



American Committee On Africa

198 Broadway, New York, N.Y. 10038 / (212) 962-1210 / Cable AMCOMMAF

BRIEF REVIEW OF CURRENT
U.S. ACTIONS ON ENFORCEMENT
OF AN ARMS EMBARGO AGAINST
SOUTH AFRICA

Richard Leonard

April 1983



In January, 1983 the Reagan administration acted for the third time in less than a year to reduce restrictions on the sale of American goods to the South African military and police. The restrictions in force had been those imposed by the Carter administration in 1978, which had unilaterally implemented the 1977 arms embargo by banning all exports to the South African police and military. While holding to the terms of the 1977 embargo on arms and military equipment, the Reagan administration now allows the sale of all but the most sensitive non-military items. These include "commodities controlled for national security, nuclear non-proliferation, or crime control reasons" and also "automotive vehicles, watercraft, parts and accessories therefor, and tires." In addition, a validated export license remains required for the sale of civilian aircraft and helicopters with the condition that they not be put to military, para-military or police use. Similarly licenses are required for the export of computers to the five South African government departments enforcing apartheid laws and the Bantustan administrations, with approval for export given for uses not involving enforcing apartheid.

This pattern of relaxation of the Carter administration restrictions has been a reflection of the Reagan administration's policy of "constructive engagement" with the Nationalist

government. Each step in revising the export regulations can be seen as a reward for what is viewed by Washington as 'progress' by Pretoria towards a settlement in Namibia or towards political reforms in South Africa. More generally they show the determination of the Reagan administration to treat South Africa as a "friendly" country and as a strategic partner in the region.

It is also important to note that while the Reagan administration regulations have continued to ban sales to the South African military and police in several strategic fields, in fact these prohibitions have been eroded by various loopholes and exceptions. There are a number of examples.

* Although the administration continues the ban on the sale of light planes and helicopters to the South African police and military, in 1982 it allowed an exception to this prohibition by including "air ambulances" under the definition of medical equipment permitted to be sold to the military and police. Applications were approved in 1982 for the export of six Beech Super King 200C planes for this purpose, pending a decision by South Africa on which company to buy from. The Super King 200C has been used for military transport and also for reconnaissance by the US military.

* The sale of commodities controlled for nuclear non-proliferation to South Africa continues to be prohibited, yet

in 1982 it was revealed that since May, 1980 (during the Carter administration) the Commerce Department had approved five export licenses for the sale to South Africa's nuclear agency of equipment (such as vibration test equipment, computers and multichannel analyzers, and hydrogen combiners) which can be used in a nuclear weapons program. Approval was also given for the export of Helium - 3 for nuclear research, on assurance that tritium, a by-product of the research which is used in the production of thermonuclear weapons, would be returned to the US. In September, 1982 it was reported that the administration was considering an application for the export to South Africa of a hot isostatic press of a large size, which can be used to produce components for nuclear weapons.

Although the administration has not^{yet}/allowed the provision of enriched uranium for South Africa's Koeberg nuclear power plant, it did allow an American company to serve as a broker for the sale of enriched uranium for Koeberg by a French company.

Also, in January, 1982 the administration allowed uranium from South Africa to be enriched in the US for reexport for use in Japan. In sum, although the Reagan administration has formally maintained the prohibition on nuclear-related sales to South Africa, there has been an increasing tempo of such dealings permitted.

* While US export regulations bar the sale of crime control equipment to countries violating human rights, in April, 1982 the Commerce Department authorized the sale of 2500 electric shock batons to a private South African company. The decision was subsequently called "an honest mistake" by the administration, which also said that the export license barred resale of the batons to the police or military.

* The Reagan administration approved the export of two powerful computers (a Control Data Cyber 170/750 and an Amdahl 470/V7) to the South African Council for Scientific and Industrial Research (CSIR), a government-run body which sponsors research in a variety of strategic fields, including work for the military. There was said to have been concern at the Pentagon about authorizing sale of the Control Data computer (the first approved) because it is powerful enough to be used for breaking US secret codes and for nuclear research. Although the US required assurances that the computers would not be used for military or nuclear applications, verification is difficult. The new computers are to replace two IBM machines the CSIR.

* In 1982 it was revealed that the Commerce Department had approved the sale of two Sperry computers (one during the Carter administration and the other under Reagan) to the Atlas Aircraft Corporation, a subsidiary of Armcor producing military

aircraft. After Congressional protests, the Reagan administration included Armscor's subsidiaries within its definition of South African military entities.

