

CHAPTER 6

BUSH, THE TURN OF THE SOUTH AFRICAN POLITICAL TIDE AND THE ARMS EMBARGO, 1989 - 1992

6.1 INTRODUCTION

George W. Bush, Senior, served as Vice-President of the US during both terms of the Reagan Administration. In November 1988, the Republican Party, with Bush as their presidential candidate, won the elections with an overwhelming majority. Although this implied some continuity of the US global policy, some changes were inevitable.¹ In the words of Bush himself: "... *my Presidency will usher in the age of the offered hand, and that applies certainly to foreign policy. I've also spoken of a new engagement. Nowhere is the need for a new engagement greater than in foreign policy.*"²

The Bush Administration could be regarded as a watershed in global politics, although many of the incidents that occurred during its term were the outflow of efforts by the Reagan Administration. Major incidents that occurred during the Bush Administration included the fall of communism in Eastern Europe and the consequent fall of the Berlin Wall, as well as the independence of Namibia. In South Africa, a major political u-turn occurred during the Bush Administration. The country had been suffering under a huge burden of sanctions since 1986. By the end of 1991, a total of 28 states within the US, 25 counties and 91 cities had taken economic action against corporations with investments in South Africa. This amounted to a \$20 billion loss for South Africa. South African business confidence collapsed, along with internal investment, and this resulted in the drop of the long-vaunted high growth rate to an average of 1.3% in the 1980's and then into negative numbers in 1990, 1991 and 1992. Concerning the arms embargo, despite many leaks in the enforcement thereof, it was still effective, forcing South Africa to pay markups of up to a hundred percent for black market arms. This left the country with outdated military equipment, particularly as far as aircraft was

-
1. C.A. Crocker, *High noon in Southern Africa: Making peace in a rough neighborhood*, pp. 153, 394, 440.
 2. Bush Presidential Library (College Station). Public Papers: *Remarks* at the swearing-in ceremony for James A. Baker III as Secretary of State, 27 January 1989.

concerned. Adding to this burden was the escalating violence in the country, which now also included black-on-black violence.³

At the outset, it seemed as if the Bush Administration would be more outspoken against South Africa than the Reagan Administration. According to Herman Cohen, the Assistant Secretary for African Affairs, the basic principles that would guide the Bush Administration's policy toward South Africa were clear, i.e. its commitment to an end to apartheid and to fundamental political change, leading to a non-racial, democratic South Africa; full and strict enforcement of the Comprehensive Anti-Apartheid Act (CAAA) of 1986; the expansion of assistance to black South Africans; active US diplomacy to resolve conflicts and support economic development throughout the Southern African region; intensive consultations with especially South Africa's major trading partners and the front-line states; and closer cooperation with the US Congress on a bipartisan approach for US policy in South Africa. Nothing was specifically said about the arms embargo, but the remark on the full enforcement of the CAAA of 1986 indicated that all punitive measures against South Africa, including the arms embargo, would be strictly enforced in the hope and expectation that positive signs of a commitment to change by the South African Government would emerge in the near future. However, Cohen made it clear that the Bush Administration was not considering further sanctions at that moment, because of the fact that the South African Government under the leadership of F.W. de Klerk had indicated that it was prepared to take concrete steps to address the need for a negotiated settlement resulting in political equality for all South Africans.⁴

6.2 NAMIBIAN INDEPENDENCE AND THE ARMS EMBARGO

As discussed at various points in this study, the South African occupation of Namibia played a huge role in the institution of boycotts, embargoes and sanctions against South Africa. Many resolutions in this regard were passed over many years in the United Nations. Nonetheless, despite the arms embargo, South Africa continued to fight what they termed a communist take-over in Namibia. In their eyes, as well as in the eyes of Chester Crocker and Ronald Reagan, the war over Namibia was a geopolitical struggle between the East and West. But in December 1988, an agreement for withdrawal from

3. J. Davis, Squeezing apartheid, *Bulletin of the Atomic Scientists* 49(9), November 1993, pp. 18 – 19.

4. H.J. Cohen, South Africa: Statement before the Subcommittee on African Affairs of the Senate Foreign Relations Committee on 3 October 1989, *Department of State Bulletin*, December 1989, pp. 29-30.

Namibia and eventual independence for the country was finally agreed upon. When the Bush Administration took office in January 1989, they were faced with seeing through this agreement. The agreement was reached after all the parties involved reaffirmed their commitment to military withdrawal from Namibia and Angola by the communist Cuban troops and the South African troops. The end agreement was a compromise: the South African troops would start to disengage in accordance with a timetable set by the United Nations, while two-thirds of the Cuban troops would leave in the first year. Thereafter, the rate of departure would slow down for six months, where after the final twelve thousand Cuban troops would leave in the final nine months of the transition to independence. The United Nations would in the meantime create a verification team, backed up by international troops that would act as a peacekeeping force, to oversee the transition to independence in Namibia. The tripartite agreement between South Africa, Cuba and Angola was signed at the United Nations headquarters in New York on 22 December 1988.⁵

After the tripartite agreement was signed, plans for the peacekeeping force got underway fast. There was however one last obstacle in the way: the arms embargo and trade sanctions against South Africa. African nations in the United Nations complained about plans by the United Nations to buy \$10 million worth of fuel for the peacekeeping force from South Africa, as well as leasing mine-proof armored vehicles from the SADF and purchasing many other items regarded by the African nations as being covered by the arms embargo and trade sanctions against South Africa. Therefore, the African nations felt that supplying the peacekeeping force with South African products would be a clear violation of the arms embargo and trade sanctions against that country. As a result, they blocked for almost a week the adoption of a General Assembly resolution that would send a peacekeeping force to Namibia and start the process that would lead to free elections and independence.⁶

The African nations encountered strong resistance from the US in particular, which insisted, along with the other permanent members of the United Nations Security Council, i.e. the Soviet Union, China, Britain and France, that the size and cost of the Namibian peacekeeping force should be cut to a ceiling of \$416 million. In keeping

5. R.K. Massie, *Loosing the bonds*, pp. 642-643; P. Lewis, U.N. clears last hurdle to free Namibia, *The New York Times*, 1 March 1989, p. A3.

6. P. Lewis, U.N. clears last hurdle to free Namibia, *The New York Times*, 1 March 1989, p. A3.

within this budget, the Bush Administration argued that South African goods had to be bought whenever this proved to be the most economical. Many regarded this stance by the Bush Administration as an early indication that the arms embargo against South Africa would yet again be revised and relaxed. Moreover, the General Assembly's Fifth Committee, which dealt with finances, unanimously adopted a resolution approving the peacekeeping force and the budget and calling upon the United Nations to use the widest possible sources of procurement for the peacekeeping force. Although the assurance was given to the African nations that as little as possible and no lethal military goods would be bought from South Africa, it was emphasized that mine proof vehicles for the peacekeeping forces would have to be leased from that country, at least in the first stages of the mission. It was finally pointed out that the peacekeeping operation had been planned on the assumption that the United Nations would buy South African goods for the peacekeeping force when these were the cheapest.⁷ In the light of the earlier statement by the Bush Administration, its influence in the United Nations can be clearly seen in the decision made by the United Nation's Fifth Committee.

On 21 March 1990, Namibia finally became independent from South African administration. In a statement by Bush on the same day, the independence was hailed as marking the end of colonialism in Africa and a proud beginning for the world's newest independent country. Significantly, the arms embargo and all other sanctions against Namibia were lifted by the US. It would be remembered from discussions earlier in this study that because Namibia had been under South African administration, all punitive measures against the latter also pertained to Namibia. The US immediately established diplomatic relations with the Republic of Namibia and welcomed it as a full trading partner with access to the US market.⁸

6.3 THE BERMAN AMENDMENT OF 1989

After the initial support for South Africa in the United Nations concerning provisions for the Namibian peacekeeping force, anti-apartheid legislators in the US Congress acted fast to block any further support. This came in the form of the passing of the so-called Berman Amendment of 1989 as an extension of the arms embargo controls already in

7. P. Lewis, U.N. clears last hurdle to free Namibia, *The New York Times*, 1 March 1989, p. A3.

8. Bush Presidential Library (College Station), Public Papers: **Statement** on Namibian Independence, 21 March 1990.

place. Representative Howard Berman, who was noted for dedication to the drafting of anti-apartheid legislation, drafted the Amendment. It prohibited all US exports to the SADF and Police. There were only two exceptions: medical supplies and airport security.⁹

After the passing of the Berman Amendment, an official US Memorandum detailed the less visible policy guidelines on official relations between the US Department of Defense and South Africa. Thus, the main guidelines determining the arms embargo implementation of the US Department of Defense, along with all the measures instituted by the previous Administrations, were the following:

- i. Based on the US Government's 1977 embargo on the transfer of arms and military-related goods and services to South Africa, and on political guidance provided by the Assistant to the President for National Security Affairs through specific decisions on defense-orientated relationships, it was essential that no actions or statements by officials or elements of the Department of Defense presented even the appearance of a new or higher level of co-operation between the US and South Africa.
- ii. The following guidelines were not all inclusive, and were presented only as examples of the limitations currently imposed on US-South African military contacts:
 - The US Air Force Eastern Test Range Tracking Station near Pretoria was not to be used without clearance through the office of the Assistant Secretary of Defense, International Security Affairs (OASD/ISA).
 - Specially instrumented aircraft of the US Air Force and Navy designed to collect geomagnetic or satellite telemetry data, would not be staged out of South Africa without clearance through the OASD/ISA unless such use was demanded by emergency conditions and circumstances did not permit formal approval procedures.

9. C.F. Nöffke, United States sanctions against Defense and Police, *Armed Forces*, December 1991-January 1992, p. 28.

University of Pretoria etd – Van Wyk, M S (2005)

- US Navy ships were not allowed to use South African port facilities without clearance through OASD/ISA unless such use was demanded by emergency conditions and circumstances did not permit formal approval procedures.
- South Africa was not eligible to participate in any phase of the US Security Assistance Program involving material or training, grants, credit or sales.
- An embargo had been placed on the export of all US original commodities and technical data to South African armed forces or police entities.
- Commercial sales of military-related items to South African civilian buyers were subject to close scrutiny by the Departments of State and Commerce. This restriction included spare parts that may have been provided for under pre-1977 sales contracts. The object was to preclude the possibility that any sales by a US firm would lead directly to an increase in South Africa's military or paramilitary capabilities.
- South African citizens, military or civilian, were not allowed to be enrolled in any US military school or course, either as resident or correspondence students, neither were they allowed to be enrolled in any student or correspondence course supported by US Department of Defense elements, such as those offered by the US Civil Preparedness Agency for civilians representing friendly countries. This included the passing of information.
- Invitations from representatives of the South African Government in the US to attend ceremonies, dinners, receptions, cocktail parties or similar official or semi-official functions were not to be accepted by persons above the rank of Brigadier-General or Commodore, i.e. rank O-7 or the civilian ranks GS 5 – GS 16.
- Letters of congratulations and similar correspondence, such as might be send routinely to senior counterparts in a friendly country on national holidays, were not allowed to be send to South African officials without clearance through OASD/ISA.

- Financial, logistic or other support was not to be provided for any international sporting event without prior clearance through OASD/ISA if South African citizens were expected to participate in the event. Similarly, the US Department of Defense would also not fund official travel for US participants in a sporting event if South Africans were expected to take part. The private, individual participation by a serviceman on leave, who traveled at his own expense, would not require official clearance, but should not be encouraged.
- Research and other contracts between US Department of Defense elements and civilian forms or institutions were not to involve cooperation with the South African Government or contracts between Department of Defense personnel and South Africans without clearance through OASD/ISA.
- It was stressed that, since all contingencies could not be covered in the memorandum, action officers should not hesitate to contact the OASD/ISA for specific guidance.¹⁰

In the wake of the strict US regulations against South Africa ranging over eleven years already, political reforms in South Africa was deemed imminent, and it indeed started to happen during 1989, as will now be discussed.

