

11th March, 1977

Mr. E. Howlands,  
Foreign & Commonwealth Office,  
LONDON, SW1A 2AH

Dear Mr. Howlands,

Thank you for your letter of 6th December, 1976, regarding our meeting of 8th July, 1976 as well as your reply of 20th January, 1977 in response to our letter of 4th October, 1976 to the Prime Minister concerning military equipment captured by the Mozambique authorities following attacks by Rhodesian forces.

When we met on 8th July, 1976 to discuss our Memorandum of 29th April, 1976, as well as matters taken up in earlier letters, it was not possible for us to cover all the points satisfactorily, partly due to lack of time, and you very kindly offered to let us have a written document concerning all the points which we had raised so as to enable us to understand the position and then take up any points which we felt needed further attention.

1. Since our meeting we have received Mr. Reid's letter of 10th November, which explains the operation of the Export of Goods (Control) Order 1970 and that was helpful. But it does not meet our objection to South Africa being accorded a special preferential status under the Export of Goods (Control) Order 1970. The loopholes which are created in the arms embargo by the Order are many and the Foreign Secretary's action last April in bringing the tropospheric scatter equipment under licensing control was a clear example of how equipment of potential and actual military significance could have been exported to the South African Armaments Board without any Government control. In that case we were fortunate that an employee of Marconi found it impossible on grounds of conscience to work on that contract and so the public was made aware of the existence of that contract. No doubt there are many other similar contracts made with the South African authorities which are not subject to Government control and are unknown to the general public. The situation is made worse by the policy of the Department of Trade not to provide information, even when requested by us, concerning South African contracts. For example, following an enquiry from me to the Secretary of State for Trade of 29th December, 1976 as to whether Marconi is also planning to sell tropospheric scatter equipment for use in Namibia we were informed that "It is not the practice to comment on application for export licences which, together with the information provided in support of them, are regarded as commercial in confidence". It seems as if IMG has decided to disclose even less information than before as regards possible military contracts with South Africa and since a wide range of items do not even require a licence for export to the South African defence authorities how can one ensure that equipment of military significance will not be supplied to

the Pretoria regime? We would therefore urge that instead of amending the Export of Goods (Control) Order 1970 as was done last year to bring one item under licensing control, the virtual favoured nation status of South Africa should be removed. We hope that HMG will give serious attention to this and we will be pleased to have your comments.

2. There is also the problem of ascertaining what type of equipment requiring an export licence for South Africa would be prohibited under the British embargo. We drew attention to this question in point 2 of our Memorandum. Clearly some equipment, such as military aircraft, is covered by the present embargo but how is the embargo implemented in relation to equipment which is sometimes described as dual purpose or indeed designed for civilian use but is used in South Africa by the military? We should like to know what criteria govern decisions of HMG in this area.

3. There are some problems which arise in the case of equipment supplied on the understanding that it is not intended for military use but is subsequently used for military purposes. For example, in the case of the Marconi contract, you assured us in your letter of 6th December, 1976 that it was only after "a most thorough investigation" that the Government reached the conclusion that the export of the tropospheric scatter equipment did not contravene Britain's undertakings in respect of the UN arms embargo. We have convincing evidence which leads us to conclude that the tropospheric scatter system sold to the South African Armaments Board will in fact be of considerable value to the South African military. However, if we were to accept the view of HMG which differs from our judgement, and were to find that in fact the system is used by the South African forces in future what action is then likely to be taken by HMG? On past record it would appear that the British Government would be unable to do anything and we should like to propose that in such cases where there is a change in the use of such equipment it should result in the total suspension of similar exports, the prohibition of all spares for equipment already supplied and adequate legislation to take action against British companies which may attempt to circumvent the embargo either directly or indirectly. If no such action is taken it would appear to be a relatively simple matter to obtain equipment ostensibly for a civilian purpose and subsequently utilise it for the military.

4. We should like to know whether it is still the policy of HMG to supply spare parts for equipment originally supplied by Britain, including the old Shackleton aircraft as well as the Buccaneers sold in 1964/65. Also, we should like to know what the position is regarding British Saracen armoured cars, the Ferret scout cars and the Centurion tanks - does present policy permit the export of spares for them?

5. There is the whole question of licensing arrangements,  
(1) for military equipment made in a third country such as in the case of Rolls Royce engines made in Italy and sold to South Africa and  
(2) equipment made under licence in South Africa.

From evidence available to us it appears that there is no restriction on British companies granting the right to one of

their subsidiaries in South Africa to produce British-designed equipment in that country or in a third country with the product ultimately reaching the Pretoria regime. This appears to be a major loophole in the embargo policy and we are aware that several British companies, including Marconi, have indicated that if they are unable to export British-made equipment to the South African military then they would make such equipment inside South Africa. We should like to know what restrictions are in force at the present time to prevent companies from circumventing the embargo in this way and what additional measures HMG is prepared to take to block this major violation of the UN embargo.

6. We would very much welcome a clear definition of what HMG means by the statement that we will "not contravene our undertakings in respect of the UN arms embargo". This statement is mentioned repeatedly but we are unclear as to which undertakings they refer to and whether it amounts to a qualification of the decision so far adopted by the Security Council. Perhaps you will be so kind as to refer us to the specific undertakings of HMG which govern the operation of the arms embargo against South Africa.