The conclusion that can be drawn from the examples above is that not only has the Reagan administration greatly loosened the restrictions on the sale of goods to the military and police , but even in the narrow areas where restrictions have been kept in place the pattern of exceptions, special rulings, and mistakes that have occurred indicates that the remaining prohibitions are in fact quite porous.

It must also be stressed once again that in the production of arms and military equipment in South Africa Armscor has relied heavily on the private industrial sector. Private industry in South Africa continues to be dominated by subsidiaries of foreign multinationals and local South African companies and parastatal corporations continue in many cases to depend on foreign components and technology. As a result, military production in South Africa remains directly and indirectly dependent on foreign involvement through trade and investment. This is especially true in such key areas as electronics, the motor industry, chemicals , rubber, and iron and steel. The Reagan policies can only serve to increase US companies' links the South African military and police. This was reflected

in the comment of Representative Howard Wolpe, chairman of the House Subcommittee on Africa, who in hearing in December, 1982 displayed a foot-thick volume of transactions with South Africa approved by the Commerce Department since the Reagan administration took office and declared that some of them had been "very serious mistakes."

The policies discussed above deal with the question of the supply of non-military or "dual-use" goods to the South African military and police. In terms of the 1977 arms embargo, the central issue is the supply of arms and military equipment. One of the most significant violations of the arms embargo was the deal with the Space Research Corporation of the US and Canada through which South Africa acquired a long-range 155 mm artillery system capable of firing a nuclear shell. The violation and the ineffective investigation and prosecution which followed all took place under the Carter administration. In April, 1982 the House Subcommittee on Africa released a staff study of the Space Research case which concluded that the US government had a "non-system" for enforcing the arms embargo. It recommended major administrative measures to strengthen the enforcement machinery. It also called for an investigation by the House and Senate Intelligence Committees into the role of the CIA in the case. At the same point the New York Times, in an article on March 21, 1982 on the general problem of illegal arms exports quoted federal officials on the arms export controls: "the

system frequently breaks down....There's little anyone can do if a buyer misrepresents a shipment's final destination or simply represents arms as something else."

At hearings of the House Subcommittee on Africa in December, 1982 the State Department representative responded to the Subcommittee staff report's recommendations for strengthening enforcement procedures for the arms embargo, citing examples of the departments's recent efforts to improve enforcement. While the measures fall far short of the staff report's suggestions, they do indicate that the administration accepted the basic finding by the Subcommittee staff that enforcement of the arms embargo has been inadequate. The State Department representative also cited ten seizures of illegal shipments to South Africa by the Customs Department as part of its "Operation Exodus" to control exports of US arms and technology. In one of these cases, however, a man arrested for arranging to ship small arms said to be destined for UNITA was given a light sentence through a plea bargain, an indication of a continued reluctance by the government to strongly prosecute embargo violations. While enforcement of the embargo has recently been somewhat tightened by the administration, there have been a number of reports concerning various types of embargo violations which the administration has not responded to publically;

* The Washington Post (July 7, 1981) reported that South Africa was developing an air-to-air missile "similar to the US

Sidewinder" which is "guided by a US - made computer, according to one recent visitor to the missile plant." The Military Balance for 1981-82 and 1982-83 includes the Sidewinder in the South African missile arsenal.

* The Observer reported in October, 1980 that the Reshef missile patrol boats built for South Africa in Israel included major components from other countries, including "the latest US radar jamming and decoy systems." South Africa has since produced hulls for the Reshefs locally, but would clearly also have to rely on imports for main components.

* The Carter administration informed the UN Security Council arms embargo committee that it had stopped the supply of spare parts for the South African Air Force's C-130 Hercules military transport planes, but that South Africa was continuing to get the parts "from somewhere." It is clearly the obligation of the US to investigate the source of the parts South Africa is still obtaining so that the supply can be stopped.

* The Military Balance for 1981-82 and 1982-83 includes the US-made Lockheed L-100's (the civilian version of the C-130), operated by the South African government's commercial transport airline, Safair, in its listing of the South African Airforce Reserves. In light of this the US should cut off the supply of parts and service for these planes.

* In past years there have been a number of reports of US weapons produced under license in other countries

(mainly Italy) being transferred to South Africa. The Military Balance of 1981-82 listed South Africa as having 50 M-109A1 155 mm self-propelled howitzers (a US weapon) and 40 155 mm towed howitzers of an unspecified type. These are not listed in the 1982-83 edition. The 1980-81 edition lists 25 Agusta Bell 205A helicopters (a US weapon) in the South African Air Force, but these are not listed in following editions. There have also been reports of South African orders for M-113A1 armored personnel carriers (made in Italy under US license) and Commando V150 scout cars (made in Portugal under US license) but no firm confirmation of their delivery. There have been unconfirmed reports of US Lockheed F-104 Starfighters supplied from West Germany and of F-51D Cavalier aircraft supplied from the US. During the Carter administration the US said that transfers of US weapons to South Africa by third parties is "never authorized", but offered no investigation of the reports. This is clearly needed in the case of the weapons most recently listed in the Military Balance.