6.4 POLITICAL REFORM IN SOUTH AFRICA – A GOAL LONG SOUGHT

The resolution of the Namibian conflict was globally hailed as a victory against the South African Government. In South Africa, in the meantime, a large percentage of the White electorate was losing their confidence in State President P.W. Botha's ability to lead the country forward. The majority of his actions over the years, including the suppression of anti-apartheid organizations, the press restrictions, piecemeal reforms, the crafting of a new, precarious constitution, a combination of tough and conciliatory talk, and his heavy-handed use of security forces, together pointed to a lack of vision. The arms embargo, in conjunction with a heavy sanctions package and internal violence,

10. C.F. Nöffke, United States Sanctions against defense and police, *Armed Forces*, December 1991-January 1992, pp. 28, 31.

was dragging South Africa down. To couple that, Soviet President Mikhail Gorbachev, led the Soviet Union out of regional conflicts and paved the way for the collapse of communism in Eastern Europe and the Soviet Union. This deflated South Africa's role in the global anti-Communist struggle – a carrot that was always dangled before the noses of the various US Administrations in an effort to block any criticism or punitive measures. The South African National Party Government thus faced a dire crisis, and doubt reigned about what to do next. However, P.W. Botha remained as adamant and fierce as ever to remain in power.¹¹

In mid-January 1989, the South African news broadcast agency announced in a terse statement that Botha had suffered a mild stroke. Six days after the stroke, Botha announced that he would not be replaced as state president. He did however relinquish his leadership of the National Party to the very conservative F.W. de Klerk, whose election as National Party leader would prove to be a major turn in the tide of South African politics, eventually leading to majority rule in South Africa. But before this could happen, a power struggle between Botha and De Klerk first had to be resolved. They first differed in opinion over the date of the next elections and the propriety of De Klerk traveling abroad to represent South Africa. Also, just five weeks after De Klerk's election as National Party leader, Botha announced that he was considering running for another term as State President after the 1990 elections. This caused a storm within the National Party, followed by a unanimous vote by the parliamentary caucus for Botha to quit. He again refused, but later reluctantly agreed to advance the national elections from 1990 to September 1989.¹²

Meanwhile, domestic and international demands on De Klerk to take more dramatic steps were increasing. Domestic demands came from a new political entity, the Democratic Party, which brought together the members of the Progressive Federal Party, other smaller groups and a host of Afrikaners who were previously members of the National Party. In addition, a renewed call for sanctions by South African anti-apartheid activist Desmond Tutu, who enjoyed access to the highest reaches of US political power, was heard. International pressures included the arms embargo and trade sanctions, which had resulted in the steady outflow of US corporations from South Africa. In April 1989, a new shock hit the country when Mobil Corporation decided to

11. R.K. Massie, *Loosing the bonds*, pp. 647-648.

12. N. Mandela, Long walk to freedom, p. 536; R.K. Massie, *Loosing the bonds*, pp. 650-653.

sell out to Gencor, the second largest mining corporation in South Africa. All these pressures again underlined the failure of Botha to win international approval for his so-called reforms. De Klerk started to fill the gap by visiting Western world leaders, except Bush, who denied a meeting at the last minute. The message to De Klerk was clear from every leader he visited: it was time to release Nelson Mandela and start negotiations with the ANC.¹³

Botha now started to realize that his control over the National Party and the South African Government was rapidly crumbling. In an effort to recapture the political initiative, he invited Mandela to a secret meeting on 5 July 1989. It proved to be a remarkable moment in history – the man who had spent his entire career attempting to destroy the ANC was meeting the ANC's greatest hero at his official government office. A few days later, Botha made a public announcement of the meeting, which momentarily stunned the South African nation, but did not restore his authority. Within a month after the meeting, yet another battle ensued between Botha and De Klerk over a proposed foreign trip by De Klerk to Zambian President Kenneth Kaunda, who continued to press for negotiations between the South African Government and the ANC. Botha furiously objected that the leader of the National Party could not travel to the city in which the ANC had its headquarters. A showdown cabinet meeting followed and De Klerk urged Botha to resign graciously as State President. On 14 August 1989, a raging and resentful Botha announced his resignation on national television, placing the blame for that on the members of his cabinet. He accused them of a breach of trust, of ignorance and of playing into the hands of the ANC. De Klerk was sworn in as Acting State President the next day. With three weeks to go before the general election, he launched into an aggressive campaign for the National Party. He proclaimed that the National Party was committed to a five-year action plan that would allow every South African citizen the right to participate at all levels of government, and to prevent domination by any groups over another.¹⁴

The general election took place on 6 September 1989, from which the National Party emerged with an overwhelming victory. State President De Klerk immediately introduced a mix of symbolic and substantive reforms: the police were ordered to stop using whips on protesters; the first legal permission in decades for large outdoor protests were

13. R.K. Massie, *Loosing the bonds*, pp. 653-655.

14. N. Mandela, Long walk to freedom, pp. 538-540; R.K. Massie, *Loosing the bonds*, pp. 655-656.

granted; and the remnants of the notorious Koevoet brigade were confined to their quarters. In addition, Walter Sisulu and all the remaining Rivonia high treason trial prisoners were released, with the exception of Mandela, and ANC supporters were even permitted to hold a huge welcome-home rally for Sisulu and the others in a soccer stadium in Soweto. In November 1989, De Klerk announced that the thirty-six-year-old Separate Amenities Act would be scrapped. The Act had enforced segregation on the beaches and in parks, theaters, restaurants and other public facilities. Shortly afterwards, the National Security Management System was shut down and political control were restored to civilians in the National Party. This was followed by a meeting with Mandela on 13 December 1989 to discuss the future of South Africa.¹⁵ The turn of the tide was now unstoppable.

In early 1990, De Klerk continued upon the new path. On the opening day of the South African parliament, i.e. 2 February 1990, he described the elections of September 1989 as a mandate for drastic change. He promised to make negotiation the highest priority of his government in the months to come, with the goal of creating a totally new and just constitutional dispensation in South Africa in which every citizen would enjoy equal rights, treatment and opportunity in the constitutional, social and economic spheres. With this, De Klerk moved away from the so-called 'laager mentality' which white South Africans, particularly the Afrikaners, were often accused of, especially when he insisted that South African could not go it alone, as his predecessors had continuously claimed. He had a long list of commitments for reforms, ranging from the reincorporation of the independent homelands to an end to the state of emergency as soon as circumstances justified it. But his most momentous announcements were the lifting of the thirty-year-old-ban on the ANC and the South African Communist Party (SACP), as well as all media restrictions and restrictions on the United Democratic Front (UDF), COSATU and 31 other organizations.¹⁶ Lastly, he broke the news that many were waiting for in South Africa and overseas: "*The government has taken a firm decision to release Nelson Mandela unconditionally, a decision that would be brought to finality without delay*".¹⁷ Mandela was accordingly released on 11 February 1990.¹⁸

15. R.K. Massie, *Loosing the bonds*, pp. 656-657.

16. N. Mandela, Long walk to freedom, pp. 538-540; R.K. Massie, *Loosing the bonds*, pp. 658-660.

17. As quoted in R.K. Massie, *Loosing the bonds*, p. 659.

18. R.K. Massie, *Loosing the bonds*, p. 660; N. Mandela, Long walk to freedom, pp. 551-552.

De Klerk's announcements encompassed the majority of the demands that were placed before the South African Government over many years with the view of ending apartheid. It was now up to the world, and the US in particular, as the biggest institutor of sanctions against South Africa, to decide if it was acceptable or not. The Bush Administration's response and the influence of the reforms on the arms embargo will now be discussed.

6.4.1 THE BUSH ADMINISTRATION'S RESPONSE TO THE POLITICAL REFORM IN SOUTH AFRICA

The Bush Administration reacted to the events in South Africa for the first time in September 1989. According to a senior government official, the Bush Administration was increasingly optimistic that De Klerk, who was now the State President of South Africa, genuinely intended to end apartheid in South Africa. In the view of the Bush Administration, De Klerk ran on a platform of dismantling apartheid, which was very constructive. The Bush Administration was of the opinion that De Klerk had to be given time to implement his proposed reforms, and the possibility of the lifting of sanctions when these proposed reforms were backed by concrete action, might just be an incentive for De Klerk to continue upon that path. More specifically, according to a US spokesperson, the CAAA of 1986 was specifically imposed to protest South Africa's apartheid policy, but it did authorize selective lifting of the restrictions if conditions changed. Therefore, if De Klerk released Mandela and other political prisoners, lifted restrictions on black political activity and opened a dialogue with black leaders, the Bush Administration would certainly authorize selective lifting of some CAAA restrictions. Such a relaxation would send a clear signal to the rest of the world that the US was ready to consider South Africa's readmission to the international community.¹⁹

But not everyone in the US political establishment was as eager as the Bush Administration to go lighter on South Africa. Many lawmakers in the US Congress were suspicious of De Klerk's intentions and appeared ready to consider even tougher measures unless he moved promptly to open up the South African political system. Howard Wolpe and Paul Simon, chairmen respectively of the House of Representatives and Senate Subcommittees on Africa, spoke on behalf of these skeptics when they said

19. N. Kempster, U.S. may ease sanctions if De Klerk acts on reforms, *Los Angeles Times*, 23 September 1989, p. 1.

that they were willing to grant De Klerk a few months to show his good faith by releasing political prisoners and rescinding an order banning the ANC and other political organizations. They however immediately reiterated that there was a limit to congressional patience, therefore, if by 1 February 1990 the promised reforms were not in place, harsh new sanctions legislation would start moving through the US Congress. According to Wolpe, it would be foolish to relax sanctions immediately, because in his view, the only reason the South African Government was starting to sound a reform tongue was because of the cumulative pressures that were building both inside the society and as a result of actions by the international community.²⁰

On 12 February 1990, Bush was questioned about his policy toward South Africa in the light of the reforms that De Klerk had by that date implemented. He was specifically asked whether the release of Mandela the previous day and the steps announced by De Klerk in any way altered his views concerning the US arms embargo and economic sanctions towards South Africa. Bush answered that he did not think that all the change in South Africa could be attributed to the sanctions against the country. Nonetheless, although in his opinion some of the sanctions were counterproductive, by US law they had to remain until the South African Government had taken certain predetermined steps. Bush was then asked whether he would be willing to push for the lifting of any of the sanctions before all of the conditions set forth by law were met. Bush reiterated that he would not be able to do that, even if he wanted to, because he was bound by the law. But what he planned to do was to discuss the conditions with both De Klerk and Mandela, whom he had invited to the US for consultations.²¹

When Bush's answers to the questions during the press conference are studied, it seems that he was treading lightly and answered cautiously and with few details. It was perhaps because of being part of the Reagan Administration, he had experienced the wrath of the US Congress when they overruled Reagan's veto of the CAAA of 1986. All he ventured to say further was that De Klerk's impending visit to the US evidenced the fact that the Bush Administration saw in him a new brand of leadership, i.e. a man who was making drastic changes in South Africa. The release of Mandela was regarded as a very positive sign, and although many things remained to be done, the reforms that he

20. N. Kempster, U.S. may ease sanctions if De Klerk acts on reforms, *Los Angeles Times*, 23 September 1989, p. 14.

21. Bush Presidential Library (College Station), Public Papers: *The President's News Conference*, 12 February 1990.

had instigated deserved the support and appreciation of the US. Bush was of the opinion that the steps that De Klerk was taking were moving South Africa down the road towards racial equality. However, he first wanted to speak with De Klerk before saying anything further about maybe lifting some sanctions.²²

In another press conference a month later, Bush was again questioned on his position on sanctions against South Africa. Bush reiterated that US law required him to keep the sanctions until certain conditions were met. This had been made very clear to the South African Government. In the meantime, the US Secretary of State, James Baker, had embarked on a dialogue with De Klerk as well as Mandela and other leaders of the ANC. Nonetheless, Bush did not think that the time was ripe yet to change the US' policy on sanctions. In fact, some new legislation that would add to the sanctions package was being introduced in the US Congress by Ron Dellums. However, Bush did not think that Dellums would press the legislation, as a bipartisan Congress delegation that had visited South Africa was much impressed with what they heard from both De Klerk and Mandela.²³