7. In our letter of 19th February, 1976 to Mr. David Ennals we raised several questions about the NATO Codification System for Spares and Equipment and in your reply of 7th June, 1976 you mentioned that the questions are very technical and that you would prefer the Ministry of Defence to comment. At our meeting in July there was not time to discuss this subject and we came away with the understanding that it would be covered in the comprehensive document to be sent to us. We would welcome receiving the information requested in our letter of 9th February, 1976 and would also like confirmation that Britain is among those NATO Members which provide the Codification System to South Africa. As you know we have been making representations to all NATO Members on this subject and made an appeal to the NATO Ministerial Council meeting in Oslo in May, 1976 to withdraw the system from South Africa. We are naturally keen to follow up this question in the hope that the Ministerial Council meeting in London next May will take a positive decision on ending such links with South Africa.

8. In past years Britain and South Africa exchanged surveillance and other information relating to the Cape Sea Route. Now that the Simonstown Agreement has been terminated we would like to know the nature and extent of that relationship and whether surveillance information collected by the Advokaat System is still passed on to Britain and whether South Africa receives any similar information in exchange.

9. Last year we wrote to the Foreign and Commonwealth Secretary on 26th April giving details about a visit to British Defence establishments by Dr. L. L. van Zyl of the South African National Institute for Defence Research. In a letter to the Prime Minister dated 29th April, 1976 (accompanying the Memorandum) we also drew attention to certain catalogues provided by the Defence Ministry which were seen in the South African Embassy. In our meeting of July 1976 these matters were touched upon but we would like to have it confirmed that HMG no longer permits visits such as that made by Dr. van Zyl. As to the catalogues, the Defence Ministry stated that British defence equipment catalogues are in fact

supplied to South Africa under existing policy. We should like to know if that is still the position. Also, as we stated in our letter of 29th April, 1976, the catalogues seen at the South African Embassy appeared to be NATO catalogues addressed to the Directorate of Codification and Classification in Pretoria. Was the Defence Ministry statement referring to these catalogues or to others? Does Britain supply NATO catalogues as well as British defence equipment catalogues to South Africa? We would welcome any information which you can provide us to clarify the position on this question.

10. We believe that South Africa is part of the Allied Communications Procedure (ACP) and uses the Codification System connected with it. Can you please let us have further information about this and whether it involves the system used by NATO Members.

11. In my letter to the Foreign and Commonwealth Secretary of 23rd April, 1976 we drew attention to the use of Rolls Royce engines for aircraft supplied to South Africa by Italy as well as for aircraft made in South Africa. In your reply dated 7th June, 1976 you pointed out that the licensing arrangements dated back some sixteen years and therefore preceded the arms embargo. There is now a new version of the Aeromacchi aircraft just manufactured in South Africa under the name of Impala II and it uses the recently developed Rolls Royce Bristol Viper Mk 632-43 engines. Are we to understand that the original licensing arrangements enable the Italian company to provide South Africa with new versions of British-designed engines without any control being vested in Britain? Or, is each new engine granted a specific licence each time? Whatever the position, it would be helpful if HMG could (a) take steps to cancel the licensing arrangements in so far as they affect South Africa and (b) ensure that all future licensing arrangements of this type contain a clause prohibiting their subsequent export to or manufacture in, South Africa. We have taken up the matter with the Italian Government as you suggested but any representations which can be made by HMG to Italy on this question will help us in our efforts to ensure that the British embargo is not undermined by other countries.

I have restated some of the outstanding issues which have been taken up with the Prime Minister and the Foreign and Commonwealth Secretary in various letters as well as our Memorandum of 29th April, 1976. We discussed certain questions at our meeting in July 1976 but partly because of the technical nature of the subject there remains a very wide area which we would like to be clarified.

Returning to the subject of your letter of 20th January, 1977 we have been able to ascertain the following information relating to the Ferret scout car;

Chassis No. 88BA15  
Engine No. 102845035E  
Catalogue No. FV141532  
Plate on Outside PFY  
of Vehicle PFY9763A.

We hope that with this information it will be possible for you to trace the origin of the particular car.



It seems to be the case that the Ferrets supplied to South Africa are now being used by Rhodesian forces. Taken together with the other equipment in the hands of the Rhodesian forces there does seem to be overwhelming evidence that the Pretoria regime is supplying considerable military equipment to the illegal regime despite its public denials.

With regard to Racal's "Transcriber" equipment we are surprised to learn that a British company, through its South African subsidiary, has produced equipment for use by the South African armed forces without any restriction or control. It seems clear to us that the equipment manufactured in South Africa has been passed on to Rhodesia as well since South Africa actively undermines international sanctions against Rhodesia. We find it very difficult to accept that Racal's South African subsidiary would not be a party to the supply of such equipment to Rhodesia; from our experience in these situations one should presume that South African subsidiaries engage in direct trade with Rhodesia from the Republic unless there is very strong evidence to the contrary. It is not possible for us to let you have further information about this but since your enquiries do seem to show that sanctions have been broken in this case we hope that IMG WILL make wider investigations to ascertain where responsibility for it lies and also to inform the UN Sanctions Committee as well as the Commonwealth Sanctions Committee for their attention.

You were kind enough to once again restate the policy of HMG in relation to a mandatory arms embargo against South Africa. We are familiar with the view of the Government but disagree with it fundamentally since we believe that the situation in Southern Africa created by the policies of the Pretoria regime amounts to a grave threat to international peace and security.

Finally, I should like to thank you for your co-operation and assistance in relation to the military equipment captured by the Mozambiquan authorities as well as to our several representations in the past. We realise that the matters raised in this letter involve considerable work but we are sure that in view of the importance of the subject you will be able to give it the attention which it requires and let us have the information which we request.

With best wishes,

Yours sincerely,

Abdul S. Minty  
Honorary Secretary