* A 1982 report on the Canadian Broadcasting Corporation charged that US Teledyne diesel engines were supplied to South Africa in 1979-80 and used to power refurbished Centurian tanks obtained from India via Spain, with a Canadian company as the intermediary for the transfer of the engines.

In addition to the cases cited above dealing directly with the issue of US enforcement of the arms embargo, there are other related issues which can be noted.

Although South Africa has made gains in self-sufficiency in military production there are many areas where it is far from complete and Armscor must rely on major imported components. The 1982 South African Defense White Paper makes no claim of self-sufficiency in producing airplanes, helicopters, tanks, or ships, for example. In light of this the policy of the Mitterand government of not cancelling arms agreements with South Africa made under previous governments (see the New York Times, February 12, 1982) is particularly significant. South Africa is assembling Mirage fighter planes with many imported components (see the Financial Mail, September 17, 1982) and has also begun assembling helicopters (Financial Times, May 25, 1982), most probably/^{French} Alouettes, from imported parts. Pretoria is planning to try to produce a locally-made helicopter by the end of the decade. South Africa is currently building additional Reshef missile boats, but as noted above these would have major components from foreign sources, perhaps through Israel as the intermediary or directly from other countries. Although South Africa claims to be producing Gabriel missiles for the Reshefs locally, Jane's Weapons Systems, 1982 suggests that given the small number of these missiles currently deployed by South Africa, it is probable that they are being imported from Israel.

It has been reported that South Africa has placed orders for Corvettes to replace its frigates and that the new ships would be built locally (Rand Daily Mail, February 26, 1982), and that the South African Navy also wants to build submarines. Again, however, foreign support is needed for these projects: the Rand Daily Mail (September 9, 1982) interpreted the remarks of Admiral Ronnie Edwards on these plans as "a reference to South Africa seeking international partners in building warships, particularly the submarines."

Two other reports can be cited to illustrate South Africa's continuing dependence on foreign sources of arms and military equipment. The New York Times (May 8, 1982) stated that according to Israeli officials, South Africa is the leading recipient of Israeli arms. At the opening in 1981 of a new chemical plant owned by the Armscor subsidiary Somchem the Rand Daily Mail (October 16, 1981) reported that a Somchem spokesman said that two countries had "assisted" South Africa in setting up the plant. The plants produce rockets and explosives for bombs.

The presence of Armscor, with the G-5 howitzer (the product of the Space Research Corporation deal) on display, at an international arms sales exhibition in Athens in October, 1982 raises a number of new issues. Pretoria has launched a major drive to break into the international arms market: the goal is to increase arms sales from about \$ 9 million in 1982 to about \$ 135 million within two years, mainly through sales

of the G-5 gun and its self-propelled model, the G-6. Experienced Western arms salesmen may be brought into the new marketing branch that Armscor has set up. Armscor is said to have potential customers in Africa, Latin America, and the Far East. This new move by Pretoria poses a major new challenge to the arms embargo. It represents an effort to break out of the isolation imposed by the embargo, openly gaining contacts and legitimacy in the arms field, and of course to earn money. The effort is significant because foreign sales can aid South Africa in achieving economy-of-scale in arms production which is obviously difficult to achieve given the limited size and budget of the Defense Force. An immediate effort is needed in order to add a provision to the arms embargo to bar the purchase of weapons from South Africa.

The problems facing the enforcement of the arms embargo cannot be separated from the escalating crisis in southern Africa. While the Reagan administration has pursued its policies of 'constructive engagement' with the Nationalist government, the vision of a Namibia settlement has been shattered by the escalation of South Africa's war in Namibia, its aggression against Angola, and its brutal campaign of regional aggression and destabilization. All the while the Reagan administration has attempted to tie the settlement in Namibia to the withdrawal of Cuban forces in Angola. For the past two years the Security Council Committee on the arms embargo has been shut down,

evidently because of insistance by the US that the issues raised before the committee would upset the delicate process of gaining South African cooperation.

There is an urgent need to bring international pressures to end South Africa's occupation of Namibia and its regional aggression. This means the strengthening of the arms embargo and the imposition of economic sanctions against South Africa under Chapter Seven of the UN charter.