In June 1990, De Klerk announced the lifting of the state of emergency in South Africa, except in the province of Natal. The Bush Administration viewed it as another significant step toward creating a climate conducive to negotiations that would lead to a democratic, nonracial South Africa. However, although it built on earlier decisions by De Klerk to release Mandela and certain other political prisoners, as well as to permit free political debate to take place in South Africa, it was still not deemed enough to lift the arms embargo or the economic sanctions against the country. In the view of the Bush Administration, much work remained to be done by all sides in South Africa, e.g. resolving the issue of the remaining political prisoners, transforming the continuing climate of violence and intimidation, and ending the senseless killings in Natal. Nonetheless, the Bush Administration declared it was most encouraged by the remarkable progress that had been made, especially because with the latest move, the

22. Bush Presidential Library (College Station), Public Papers: *The President's News Conference*, 12 February 1990.

23. Bush Presidential Library (College Station), Public Papers: *The President's News Conference*, 23 March 1990.

South African Government had met almost all of its opposition's requirements to move into negotiations.²⁴

6.4.2 THE MANDELA-BUSH MEETING

On 20 June 1990, Mandela arrived in the US. Bush was yet again asked at a media conference what he was going to tell Mandela concerning the sanctions question. He was also asked about reports earlier that the CIA was involved in the process that led to Mandela's arrest in early 1962, and whether he was planning to apologize for that on behalf of the US Government and American people. Bush answered that he would take his leadership on the latter issue from Mandela himself, who had put it very well when he said that 'let bygones be bygones'. Concerning the first question, Bush again reiterated that he still could not lift the sanctions against South Africa under the existing US law. However, he looked forward to talk to Mandela about it.²⁵

Bush and Mandela met on 25 June 1990. In his opening statement, Bush described Mandela, who had spent 27½ years in prison for political offences, as a man who embodied the hopes of millions of South Africans. But he also praised the South African Government under De Klerk for the steps it had taken to expand the rights and freedom of all South Africans. Bush called apartheid repugnant, but added that all sides in the South African political struggle should renounce violence and repression. When it was Mandela's turn, he politely but firmly noted that he could not completely renounce the use of violence and armed struggles to achieve racial equality in South Africa. According to him, when a repressive government intensified oppression, the oppressed people had no alternative but to resort to violence. He nevertheless made it clear that the ANC would cease its hostilities once the South African Government had accepted all conditions for negotiations on a new constitution. In fact, the ANC had already scaled down on military operations since 1986 in an effort to promote negotiations. For these negotiations to start, the South African Government had to release a thousand political prisoners, return 20,000 political exiles, repeal repressive legislation and end the state of emergency in the Natal province. Mandela was optimistic that these obstacles would

24. Bush Presidential Library (College Station), Public Papers: **Statement** by Deputy Press Secretary Glen on the termination of the State of Emergency, 7 June 1990.

25. Bush Presidential Library (College Station), Public Papers: **The President's News Conference in Huntsville, Alabama**, 20 June 1990.

be completely removed at his next meeting with De Klerk, with the exception of the legislation repeal.²⁶

Turning to the issue of sanctions, Mandela urged Bush to maintain the arms embargo and other sanctions against South Africa, because it was as a result of these measures that such enormous progress had been made in the attempt to address the problems of South Africa. Bush assured Mandela that none of the measures would be lifted until all the conditions set by the US Congress for doing so were met. This included the complete lifting of the state of emergency and the release of about a thousand political prisoners. He said that the sanctions were designed to support change, and only when the mentioned conditions were met, would the Bush Administration, in consultation with the US Congress, consider whether a change in course would promote further progress through peaceful negotiations.²⁷

Mandela's visit to the US was followed in August 1990 with an announcement of a cease-fire between the ANC and the South African Government. The announcement was welcomed by the Bush Administration, who said it was very encouraging. Bush congratulated both parties for having made this important step forward. He voiced his hope that the step would facilitate the process of dialogue to bring an end to apartheid.²⁸

6.4.3 THE DE KLERK-BUSH MEETING

Three months after Mandela's visit to the US, it was De Klerk's turn. He met with Bush on 24 September 1990. According to Bush, it was an extraordinarily useful meeting in which De Klerk described in detail what he was trying to accomplish in South Africa, namely the process of ending apartheid and negotiating a new political reality for the future. Bush described it as a very promising, but sometimes difficult situation, especially in the light of the ongoing violence. Nonetheless, the Bush Administration

-
26. Bush Presidential Library (College Station), Public Papers: *Remarks* prior to discussions with Nelson Mandela, 25 June 1990; M. Dowd, Mandela declines to rule out force, *The New York Times*, 26 June 1990, p. A1.
 27. Bush Presidential Library (College Station), Public Papers: *Remarks* prior to discussions with Nelson Mandela, 25 June 1990; M. Dowd, Mandela declines to rule out force, *The New York Times*, 26 June 1990, p. A1.
 28. Bush Presidential Library (College Station), Public Papers: *Statement* by Press Secretary Fitzwater on the cease-fire between the African National Congress and the Government of South Africa, 6 August 1990.

recognized that De Klerk was courageously trying to change things for the better in South Africa. Whereas there had been many instances worldwide where the culture of political violence overwhelmed the culture of dialogue, the opposite was finally happening in South Africa. Also, De Klerk assured Bush that he agreed with the principle of equal opportunity for all. Bush then stated categorically that the time had come to encourage and assist the emerging South Africa, but he clearly did not mean the immediate lifting of sanctions as part of this assistance. He stated that although his Administration believed that the process of change in South Africa was irreversible, all the conditions in the sanctions legislation had not yet been met. Although the goal of the US was to support the process of change in South Africa, it had to be emphasized that the conditions in the sanctions legislation were not open to reinterpretation, and furthermore, he did not believe in moving the goalposts.²⁹

De Klerk in turn agreed with Bush that the process taking place in South Africa was indeed irreversible. He committed himself to negotiations, saying that from the negotiations would come about a new constitutional situation that would offer full political rights within the framework of internationally acceptable definitions of what democracy really was. In other words, there would be a vote of equal value to all South Africans, and a new constitutional and economic dispensation that would offer equal opportunities and full democratic rights to all its people. Concerning the use of the South African security forces in curbing the violence in South Africa, an issue that had led to many international outcries and played a major role in the institution of the mandatory arms embargo in 1977, De Klerk noted that one of the stumbling blocks in the way of bringing about fundamental change in South Africa was the problem of volatility that sometimes erupted into violent situations that were totally unacceptable. Consequently, steps were taken in an impartial manner. Through the use of the security forces, the violence was curbed in many instances. It was hoped that the same would soon be true in the Natal province, where the state of emergency was still in operation.³⁰

29. Bush Presidential Library (College Station), Public Papers: **Remarks** following discussions with State President F.W. de Klerk of South Africa, 24 September 1990.

30. Bush Presidential Library (College Station), Public Papers: **Remarks** following discussions with State President F.W. de Klerk of South Africa, 24 September 1990.

6.4.4 THE END OF US ECONOMIC SANCTIONS

In October 1990, less than a month after his meeting with Bush, De Klerk announced the end to the state of emergency in the Natal province. The move was welcomed by the Bush Administration, who regarded it as yet another important landmark on the road toward full normalization of political activity in South Africa. But, although this was one of the conditions set by Bush before the lifting of sanctions could be considered, such a move was not yet considered. Indeed, by March 1991 the US still had not moved to lift some of the sanctions against South Africa, possibly also because Mandela was urging the Bush Administration not to do so until all the conditions in the CAAA of 1986 were met.³¹

In April 1991, the European Community (EC) decided to lift its sanctions against South Africa, except the arms embargo. The US however still did not follow suit. In a statement a few weeks after the EC's step, the US Assistant Secretary for Africa, Herman Cohen, emphasized strongly the necessity of providing economic assistance to South Africa to ensure that not only the reform process, but also the new South Africa that was now emerging, would be a success. Therefore, the US would adhere to the stipulations in the CAAA of 1986 as soon as South Africa had adhered to all the legal requirements. The South African Government had already fulfilled three of the five legal requirements for lifting of sanctions stipulated, but it was still not enough. Cohen also emphasized that even if the CAAA sanctions were lifted, certain measures would remain in place, i.e. the arms embargo, exports to the South African Police and Military, and the US' veto of IMF loans to South Africa.³² This statement led to the following reaction from the editor of the South African newspaper *Beeld*: "*Die Suid-Afrikaanse regering het sy uiterste gedoen om te hervorm. Daarvoor het hy 'n prys betaal, maar tensy hy verhinder word, sal hy binnekort voldoen aan al die vereistes wat in die CAAA gestel word. Nou blyk dit dat selfs dit nie die VSA tevrede sal stel nie en dat die pistool steeds*

31. Bush Presidential Library (College Station): Public Papers: **Statement** by Press Secretary Fitzwater on the lifting of the State of Emergency in Natal, 18 October 1990; Public Papers: **Statement** by Press Secretary Fitzwater on the President's telephone conversation with Deputy President Nelson Mandela of the African National Congress, 18 March 1991.

32. Anonymous, Dié sanksies teen SA geld steeds na EG se besluit, *Beeld*, 17 April 1991, p. 15; F. Swart, Mandela moet na beraad oor geweld, vra VSA, *Beeld*, 1 May 1991, p. 1; H.J. Cohen, Status report to the House Subcommittee on Africa on US sanctions on South Africa, *Department of State Dispatch* 2(18), p. 325.

teen ons koppe sal bly. Die vraag is of Suid-Afrikaners ná dié ervaring ooit weer gretig sal wees om met so 'n venoot sake te doen."³³

In June 1991, Bush set the wheels for the lifting of economic sanctions against South Africa in motion when he requested Cohen to consult with leaders in the US Congress over strategies to lift the sanctions. The consultations would mainly center on how many sanctions had to be lifted in a first step. Cohen however did not face an easy task, because many in the US Congress still felt that it was not time yet for the sanctions to be lifted. One particular opponent, Edward Kennedy, even indicated that he would consider legal steps against Bush if the latter moved to lift sanctions unilaterally. According to Kennedy, there was a strong difference in opinion with the Bush Administration's interpretation of the sanctions legislation. Although De Klerk definitely earned praise for the steps he had already taken, in Kennedy's opinion only one of the five requirements in the CAAA of 1986 had been met, and not three as Bush maintained. Furthermore, Bush was hoping to avoid any Congressional challenge by lifting the sanctions after determining that all five stipulations had been met. If he eliminated sanctions on the basis that four or five of the conditions had been met, the Congress would have thirty days to challenge that action.³⁴

On 10 July 1991, Bush signed an Executive Order terminating the US' economic sanctions against South Africa. According to Bush, the Department of State had advised him that with the release of all political prisoners by De Klerk in recent weeks, South Africa had met all five conditions laid down by the CAAA of 1986. The Executive Order however also stipulated several other separately legislated US sanctions would remain in force, i.e. the mandatory arms embargo, a ban on all exports to South Africa's military and police, a ban on all intelligence sharing, and limitations on South Africa's lending

33. As quoted in Anonymous, Venynige venoot (Editorial), *Beeld*, 2 May 1991, p. 14. (English translation from original Afrikaans: "The South African Government had done its utmost to reform. For that it has paid a price, but unless it is prevented, it would adhere to all the requirements stipulated in the CAAA. But now it seems that even that would not satisfy the USA and that the gun would still be held against our heads. The question is whether South Africans, after this experience, would ever again be eager to do business with such a partner").

