accused reflects the ongoing crisis in the criminal justice system in South Africa

The fact that the Malan case was wrongly decided suggests that the criminal justice system is ill-equipped to handle cases of this nature and makes a strong argument for the setting up of specialised prosecutorial teams. Without such specialisation, hit squads still operating in KwaZulu Natal, in the taxi industry and elsewhere will continue to enjoy impunity from the law. In the context of the rising incidence of violent crime, prioritisation of such prosecutions is an urgent need.

Judge Hugo's claim that the testing of evidence in court prevents those trained in deception from successfully exercising their skills, did not prove to be correct in this case

The military's greatest deception was not practised on the battlefield or in the political arena of the apartheid era, it occurred in the Durban Supreme Court in 1996

edom. They come along after removal of oppression and only call for the banning of licensed firearms. Who are they trying to affect? It would be black people, thus because GFSA does not have the idea of black people ownership, and being able to walk freely in "white" areas with firearms? Check the history of 1939 weapons ban in Nazi Germany, the restrictions in apartheid South Africa and the oppression of the Cuban people (to name but

a few) South Africans were forced to acquire illegal guns to counter government oppression

It is true that there are societies where there are no guns and people live in (relative) peace, so what? There are also societies that have an abundance of guns and live in (relative) peace. It is only those governments that do not trust their own people and which don't have the interests of their voters in mind that are the ones opposing private ownership

Geoffrey Sothorn Pinesgowie

Workers disadvantaged

sent workers in small work-

the Act is right to cut out ers and consultants who t make the processes slower

more technical and costly ut there should be an alterna- for unorganised workers

possibility is to allow unor- gised workers to be represent- y community advice office

ers. Such advice offices would t be accredited, non-profit- ing organisations. Another

ibility is for unions or federa- to cater for workers in small

nesses, area by area, perhaps gh their own advice offices

lah Rollnick ille, innesburg

Oppression?

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ught out from America by the rnaivsky brothers

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LETTERS TO US

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Markgraaff's achievements merit his departure

Just one month has passed since Andre Markgraaff heralded his "broad and sweeping plan" to revolutionise Springbok rugby. Listed below (in brief) are his achievements thus far

■ The vindictive assault on and dismissal of South Africa's hero, Francois Pienaar

■ A game plan that has produced - at best - entirely unconvincing performances against second-rate national sides, and an absolute thrashing by a Barbarian side

■ A decision by several top players (including Pienaar and Stran-sky) to give very serious consider- ation to playing their rugby in other countries

■ Growing anger and resentment from a cheated South African rugby nation, which will surely not tolerate such Machiavellian antics for very much longer

The ultimate insult, however, must surely be this: while there is no rugby club in the world which would not sell its own goal-posts to have Pienaar play for them, our coach would cool-handedly dis- miss him under the arrogant pre- text that Francois simply "doesn't feature" in his Springbok squad

The above traces Markgraaff's career over the past month alone, no mention has been made of the countless other embarrassments that he has caused our nation and our team, both in the boardroom and on the rugby field, since tak- ing up his post at Sarfu

His capacity to continue in this position would depend, by Mark- graaff's own admission, on a "flawless and convincing record of victories" in the current Spring- bok tour

On that basis alone, I would contend that it is he who simply "doesn't feature" in the future of SA rugby

Darren Margo Gallo Manor, Sandton

Germany also

This is just to tell Peter Sulivan (Opinion, November 4) that the wonderful English phrase "from time to time" is well known, and widely used, in the German lan- guage too

It is "von zeit zu zeit" A Schubert Alan Manor

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Winstons Saoli Oil on canvas "Primal mask"

Mahogany Victorian mantle clock

French gilt mantle clock c1910 (Napoleonic)

Art deco silver desert set

Bronze by Frank Miles "Free Spirit"

E Ngatane Watercolour "Newspaper reader"

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Martin Britz
Martin Britz.

Soldiers to learn about human rights

(274)

CT 3/12/96

BARRY STREEK

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