34. F. Swart, Kennedy skop teen Bush se plan om sanksies te los, *Beeld*, 20 June 1991, p. 2; N.A. Lewis, Bush signals readiness to lift all South African sanctions, *The New York Times*, 21 June 1991, p. A3.

from the IMF. Nonetheless, controls on certain exports to South Africa of computers, aircraft and petroleum products were lifted.³⁵

Thus, the almost five-year saga of economic sanctions against South Africa came to an end in 1991, but South Africa still had to contend with far-reaching restrictions in the military field. Many activities from the South African side to obtain the military equipment and technology it needed to counter the arms embargo were made public during the Bush Administration – in fact, much more cases became known during this Administration than was the case with the previous Administrations since 1977. As will be seen in the discussion from this point onwards, South Africa was very active in the military field despite the arms embargo – one might say ‘the proof of the pudding is in the eating’, but it will also be realized that the Bush Administration had a very strict approach to the implementation of the arms embargo. One of the cases was so far-reaching that it rolled over far into the Clinton Administration, with dire consequences for some South African firms and individuals. A possible reason for the strict approach of the Bush Administration was perhaps because of Mandela’s urgings not to lift sanctions against South Africa all at once, but in three phases linked to a political process ending white rule. He asked for the arms embargo to be lifted last of all, and only after South Africa finally elected a majority government on the basis of a new and fully democratic constitution³⁶.

6.5 ARMS EMBARGO VIOLATIONS OR BUSTING DURING THE BUSH ADMINISTRATION

6.5.1 CLAIMS OF SOUTH AFRICAN CHEMICAL WEAPONS

For the first time since the institution of the arms embargo in 1977, the issue of possible South African involvement in acquiring chemical weapons rose to the surface in 1989. It happened when a report by the US Arms Control and Disarmament Agency named South Africa as one of 20 countries suspected of attempting to acquire chemical

35. Bush Presidential Library (College Station): Public Papers: *Executive Order 12769*, Implementation of Section (a) of the Comprehensive Anti-Apartheid Act, 10 July 1991; *Remarks* on the termination of economic sanctions against South Africa and a news conference, 10 July 1991; *Message* to the Congress transmitting a report on export controls, 17 October 1991; T.L. Friedman, Bush lifts a ban on economic ties to South Africa, *The New York Times*, 11 July 1991, p. A1.

36. P. Lewis, Mandela, at U.N. urges phased end to sanctions, *The New York Times*, 4 December 1991, p. A9.

weapons. According to the report, only four countries had that far confirmed possession of chemical weapons or the means to deliver them, namely the US, the Soviet Union, Iran and Iraq. The report further stated that the race to achieve chemical weapons had resulted in the most explosive growth in weaponry in the Third World. Furthermore, another disturbing trend was the proliferation of ballistic missiles that could be fitted with chemical warheads. Lastly, chemical weapons were relatively inexpensive and did not require sophisticated manufacturing methods, while, in addition, the chemicals required for poison gas usually also had legitimate industrial uses. Armscor's reaction to the report was not one of denial. Instead, a spokesman for the company said, when it was claimed that chemical weapons were being used against Unita in Angola, Armscor decided to investigate defensive countermeasures, which included protective clothing and a positive internal pressure and filter system in the Rooikat armored vehicle.³⁷

If it was indeed true that South Africa had possession of chemical weapons, it would have constituted a breach of the arms embargo. Furthermore, what should have worried the Bush Administration was the possibility of fitting ballistic missiles with chemical warheads, especially in the light of the evidence of South African development of ballistic missiles that came to light from 1989 onwards.

6.5.2 SOUTH AFRICAN DEVELOPMENT OF BALLISTIC MISSILES

6.5.2.1 The Israeli connection

The Bush Administration's approach to the arms embargo was tested six months into the administration when rumors abounded about South Africa being ready to test a ballistic missile. According to information leaked to a newspaper by US intelligence agents in June 1989, South Africa, in cooperation with Israel, was about to test a new intermediate-range ballistic missile at the De Hoop testing range in the Overberg in the Southern Cape. The missile was suspected to be a modified version of the Israeli Jericho II, and had been under development since at least 1987 as a joint project of Israel and South Africa. The Jericho II was designed to place satellites in orbit and had a possible maximum range of 1 240 km. Furthermore, the test facility at De Hoop, where a number of South African-manufactured missiles had already been tested, was identical

37. Anonymous, Claims of SA chemical weapons, *The Pretoria News*, 21 November 1990, p. 7.

to an Israeli test launch site in the Negev Desert, from where Israel had launched its first surveillance satellite in September 1988. This further indicated close cooperation between Israel and South Africa in missile development.³⁸

If Israeli assistance to South Africa was indeed true, it would have constituted a direct violation of Israel's promise to the Reagan Administration in 1987. As discussed in Chapter 4, after the CAAA of 1986 was passed, the US Congress required a report from the Reagan Administration on countries violating the mandatory arms embargo with a view of ending all US support to those countries. In the report delivered to Congress by the Reagan Administration in April 1987, Israel was specifically indicated as one of the countries that still cooperated with South Africa in the military field. In fear of losing its major support from the US, especially in the military field, the Israeli Government already in March 1987 announced that it would not sign any new military sales contracts with South Africa and that it would end all military cooperation with South Africa by 1991. This assurance led to a decision in the US Congress that the cutting of US aid to Israel was not a realistic proposal. This was good news for Israel. Not long afterwards, the alleged joint cooperation with South Africa on the mentioned ballistic missile started. This implied that a new contract had been signed between the two countries, which was a clear violation of Israel's 1987 promise to the Reagan Administration.

It would seem that the Bush Administration, like its predecessor, also did not wish to alienate Israel because of its military cooperation with South Africa. Indeed, when asked for comments on the missile-testing rumors and Israeli involvement in the matter, a Bush Administration official downplayed the possible role of Israel. The official did not confirm the rumor outright, but said that South Africa on its own had very significant capabilities for technical development. Another Bush Administration official in the Department of State in turn said that the Administration would not comment on intelligence matters, but nonetheless offered a slight hint of concern when he said that the Administration was concerned about missile proliferation and was following the related activities of all countries, including South Africa. Yet another official indicated that an intermediate-range missile would have a range of approximately 1 300 km,

38. Anonymous, SA 'to launch space rocket', *The Cape Times*, 21 June 1989, p. 1; Anonymous, Cape missile test soon, says US, but Armscor keeps quiet, *The Argus*, 21 June 1989, p. 3; Anonymous, Armscor tests Cape missile range - no comment on US report, *The Citizen*, 22 June 1989, p. 2.

which would allow South Africa to hit African frontline states such as Angola and Tanzania. This caused increased concern among officials at the CIA and US Defense Intelligence Agency (DIA) over the proliferation of intermediate-range ballistic missiles in the Southern African region, where high geographical tension still existed. Further concern was that the missile that South Africa was rumored to test, would also be capable of being fitted with a nuclear warhead.³⁹

Back in South Africa, Armscor denied any comment on the missile-testing rumors, saying only that it was well known that it was developing a missile testing range in the Overberg. The Armscor spokesman added that the range was at that time being qualified, which meant that Armscor was in the process of firing missiles in order to test the performance of the range. In addition, the Armscor spokesman added that South Africa was strong in the missile field and had already produced several of repute, although for obvious reasons Armscor could not disclose the details of its qualification program. Outside of Armscor's walls, however, US concern of a South African missile fitted with a nuclear warhead led to a lively discussion. Few had doubts that South Africa had the technology and capability to manufacture ballistic missiles and nuclear weapons. However, political and military experts believed it would be counter-productive for South Africa to actually arm a system such as the Jericho II missile with nuclear warheads, for both political and economic reasons. For example, the nuclear warhead option would bear an extremely expensive political price tag, especially in relations with friendly countries like Britain and the US. Notwithstanding the arms embargo, Western countries were also extremely frightened about the spread of nuclear weapons and the outbreak of a nuclear war in smaller countries. In such a war, no-one could be sure who was responsible for dropping nuclear devices, and the accusations would then be leveled at the US or the Soviet Union. The experts reckoned it would be far better to arm a system such as the Jericho II missile with a conventional warhead and then use it to fill the gaps in the South African Air Force armory, e.g. the lack of heavy bombers. Lastly, the experts thought that another reason that could spur Armscor

39. Anonymous, Armscor tests Cape missile range - no comment on US report, *The Citizen*, 22 June 1989, p. 2.

to rather manufacture conventional missiles, was the huge demand for it on the international arms market.⁴⁰

Open support for Armscor's missile program was published in an editorial in *Beeld*, an Afrikaans newspaper. The editorial stated that no-one should be surprised about the news of the impending missile test, as it had been general knowledge for quite a length of time that Armscor was developing missiles and had even displayed some products in Chile and Turkey. What surprised the editor though, was the US' anxiety about the matter, leading him to ask what the US had expected – that South Africa merely had to accept the mandatory arms embargo and sit with hands folded? This led the editor to conclude, rather smugly, that Resolution 418 of 1977, by which the arms embargo was instituted, had led directly to the build-up of a formidable arms industry in South Africa. As a last word, the editor stated the following: "*Dit is Suid-Afrika se goeie reg, net soos dié van elke ander selfrespekterende land, om hom na die beste van sy vermoë te bewapen – in die eerste plek vir defensiewe gebruik, maar ook as afskrikmiddel. Daarvoor skuld hy nie eens Amerika 'n verduideliking nie.*"⁴¹

On 7 July 1989, it was reported that a US satellite had observed the testing of a South African missile at the De Hoop missile testing range two days before. Even before Armscor made an announcement to this effect, officials of the US Department of Defense informed the South African Embassy officials in Washington, D.C. that they had observed the launch and would like more information on the missile. When asked for comments on the test, both the US Departments of State and Defense declined to provide any information. Armscor announced the test firing of a booster rocket, but declined to provide information on the performance or purpose of the missile. This led to renewed rumors that the booster could be the first stage of a missile that could be used to launch satellites or part of a weapon that could carry a conventional or nuclear warhead.⁴²

40. Anonymous, Armscor tests Cape missile range - no comment on US report, *The Citizen*, 22 June 1989, p. 2; Anonymous, SA 'to launch space rocket', *The Cape Times*, 21 June 1989, p. 1; South Africa: The making of United States policy, 1962 - 1989, microfiche collection: National Security Files, fiche 02561: *Telegram*: FBIS, Mbabane to United States Department of State, 22 June 1989.

41. As quoted in Anonymous, Ironie (Editorial), *Beeld*, 23 June 1989, p. 8; (English translation from original Afrikaans: "It is South Africa's right, just as it is the right of any other self-respecting country, to arm itself to the best of its ability – in the first place for defensive purposes, but also as deterrent. For this it does not even owe America an explanation").

42. M.R. Gordon, U.S. sees Israeli help in Pretoria's missile work, *The New York Times*, 27 October 1989, p. A1; Anonymous, Yank-satelliet sien toe SA missiel toets, *Die Burger*, 7 July 1989, p. 9.

The rumors thereafter quieted down for a few months, but surfaced again in October 1989 after a CIA report was leaked to the NBC television network. According to NBC, the CIA report had revealed in a report that the missile tested by South Africa at De Hoop was built by Armscor using technology supplied through the Israeli firm Urdan Industries. NBC claimed that Israel provided the technology in return for access to the De Hoop testing range and supplies of uranium for its own weapons network. According to the CIA report, the test missile flew 1,500 km southeast from De Hoop and came down near Prince Edward Island. NBC furthermore claimed that, according to the CIA report, Israel had entered into a full-blown partnership with South Africa for the production of nuclear missiles. In a last controversial statement, NBC accused US Secretary of State, James Baker, as having full knowledge of the deal transferring the missile technology from Israel to South Africa. Despite this knowledge, however, he did not protest about it when he met with Israeli Foreign Minister Moshe Arens in September 1989, even though the deal violated both the United Nations and US arms embargo against South Africa.⁴³

In South Africa, Foreign Minister Pik Botha denied any knowledge about co-operation with Israel on a secret nuclear-missile program. The South African Department of Defense in turn referred all enquiries to Armscor, who described the NBC report as speculative. The testing of a test booster rocket at De Hoop on 5 July 1989 was however reconfirmed by Armscor. The test was described as a major milestone in the development of the De Hoop test range, which was said would enhance South Africa's development and test capabilities significantly. In Israel, Prime Minister Yitzhak Shamir denied outright that Israel was engaged with South Africa in a partnership to develop nuclear missiles and that Israel had provided technology for a nuclear-enabled missile to South Africa. Furthermore, the Israeli Defense Ministry stated categorically that Israel was adhering to the March 1987 decision and promise to the US that it would sign no new contracts with South Africa. When asked what deals with South Africa made before 1987 were still in effect and could account for the transfer of missile technology to South Africa, the Israeli Defense Ministry merely said that it could not elaborate on

43. M.R. Gordon, U.S. sees Israeli help in Pretoria's missile work, *The New York Times*, 27 October 1989, p. A1; Anonymous, SA rocket build with Israeli help, says CIA report, *Business Day*, 27 October 1989, p. 2; Anonymous, SA evasive on nuke missile co-operation, *The Cape Times*, 27 October 1989, p. 2; Anonymous, Shamir denies SA missile link, *The Citizen*, 27 October 1989, p. 1.

old contracts. Many critics viewed this as a carefully worded statement that left open the possibility that some missile cooperation was indeed continuing under old contracts. Lastly, the US Department of State denied that Baker had full knowledge of the alleged Israeli-South African missile deal, adding that the Department of State was still investigating the alleged deal in the light of the Bush Administration's opposition to the proliferation of ballistic missile technology.⁴⁴

Despite the denials by the Department of State of any knowledge of a missile cooperation agreement between Israel and South Africa, some other Bush Administration officials, mainly intelligence officials, let the cat out of the bag. According to them, when South Africa tested the booster rocket for a ballistic missile on 5 July 1989, US satellites picked up what they considered a very important piece of information: the rocket plume of the missile bore a striking resemblance to that of the Israeli Jericho II missile. Furthermore, equipment seen at the testing site resembled equipment used by Israel in its own missile tests. On the basis of these facts, some Bush Administration officials were convinced that Israel was helping South Africa develop its missiles, although others said there was no decisive proof of that. There was also no decisive proof that Israel was receiving shipments of enriched uranium from South Africa in return for its cooperation in the development of ballistic missiles.⁴⁵

Shortly after the denials by the Bush Administration, the matter took an unexpected turn when it became clear that the CIA had leaked its information on the South African-Israeli missile cooperation in protest of a proposed sale of two supercomputers to Israel's Technion and Hebrew Universities by the Bush Administration. Despite assurances by the Bush Administration that adequate safeguards would be developed to ensure that the computers were not used for military research on ballistic missiles and nuclear weapons, critics of the sale disputed it, noting that close cooperation existed between Israeli academic and military institutions, and the computers would therefore be used to expand Israel's nuclear weapons and ballistic missile projects. Furthermore,

44. Anonymous, SA evasive on nuke missile co-operation, *The Cape Times*, 27 October 1989, p. 2; Anonymous, Shamir denies SA missile link, *The Citizen*, 27 October 1989, p. 1; M.R. Gordon, U.S. sees Israeli help in Pretoria's missile work, *The New York Times*, 27 October 1989, p. A1; Anonymous, Storm broei oor SA 'kern-missiel: Amerikaners beskuldig Israel van hulp, *Die Burger*, 27 October 1989, p. 1.

45. M.R. Gordon, U.S. sees Israeli help in Pretoria's missile work, *The New York Times*, 27 October 1989, p. A1; F. Swart, VSA geheime diens hoor SA kry wapens van Israel, *Beeld*, 28 October 1991, p. 4.

given the computer's capability of simulating nuclear explosions and ballistic missile re-entry, thereby reducing the need for full-scale tests, and aiding in the design of more advanced weapons, as well as a previous history of close Israeli and South African cooperation, no guarantees existed that the computers or its technology would not end up in South Africa. This would constitute a direct violation of US arms embargo regulations, which prohibited the transfer of US-origin technology to South Africa via a third country. The Israeli transfer of fighter-aircraft technology obtained from the US to South Africa during the Reagan Administration, was specifically cited as example. The technology was supposed to be used for the development of the Israeli Kfir aircraft, but the development ended in 1987 as a result of US pressure.⁴⁶

Due to Congressional pressure, Bush himself finally reacted on all the allegations by protesting against any Israeli cooperation with South Africa. He stated that the transfer of any weapons technology to South Africa was taboo in view of the mandatory arms embargo against that country. Therefore, he reiterated, it would not enhance relations between Israel and the US if Israel were indeed helping South Africa develop an intermediate-range nuclear missile. After Bush's statement, the Israeli Government again repeated its denials that it had helped South Africa develop nuclear weapons or provided it with banned US military technology. Whatever the whole truth might have been, the matter led to the cooling down of US-Israeli relations, also because Israel was pressurized by the US to agree to, in Israel's view, 'unacceptable' conditions for peace talks with the Palestinians. Many Israeli's viewed the leaking of the missile cooperation with South Africa as an attempt to disrupt relations between Israel and the US.⁴⁷

A possibility why the Bush Administration remained reluctant to be too outspoken on the issue at first, was perhaps the political turnover that was taking place in South Africa during 1989. Indeed, not much was said by the Bush Administration on South Africa during its first year. It was as if the Administration was waiting to see what the

46. South Africa: The making of United States policy, 1962 - 1989, microfiche collection: National Security Files, fiche 02576: *Telegram*: United States Embassy, Tel Aviv to Secretary of State, 27 October 1989; M.R. Gordon, U.S. sees Israeli help in Pretoria's missile work, *The New York Times*, 27 October 1989, p. A1; Anonymous, 'SA missiel-konnesie' om Israel te kap ..., *Beeld*, 28 July 1989, p. 4; S. Franklin, Israel insists it didn't deal with S. Africans, *Chicago Tribune*, 30 October 1989, p. 9; Anonymous, Israeli missiles for Pretoria: No (Editorial), *The New York Times*, 15 November 1989, p. A28.

47. S. Franklin, Israel insists it didn't deal with S. Africans, *Chicago Tribune*, 30 October 1989, p. 9; Anonymous, Israeli missiles for Pretoria: No (Editorial), *The New York Times*, 15 November 1989, p. A28.

end result of the political tug of war between P.W. Botha and F.W. de Klerk would be, before it made up its mind about a concrete policy towards South Africa. Also, Bush was still getting on his feet as president, in the midst of major international issues in China, Panama, and Eastern Europe that had to be dealt with.

6.5.2.2 The International Signal and Control (ISC) Case and the indictment against Armscor

In October 1989, the US FBI launched an investigation into an alleged fraud of several millions of Rands by the founder of a company called International Signal and Control (ISC), which had substantial business and personal ties with South Africa, especially Armscor representatives. ISC was taken over by a British defense contractor, Ferranti, in 1987. The investigation started when Ferranti discovered that ISC and its chief executive and founder James Guerin, had vastly inflated its assets. What started out as a fraud inquiry turned up evidence of an extraordinary, decade-long scheme to violate US export controls and the arms embargo against South Africa through a myriad of front companies and offshore bank accounts. Initially, the investigation centered around ties with South Africa to the early days of ISC in the 1970s, and the possibility that the ties had continued well into the 1980s. During the investigation a former insider of ISC described a regular flow of trade between ISC and a variety of South African companies. The trade was ostensibly in electronic components for non-military equipment such as computers, radios and televisions, which were licensed by the US Government. However, the FBI investigated a growing suspicion that ISC was also involved in supplying military equipment or components capable of military use to South Africa in breach of the arms embargo. It was found that Guerin was well connected with individuals employed by Armscor, and that on at least two occasions during the 1980s, the US Customs Service had sent back to ISC shipments destined for South Africa on the grounds that the equipment being shipped did not match the export licenses. In the pieces of evidence, Guerin was also described as politically sympathetic to the South African Government and opposed to the arms embargo. When he heard that the FBI had launched an investigation into ISC, Guerin went into hiding – a fact that was immediately treated as a silent admission that he was indeed guilty.⁴⁸

48. Anonymous, Yank had glo bande met Krygkor, *Beeld*, 2 October 1989, p. 11; Anonymous, US fraud suspect 'had Armscor links', *Business Day*, 2 October 1989, p. 1; S. Barber, The Armscor Connection, *Sunday Times*, 3 November 1991, p. 3.

By August 1991, the case against ISC still continued. By this time, the investigation had progressed to the point where the US Military and Department of State investigated the sale of ballistic missile technology to Armscor and other South African firms by ISC. The investigation proved to be a tricky one when investigators noted that they had discovered a myriad of front companies. One investigator even remarked that it just went on and on: *“Every time we kick a rock and we think we are getting to an end, eight snakes shoot out and hide under the other eight rocks. Who knows where this will all end?”*⁴⁹ Nonetheless, it was determined that the smuggled technology included telemetry tracking, inertial and land guidance systems, gyroscopes for aircraft, missiles and helicopters, and photo imaging equipment. Furthermore, ISC made millions of dollars in other illegal military-related sales to South Africa, e.g. landmines. It was believed to be shipped to Armscor through a subsidiary of ISC, namely ISC Educational Systems, between 1984 and 1988, thus during the Reagan Administration. The shipments were disguised as computer-based educational material for blacks. It was still uncertain whether the sales, which were a direct violation of the arms embargo, continued after ISC merged with Ferranti in 1989. Investigations of ISC Educational Systems’ manufacturing documents named three South African companies as customers: Varitech, Darlon and Tool Techniques, apparently all part of the Barlow Rand conglomerate. Barlow Rand later admitted that it had an interest in ISC in the 1970s, but said that it had sold it after six months, and thereafter had no more interest in the company. Armscor declined to comment on the claims.⁵⁰

In October 1991, newspaper reports indicated that US federal prosecutors were preparing criminal charges against Armscor, accusing the company of smuggling sensitive US military technology to South Africa. The reports came amid fresh reports about the company’s arms deals with Israel. In addition to Armscor, indictments were also sought against a host of individuals and smaller companies. This included Guerin and a number of his associates, as well as an unnamed South African businessman who served as an important link between the military and Armscor during the 1980s. The climax of the three-year probe into the case was expected to be the filing of export-

49. As quoted in B. Seery, Is SA’s hand in Israel’s Jericho? *The Sunday Star*, 27 October 1991, p. 11.

50. Anonymous, US probes missile technology sale to Armscor, *Business Day*, 28 August 1991, p. 8; B. Seery, Is SA’s hand in Israel’s Jericho? *The Sunday Star*, 27 October 1991, p. 11; R. Knight, Inman raised the right issue, the News Media (Letter to the Editor), *The New York Times*, 28 January 1994, p. A26.

violation charges against Armscor. As the case was unraveled, it became clear that it was one of the most sweeping international arms smuggling and financial fraud enquiries in the US in years. Despite the myriad of front companies that were referred to in the previous paragraph, investigators also had to unravel thirty-nine bank accounts and fraudulent profit reports used to create more than \$1 billion in fake defense contracts. Besides Guerin, one of the masterminds behind the scheme was named as Clyde Ivy, one of Guerin's former confidantes. Ivy was involved in setting up Kentron, Armscor's missile-making subsidiary in 1978. He went on to join ISC, serving on its payroll as well as Armscor's. He denied being engaged in illegal conduct, saying that the US authorities were aware of dealings between South Africa and ISC, and that he had been regularly debriefed during the 1980s by the CIA on matters related to the South African military. In addition, Ivy said that it was his understanding that shipments of sensitive equipment were made by an ISC-connected company, Gamma Systems, to South Africa. Guerin always told him that the shipments had the US Government's approval. Therefore, he was under the opinion that Gamma Systems was a CIA front company.⁵¹

Suspicious of CIA complicity was further raised when investigations revealed that in the 1970s, Guerin was part of a top-secret US plan to have South Africa share certain intelligence information with the US Government. It entailed approval by the Department of State in February 1976 of a contract for the study of maritime command and control systems with the South African firm Barlow Communications. The Department of State revoked the contract in January 1978 because of US support for the 1977 United Nations arms embargo. Yet, investigators and former associates contended, Guerin kept up his connections with South Africa and later used his intelligence ties to help cover alleged smuggling and financial fraud. In order to accomplish that, he created a network of shell companies that were used to shuttle money around the world and cover alleged smugglings of military equipment to South Africa. Ivy was presumably also involved in that. As an example, case investigators cited an incident in 1983 where Ivy's office had

51. A. Pasztor & E.T. Pound, Armscor faces possible charges of smuggling: South African arms maker is target of investigation over U.S. military gear, *The Wall Street Journal*, 31 October 1991, p. 24; Anonymous, US prosecutors to indict Armscor, *Business Day*, 1 November 1991, p. 2; G. Evans & E. Koch, US to charge Armscor with arms smuggling, *Weekly Mail & Guardian*, 1-7 November 1991, p. 2; D. Pallister & D. Beresford, Britain keen to bring S African arms trade in from the cold, *The Guardian*, 23 September 1994, p. 15.

helped to arrange a visit by two South Africans to Sarasota, Florida. They were apparently on a secret mission to buy missile-guidance parts for Armscor.⁵²

On 31 October 1991, Armscor, two other South African companies, seven South Africans and ten US citizens were indicted for transgressions ranging from violations of the US Export Control Act, tax violations and other federal violations. The two other South African companies were the guided weapons firm Kentron and ordnance and explosive devices design and manufacturing firm, Fuchs Electronics. The seven South Africans were named as William "Randy" Metelerkamp, Johan Lombard, Vern Davis, Gerrit "Bull" Pretorius, Bert Quinn, Brian Scott and Jaco Budricks. One of the American accused was named as James Russel, who resided in South Africa. Guerin was indicted for assisting Armscor in violating the United Nations arms embargo, violating the US Arms Export Control Act and using Swiss bank accounts for the transactions.⁵³

In the 129-page thick indictment document, it was stated that the investigation involved US officials, backed by British, Belgian and Italian police and intelligence services. In the document, previous undisclosed details unfolded of a close relationship between ISC and Armscor which in 1989 led to a joint proposal to Iraqi President Saddam Hussein to supply him with television and laser-guided glide bombs comparable to the weaponry that the US later used with telling effect in the Gulf War against Iraq. It also offered evidence of the joint development and marketing of advanced weapons systems to China, as well as false contracts with Pakistan and the United Arab Emirates. A series of Panama front companies were furthermore established. Except for the three South African companies already mentioned, other South African companies involved and named in the indictment included Macnay, RJ International, Varitech Engineering, African Technical Services, Pacific Management Enterprises, Darlon, Fosseway Engineering, Marnero Marketing, ESD and Swartklip Products. All of these were Armscor, Kentron and Fuchs Electronics front companies, but had not been charged

52. A. Pasztor & E.T. Pound, Armscor faces possible charges of smuggling: South African arms maker is target of investigation over U.S. military gear, *The Wall Street Journal*, 31 October 1991, p. 24; Anonymous, Wanted men now working for Armscor? *The Cape Times*, 5 November 1991, p. 7; R. Knight, Inman raised the right issue, the News Media (Letter to the Editor), *The New York Times*, 28 January 1994, p. A26.

53. S. Barber, The Armscor Connection, *Sunday Times*, 3 November 1991, p. 3; Anonymous, Wanted men now working for Armscor? *The Cape Times*, 5 November 1991, p. 7; G. Evans & E. Koch, US to charge Armscor with arms smuggling, *Weekly Mail & Guardian*, 1-7 November 1991, p. 2; Anonymous, Amerikaner, Krygkor en 7 aangekla, *Beeld*, 1 November 1991, p. 9; F. Swart, Krygkor in reuse-smokkelsaak: Suid-Afrikaners aangekla oor miljoene se wapens vir SA, Irak, *Beeld*, 1 November 1991, p. 1.

individually. Most were said to have helped conceal from US Customs the true nature of the military-related shipments their mother companies were receiving from Armscor. Concerning the seven accused individuals, Meterlerkamp was described as an agent of Macnay, RJ International, Marnero Marketing and Fosseway Engineering. Lombard, Davis and Pretorius were listed as agents of Armscor and Kentron. Quinn was listed as the manager of Kentron's inertial guidance group, and Scott, also known as Graham Graighness, as materials manager for Kentron and contracts manager for Tool Techniques. Lastly, Budricks was listed as technical director of Fuchs Electronics.⁵⁴

Guerin was also indicted for fraud against Ferranti. Possible Ferranti compliance with the smuggling between ISC and the South African firms after it took over ISC, was investigated, but it was found to be innocent. Accordingly, Ferranti also sought damages against Guerin, charging that he had used bogus weapons contracts to inflate the value of ISC prior to its acquisition by Ferranti. However, later evidence indicated that ISC informed Ferranti of its South African links, and that it was no secret to the US as well as the British Governments. Just before Ferranti bought ISC in 1987, an internal report to the Ferranti board warned about the political risks. The report stated that it should be noted that a number of ISC's programs depended on the goodwill and supply of South African elements, and that ISC acted as a procurement agency for South Africa. In South Africa, both Armscor and Fuchs Electronics declined to comment on the indictments, except for Fuchs Electronics saying that it was news for them and the newspapers knew more than what they knew. Metelerkamp, who had been arrested in 1984 in London, Britain along with three other South Africans on charges of arms smuggling, merely said that he was not allowed to comment on the US federal indictment against him. Metelerkamp's arrest in Britain and subsequent return to South Africa after his and his accomplices' bail conditions were eased, led to a sharp rebuke by the British Government when they failed to return to Britain to face their trial.⁵⁵

-
54. S. Barber, The Armscor Connection, *Sunday Times*, 3 November 1991, p. 3; Anonymous, Wanted men now working for Armscor? *The Cape Times*, 5 November 1991, p. 7; G. Evans & E. Koch, US to charge Armscor with arms smuggling, *Weekly Mail & Guardian*, 1-7 November 1991, p. 2; Anonymous, Amerikaner, Krygkor en 7 aangekla, *Beeld*, 1 November 1991, p. 9; F. Swart, Krygkor in reuse-smokkelsaak: Suid-Afrikaners aangekla oor miljoene se wapens vir SA, Irak, *Beeld*, 1 November 1991, p. 1.
55. Anonymous, US arms smuggler to SA charged, *The Cape Times*, 1 November 1991, p. 3; Anonymous, Amerikaner, Krygkor en 7 aangekla, *Beeld*, 1 November 1991, p. 9; J. van Wyk, Krygkor en Fuchs swyg oor VSA-saak van wapens, *Beeld*, 2 November 1991, p. 9; D.W. Potgieter, Metelerkamp and old hand at being caught, *Sunday Times*, 3 November 1991, p. 3; D. Pallister & D. Beresford, Britain keen to bring S. African arms trade in from the cold, *The Guardian*, 23 September 1994, p. 15.

Shortly after the indictments, the US Department of Justice started proceedings for the extradition of the seven South African individuals to stand trial in the US. According to the indictment document, if found guilty, Pretorius and Budricks could face jail sentences of 235 years each and a fine of \$23 million each. Lombard, Quinn and Davids each faced 15-year jail sentences and a fine of \$1 million, while Scott faced a possible jail sentence of 125 years and a fine of \$12 million. Furthermore, Armscor could be fined \$11 million, Kentron \$3,5 million and Fuchs Electronics \$21,5 million. When approached by *The Citizen* for comments, Armscor said that the matter was sub judice and that it was not prepared to comment. The South African Government stated that should it be found that the seven men were indeed involved in illegal acts in the US, such acts could be regarded as political in nature. The reason for this was that the alleged action of Armscor and its subsidiaries centered on circumventing both the US and the United Nations arms embargoes against South Africa. In terms of South African extradition policies, no person may be extradited to stand trial in another country if he was wanted for offences that were political in nature. However, no official extradition requests had as yet been received, but should they be received, a special court would be set up. The judge or magistrate in this special court would then have to be convinced that the US had good enough reason to have the men extradited.⁵⁶

In June 1992 Guerin was convicted to fifteen years in a minimum-security jail, after he admitted guilt. In his guilty plea, Guerin alleged that his transactions with Armscor was authorized by the US intelligence community and that even Alexander Haig, former Secretary of State in the Reagan Administration, knew about the transactions. During the sentencing, it was noted that Guerin's relatively light sentence was especially due to the testimony of Admiral Bobby Inman, one of Bush's senior military advisors. Inman testified in favor of Guerin, saying that he had worked with Guerin from 1975 to 1978 as Director of Naval Intelligence. He described Guering as an American patriot that served as a very important source of information for the CIA concerning military developments in South Africa. However, Inman emphasized that the US Government had never given Guerin permission to violate the arms embargo, thus, exports by ISC to South Africa after January 1978 was without the knowledge or permission of the US

56. F. Swart, Krygkor in re-use-smokkelsaak: Suid-Afrikaners aangekla oor miljoene se wapens vir SA, Irak, *Beeld*, 1 November 1991, p. 1; F. de Lange, Arms smuggling: Govt could oppose extradition, *The Citizen*, 9 December 1991, p. 5.

Government. During the sentencing, the names of the three South African firms and the seven individuals were again mentioned as being compliants in Guerin's smuggling scheme. All had refused to stand trial in the US. Furthermore, it was disclosed that the South African Government had secretly offered political asylum to four of the other accused in the trial.⁵⁷

The case against Armscor, Fuchs Electronics, Kentron and the seven South African individuals continued well into the Clinton Administration and will be discussed accordingly in that section⁵⁸.

6.5.2.3 Gyroscope smuggling

While the ISC case was still being investigated, yet another case was laid bare in November 1989 that raised new questions about military ties between South Africa and Israel. A South African businessman, Seymone Behrmann, was arrested along with two US citizens, Frank Randazzo and Maryanne Callaghan on charges that they attempted to procure missile guidance gyroscopes for Armscor from a leading US defense contractor, Northrop Corporation. Two warrants were also issued for two other South Africans, George Talbot and Guy Ferezou. Behrmann had South African citizenship but lived in Canada. The five suspects were indicted on 15 November 1989 for violations of various US laws, including the Arms Export Control Act, which basically entailed the enforcement of the arms embargo, and the CAAA of 1986.⁵⁹

The plot was uncovered by US Customs agents who posed as arms brokers in a so-called 'sting' operation. They learned of the plot at an early stage and set up an undercover operation. According to a US Customs affidavit, the plot involved several

57. F. Swart, Yank wat tegnologie na Krygkor gesmokkal het, kry 15 jaar, *Beeld*, 11 June 1992, p. 4; Anonymous, Smokkelaar van tegnologie na SA kry 15 jaar, *Die Burger*, 11 June 1992, p. 2; Anonymous, Executive is sentenced in arms-sale scheme, *The New York Times*, 11 June 1992, p. D6; M. Hough, Military sanctions against the RSA: Current and future prospects, *Strategic Review for Southern Africa* 15(1), May 1993, p. 32; R. Knight, Inman raised the right issue, the News Media (Letter to the Editor), *The New York Times*, 28 January 1994, p. A26; D. Pallister & D. Beresford, Britain keen to bring S African arms trade in from the cold, *The Guardian*, 23 September 1994, p. 15.

58. See Chapter 7, Section 7.6.4.

59. Anonymous, Missile spy ring: US arrest SA man, *The Cape Times*, 17 November 1989, p. 1; J. Gerth, 5 charged in plot to export arms, *The New York Times*, 16 November 1989, p. A7; South Africa: The making of United States policy, 1962 - 1989, microfiche collection: National Security Files, fiche 02590: *Fax* entitled 'Israel Aircraft Industries and indictment for illegal exports to South Africa', Secretary of State to United States Embassy, Tel Aviv, 22 November 1989.

unsuccessful attempts in 1987 and 1988 to export missile gyroscopes manufactured by Northrop Corporation to Armscor. Behrmann and Callaghan had repeatedly told undercover agents during videotaped or recorded meetings that the gyroscopes were destined for Armscor. Behrmann also told the undercover agents that he was receiving instructions from a very high level in the South African Government. The gyroscopes were an important component in missile guidance systems, and was said to have been intended for anti-tank missiles being developed in South Africa at the time in an effort to defeat the Soviet T-80 main battle tank it was facing in Angola.⁶⁰

One attempt to export the gyroscopes involved Israel Aircraft Industries, a Government-owned company. According to the Customs affidavit, Northrop's manager for international contracts, John Keyo, contacted the undercover Customs agents in October 1988 regarding an enquiry he had received from Israel Aircraft Industries. According to Keyo, the company's request for gyroscopes was nearly identical to the gyroscopes that were being sought by South Africa at the time. Apparently, Behrmann identified Israel Aircraft Industries in August 1988 as a firm that was willing to assist South African in acquiring gyroscopes. In fact, Behrmann had met with an official of Israel Aircraft Industries while visiting Israel. Northrop learned about this when told by Behrmann, after US officials had secretly frustrated a plan to export the gyroscopes in August 1988, that Israel Aircraft Industries was willing to assist in acquiring the gyroscopes for diversion to South Africa for a very high price. A few weeks later, Israel Aircraft Industries contacted Northrop about the availability of the gyroscopes. Northrop however cooperated with the Customs agents and stalled the Israeli request. Thereafter, one other attempt was made to export the gyroscopes to South Africa. This time Northrop, again working with the Customs agents, agreed to supply some equipment, which would have been smuggled directly to South Africa.⁶¹

60. Anonymous, Missile spy ring: US arrest SA man, *The Cape Times*, 17 November 1989, p. 1; J. Gerth, 5 charged in plot to export arms, *The New York Times*, 16 November 1989, p. A7; South Africa: The making of United States policy, 1962 - 1989, microfiche collection: National Security Files, fiche 02590: **Fax** entitled 'Israel Aircraft Industries and indictment for illegal exports to South Africa', Secretary of State to United States Embassy, Tel Aviv, 22 November 1989.

61. South Africa: The making of United States policy, 1962 - 1989, microfiche collection: National Security Files, fiche 02590: **Fax** entitled 'Israel Aircraft Industries and indictment for illegal exports to South Africa', Secretary of State to United States Embassy, Tel Aviv, 22 November 1989; J. Gerth, 5 charged in plot to export arms, *The New York Times*, 16 November 1989, p. A7; Anonymous, Drie uit SA wou glo dele vir missiel koop, *Beeld*, 17 November 1989, p. 12.

According to the Customs affidavit, the gyroscopes could have been exported without a license to Israel, but export to South Africa or re-export from Israel to South Africa was strictly prohibited under the arms embargo regulations. The case investigators believed that Israel Aircraft Industries' request to Northrop was part of a diversion plan and not a coincidence, and therefore the request was stalled. However, when informed of the information in the affidavit, Israel Aircraft Industries' director of its US office in Washington, D.C. denied any knowledge of such a request. The South African Embassy in Washington, D.C. also denied that the South African Government was involved, saying that the Government and its agents would not do anything to circumvent US law in any way. Despite Behrmann's insistence that he was receiving his instructions from someone high up in the South African Government, the US investigators could find no evidence that any of the five indicted persons had any known connection to either the South African or Israeli Governments.⁶²

In January 1990, Behrmann unexpectedly pleaded guilty to criminal conspiracy and violating the US Arms Control Act. He entered into a plea bargain – in return for a guilty plea, prosecutors agreed to drop the other charges against him, i.e. of contravening the CAAA of 1986 and of engaging in illegal money laundering. He nevertheless faced up to fifteen years in prison and about R2,6 million in fines when he would be sentenced in April 1990, although his lawyer was optimistic that he would be shown some leniency. According to the lawyer, Behrmann had always felt and still believed that there were people in the US Government who wanted to see the gyroscopes exported to South Africa. However, all things considered, it would have been very difficult to establish a defense, and that was the reason why Behrmann decided to accept the plea bargain.⁶³ It is unclear what sentence was placed upon Behrmann in the end.

Concerning Israeli involvement in the whole plot, it is interesting to note that US intelligence information that surfaced earlier in 1989 indicated possible Israeli-South African cooperation in developing a medium-range missile, which was tested in July 1989 at the South African De Hoop testing grounds. Israel denied any involvement, but some statements nonetheless left open the possibility that some missile cooperation was continuing under contracts signed before March 1987. The gyroscope issue could

62. J. Gerth, 5 charged in plot to export arms, *The New York Times*, 16 November 1989, p. A7.

63. Anonymous, Man pleads guilty to US arms deal, *The Cape Times*, 5 January 1990, p. 2; S. Barber, Missile scheme mastermind guilty, *Business Day*, 5 January 1990, p. 2.

therefore be regarded as yet another sign that a new missile cooperation contract was entered into between Israel and South Africa. The coincidence of an Israeli firm requesting gyroscopes from Northrop at the same time as South African efforts to obtain gyroscopes from the same firm, was just too great.

Interestingly, in 1990, a dispute between the Israeli Foreign and Defense ministries over continued military cooperation with South Africa apparently occurred. The Foreign Ministry wanted all contracts with South Africa stopped, while the Defense Ministry wanted them maintained. The Defense Ministry seems to have carried the day. This was very significant reporting, because if it was true, then it was proof that Israel had indeed continued military cooperation with South Africa despite its assurances that it had ended it. In July 1991, Israel formally ended its trade embargo against South Africa, shortly after the US lifted its economic sanctions against the country.⁶⁴ The following statement by an aide to Israeli Prime Minister Yitzhak Shamir is significant: *"Today's Cabinet decision did not deal at all with military aspects of earlier decisions, and no change had taken place in that sphere"*.⁶⁵

6.5.2.4 Isolator and circulator smuggling

In September 1990, after a six-month investigation, US Customs agents shut down a company that had shipped ballistic missile parts to South Africa. A woman, Beverly Barratt, was arrested and Reginald van Rossum, the owner of the company called York Ltd., was being sought. The missile parts were described as computerized missile guidance equipment known as isolators and circulators. It had been shipped from York Ltd., based in Boynton Beach, Florida to Telecom Industries of South Africa. According to US Customs, the equipment was built to military specifications and intended for use in large-scale ballistic missiles. A search of the company headquarters in August 1990 uncovered records indicating that similar parts had been bought previously in the US and shipped to South Africa. York Ltd. did not have a license to order some of the military items and falsely told US manufacturers that the equipment was to be shipped to the Netherlands instead of South Africa. If convicted of violating the Arms Export

64. D. Williams, Israel ends its trade embargo against South Africa, *Los Angeles Times*, 15 July 1991, p. A13.

65. As quoted in D. Williams, Israel ends its trade embargo against South Africa, *Los Angeles Times*, 15 July 1991, p. A13.

Control Act, the two accused could face a maximum of ten years in prison and a \$1 million fine.⁶⁶

As the case progressed, several new details emerged. According to the prosecutors in the case, Reginald van Rossum owned Telecom Industries and had set up York Ltd. as a front company for it. York Ltd. acquired electronics parts from manufacturers across the US and then re-exported it via circuitous routes to South Africa, after making false declarations that the components were destined for the Netherlands and were therefore permitted to be exported under a general US export license. However, the parts were restricted items on the US Munitions Control List, and therefore no license for export to South Africa could be issued for them. According to US Customs agents, the smuggling operation had run for at least three years before it was cracked in 1990. Confiscated bank records showed that there had been 15 monetary wire transfers from South Africa into York Ltd's bank account in 1990. Twelve of these transfers came from Telecom Industries and represented an amount of approximately R1,1 million. Two transfers came from Fuchs Electronics, a subsidiary of Barlow Rand, and the last transfer from Grinaker Electronics. Barratt admitted involvement in the deal in October 1991. She was sentenced to six months house arrest and three years probation after she was convicted of contravening the US Arms Export Control Act by assisting in illegally exporting missile parts to Telecom Industries in South Africa. At the time of her sentencing, Van Rossum was still hiding. He was believed to be in South Africa.⁶⁷

6.5.2.5 South Africa's testing of a second ballistic missile

In May 1991, it was reported that South Africa was preparing to test a second medium-range ballistic missile, which was also allegedly developed in cooperation with Israel. A US spy satellite took photos of the missile being prepared for testing at the De Hoop testing grounds in the southern Cape. Once again, it looked like an adapted version of the Israeli Jericho II missile. A warning to marine craft to avoid the area was already

66. South Africa: The making of United States policy, 1962 - 1989, microfiche collection: National Security Files, fiche O2594: **Press report:** Customs stops missile system shipments to Pretoria, 19 September 1990.

67. B. Seery, Court case lifts lid on SA missile secrets, *The Sunday Star*, 6 October 1991, p. 13; D. Beresford, US ban deals big blow to South African arms maker, *The Guardian*, 17 October 1991, p. 17; B. Seery, Is SA's hand in Israel's Jericho? *The Sunday Star*, 27 October 1991, p. 11; G. Evans & E. Koch, US to charge Armscor with arms smuggling, *Weekly Mail & Guardian*, 1-7 November 1991, p. 2.

issued the previous week. However, a spokesman for the US Department of Defense's division that monitored such warnings said that he wasn't aware of any South African Government warning of an impending missile test. It was nonetheless clear that the Bush Administration was concerned about such missile tests by South Africa, because it was afraid that South Africa's missile program would represent a further proliferation of dangerous weapons in an already unstable region.⁶⁸

6.5.2.6 New US arms sanctions against Armscor

In October 1991, it became known that Israel had indeed exported key ballistic components to South Africa during the previous year, despite assurances by Israeli Prime Minister Yitzak Shamir to Bush in November 1989 that Israel had already decided to reduce military cooperation with South Africa to a great extent. The components at issue were shipped to Armscor by an Israeli government-affiliated weapons company. This was proof that Israel had indeed entered into a new contract with South Africa concerning missile development. As a result, Armscor was slapped with a two-year suspension of rights to export or import any products from US territory and from receiving US Government contracts for the same period.⁶⁹

In the official announcement of the sanctions, the Bush Administration did not provide any more details beyond stating that its Under Secretary of State for International Security Affairs had determined on 27 September 1991 that missile proliferation activities by Armscor required the US to impose trade restrictions under the 1990 Arms Export Control and Defense Authorization Acts and the Missile Technology Control Regime (MTCR) created by the G7 industrialized countries and Australia. It then merely stated that trade restrictions on entities that engaged in missile technology proliferation were intended in part to further the US policy of encouraging countries to halt such proliferation activities. The new sanctions, which would remain for at least two years even if all other sanctions or embargoes were lifted, prohibited: the export to Armscor or any of its subsidiaries or affiliates of a wide range of goods produced in the US, and specifically all items controlled by the Arms Export Control Act and the Export Amendment Act; all US Government contacts with Armscor or its subsidiaries or

68. F. Swart, SA 'op punt om 2de missiel te toets' – VSA, *Beeld*, 4 May 1991, p. 4.

69. D. Hoffman & R.J. Smith, President waves sanctions for Israel: S. African firm cited in missile parts deal, *The Washington Post*, 27 October 1991, p. A1.

affiliates; and the import of any products produced by Armscor or its subsidiaries or affiliates. The sanctions constituted category one sanctions, which were regarded as the most serious level of sanctions. This meant that Armscor's missile proliferation activities were regarded as relating to complete missile systems or subsystems.⁷⁰

After the announcement, speculations abounded around the reasons why the sanctions against Armscor had been imposed. One possible reason cited the landing of an aircraft with Armscor military equipment earlier in the year in Yugoslavia. The US alleged it had photo's proving that it was indeed an Armscor aircraft carrying Armscor equipment. Another reason was the alleged Armscor military equipment exports to Iraq, which raised concern in the US about the distribution of advanced missile technology to Third World countries and the Middle East, especially after the US discovered the extent of the Iraqi nuclear weapons program. However, when the MTCR as well as the 1990 Arms Export Control and Defense Authorization Acts were studied, it became clear that its guidelines limited the transfer of missile and missile-related technology for projectiles of at least 500 kg with a distance of at least 300 km. Under these Acts, the US President was obliged to sanction any foreign country or entity he determined to be involved in the export, transfer or trade of technology that had substantially contributed to the design, development or production of missiles in countries not adhering to the MTCR. The regulations were aimed at encouraging countries to end all activities around military missile technology. In the light of this, US diplomatic sources insisted that the sanctions against Armscor were little more than a technical decision required by law.⁷¹

Interestingly, the Bush Administration later conceded that the discovery that South African weapons were used by Iraq during the Gulf War, had heightened US awareness of the danger, however small, of South Africa's potential as arms trader. After Iraq's invasion of Kuwait in 1990, the US Congress became alarmed that a dictator like Saddam Hussein could lay his hands on equipment that could deliver warheads of any

-
70. Bush Presidential Library (College Station), Public Papers: *Message* to the Congress reporting on the National Emergency with respect to Export Control Regulations, 25 September 1992; D. Beresford, US ban deals big blow to South African arms maker, *The Guardian*, 17 October 1991, p. 11; H. Robertson, SA missiles for Iraq: US acts, *Weekend Argus*, 12 October 1991, p. 1; Federation of American Scientists (Washington, D.C.), *Arms Sales Monitor* 7-8, September-October 1991 (Online document); H. Grange, SA firepower could evade US sanctions, *The Star*, 19 October 1991, p. 10; G. Evans, Armscor finally admits: Yes, we make missiles, *Weekly Mail & Guardian*, 18-24 October 1991, p. 6.
71. Anonymous, Gerug oor SA wapenhulp dalk rede vir VSA-boikot, *Beeld*, 14 October 1991, p. 2; F. Lötter, Missiel-stappe is nie net teen SA, *Beeld*, 14 October 1991, p. 3; H. Grange, SA firepower could evade US sanctions, *The Star*, 19 October 1991, p. 10.

kind, i.e. nuclear, chemical, biological and conventional. To reflect these concerns, the Arms Export Control and Export Administration Acts was amended in two basic respects: first, they required the US Administration to provide semi-annual reports on the relevant activities of non-MTCR countries, and secondly, they obliged the Administration to impose unilateral sanctions on countries, entities or persons found to be involved in the transfer of certain items between non-MTCR countries. As soon as the legislation was passed, the South African Government was informed by the US Department of State that Armscor might fall into the net because of its missile collaboration with Israel. This was based on US intelligence reports that Israel had over the previous year exported key components for ballistic missiles to South Africa, and that Armscor was cooperating with Israel to build an intermediate-range ballistic missile that could deliver nuclear, chemical or conventional warheads, as already discussed.⁷²

The South African reaction to the new sanctions varied from being non-perturbed, to shock, to scorn. Foreign Minister Pik Botha denied that the new sanctions had anything to do with Armscor sales to countries like Iraq or Yugoslavia, as was suggested. He urged that the move should not be regarded as being political in nature, because it was not directed at the South African Government for having done anything of a political nature with which the US did not agree. In his view, the sanctions were directed worldwide against the proliferation of missile technology, as part of the MTCR. However, he did describe the sanctions as a bit unfair, adding that it had come at a most inopportune time. Armscor in turn, scoffed at speculation that the reason for the sanctions was related to the sale of missiles and missile technology to Iraq, pointing out that while South Africa was indeed developing missiles, it was hardly at the stage where other countries would buy them. The company explained that due to the arms embargo instituted in 1977, South Africa had established the capability to develop and manufacture a wide range of missiles for its own military use. This included ground-to-ground, ground-to-air, air-to-ground and air-to-air missiles. However, as a result of defense cuts, these programs have been curtailed to a large extent. Therefore, further development would be directed to commercial applications, e.g. satellites. Other comments from Armscor executives pointed to speculations that the US was using the missile proliferation issue to wipe out competitive arms producers in smaller countries.

72. H. Grange, SA firepower could evade US sanctions, *The Star*, 19 October 1991, p. 10; S. Barber, Washington Diary, *Sunday Times*, 20 October 1991, p. 15; B. Seery, Is SA's hand in Israel's Jericho? *The Sunday Star*, 27 October 1991, p. 11; F. Swart, VSA geheime diens hoor SA kry wapens by Israel, *Beeld*, 28 October 1991, p. 4.

Indeed, not long before the new sanctions bomb exploded, the executive chairman of Armscor, Johan van Vuuren, accused the US and other permanent members of the United Nations Security Council of trying to establish an arms cartel under the new world order that followed the Gulf War with Iraq. What he basically said, was that they wanted to say who would buy what from whom.⁷³

Sources from the Department of Foreign Affairs were not hesitant to say what they thought, namely that they regarded the US clampdown on South Africa's missile proliferation activities and the resultant sanctions against Armscor as a cynical example of US trade protectionism. *Beeld* newspaper had quite a strong-voiced reaction to the issue. It offered the opinion that the decision by the US to prohibit any trade with Armscor for two years, underlined yet again the failure of the arms embargo. The main reason provided for the sanctions, namely that it was a worldwide effort to stop the danger that the proliferation and distribution of missile and related technology held for world peace, said much about Armscor's abilities, i.e. that despite the arms embargo, it was able to develop technology that could hold potential danger for world peace. Initially, the US' effort seemed praiseworthy, until one thought about how much money that country made as one of the world's largest arms dealers. *Beeld* also asserted that the citing of an alleged discovery of South African weapons on an aircraft in Yugoslavia as a contributing factor to the sanctions decision bordered on hypocrisy, because the US, more than any other country, knew in what unexpected places arms could appear that had been sold to a middleman. *The Star* agreed in principle with the opinion voiced in *Beeld*, saying that even with the new arms sanctions against South Africa, there was no guarantee that the country would not continue to find and satisfy markets for its military innovations.⁷⁴ It is as if the general feeling in South Africa was 'who needs the US anyway!'

Ironically, the new arms sanctions were by and large redundant, because the US was already prohibited to purchase anything from Armscor's main production line by the

73. Anonymous, Pik: New weapons sanctions 'unfair', *Sunday Times*, 13 October 1991, p. 2; H. Robertson, SA missiles for Iraq: US acts, *Weekend Argus*, 12 October 1991, p. 1; D. Breier, Cynical reaction to US sanctions, *The Sunday Star*, 13 October 1991, p. 2; F. Lötter, Missiel-stappe is nie net teen SA, *Beeld*, 14 October 1991, p. 3; D. Beresford, US ban deals big blow to South African arms maker, *The Guardian*, 17 October 1991, p. 11; G. Evans, Armscor finally admits: Yes, we make missiles, *Weekly Mail & Guardian*, 18-24 October 1991, p. 6.

74. D. Breier, Cynical reaction to US sanctions, *The Sunday Star*, 13 October 1991, p. 2; Anonymous, Krygkor-isolasie (Editorial), *Beeld*, 15 October 1991, p. 10; H. Grange, SA firepower could evade US sanctions, *The Star*, 19 October 1991, p. 10.

1984 United Nations arms embargo on imports of arms-related equipment from South Africa. Also, as a matter of its arms embargo policy, the US did not license the sale to Armscor of any items on the Munitions List. Furthermore, the US arms embargo policy also prohibited it from entering into contracts with Armscor.⁷⁵

Also ironic was that similar sanctions against Israel, whose cooperation with South Africa in the development of ballistic missiles was being offered as one of the reasons for the sanctions against Armscor, were waived as part of an agreement under which Israel pledged to quit exporting missile technology to South Africa. The agreement, which was already worked out quietly before the sanctions against Armscor was announced, was designed to avoid a requirement that the US President take action against countries or companies that violated the MTCR and Arms Export Control and Defense Authorization Acts, which were aimed at preventing proliferation of missiles in third-world countries. Speculation about why Armscor was punished and not Israel ranged from views that Jews had substantial power in the US Senate to the Bush Administration's concern that punishing Israel would undermine its position at the impending Middle East peace conference and would further aggravate US-Israeli relations. The Bush Administration disputed the latter, saying instead that both the US and Israel had been working for a long time on resolving the question of Israeli violations of the MTCR. Israel had finally agreed in September 1991 to pledge adherence to the MTCR, while South Africa made no attempt to adhere to the Convention. Secretary of State James Baker also specifically defended Bush's decision, saying that the Administration followed the law very specifically, and that the law allowed the US President to grant exemptions to enforcement of the sanctions provision. In the case of Israel, promises by the country to abide in future by the MTCR export control guidelines exempted the country from sanctions. In South Africa, the reports of sanctions against Israel being waived was greeted with indifference by Armscor, who described previous

75. S. Barber, Washington Diary, *Sunday Times*, 20 October 1991, p. 15.

reports that the company had obtained missile components of US origin from Israel as mere media speculation.⁷⁶

In February 1992, despite the new arms sanctions against Armscor, the US failed to obtain a commitment from South Africa to join seven Western nations in ending the sales of missile technology to Third World countries. Officials of the Bush Administration negotiated with South African Government officials in Cape Town on a wide range of arms proliferation matters, but South Africa refused to sign an agreement to adhere to the MTCR. Apparently, the South Africans were divided on the issue. The Department of Foreign Affairs favored cooperation, but Armscor opposed.⁷⁷ Nonetheless, the negotiations in itself could be regarded as a breakthrough, because any form of military discussions had been denied for many years as a result of the arms embargo.

6.5.2.7 Israeli complicity in South African missile program: New evidence

In March 1992 Israeli violations of the US arms embargo against South Africa surfaced yet again when the US Department of State's Inspector General, Sherman Funk, determined in a draft report that Israel had exported certain advanced US arms technologies to third countries like China and South Africa without the permission of the US. The report came in the wake of recent intelligence reports that suggested that at least some Israeli companies might have been playing fast and loose with US regulations barring the transfer or re-export of US military technologies to third countries. This included anti-tank missiles sold to South Africa. Israel employed several maneuvers to re-export US technologies. One of these involved the buying of US components by Israel and installing them in an Israeli weapons system, then selling the finished product to a third country. Another method was to disassemble a US-manufactured weapon, unlocking its design secrets and then adapting it for resale as an Israeli product. Israel

76. T.L. Friedman, Must be flexible, Baker tells Israeli, *The New York Times*, 16 November 1989, p. A3; D. Hoffman & R.J. Smith, President waves sanctions for Israel: S. African firm cited in missile parts deal, *The Washington Post*, 27 October 1991, p. A1; J. Battaile, The Middle East Talks: Israel arms deal escapes South Africa sanctions, *The New York Times*, 27 October 1991, p. 8; S. Labaton, Baker defends waiver of sanctions against Israel on missiles, *The New York Times*, 28 October 1991, p. A12; Anonymous, Israeli missile parts for SA 'speculation', *The Pretoria News*, 28 October 1991, p. 3; G. Evans & E. Koch, US to charge Armscor with arms smuggling, *Weekly Mail & Guardian*, 1-7 November 1991, p. 2; Federation of American Scientists (Washington, D.C.), *Arms Sales Monitor* 13-14, March-April 1992 (Online document).

77. D.B. Ottaway, Missile talks stumble in South Africa; U.S. fails to win anti-export pledge, *The Washington Post*, 16 February 1992, p. A40.

did not deny the allegations outright, saying only that Israel's policy was to adhere to the procurement and technology transfer regulations of the US. The allegations in the report were described as being sensitive matters that were subject to negotiations between the Israeli and US Governments. Nonetheless, Funk recommended that disciplinary actions be taken against the Department of State's Office of Political-Military Affairs, which was responsible for monitoring improper arms transfers. He chastised the Department in the report for failing to act on warnings that Israel was engaged in unauthorized re-exporting of US arms technologies, especially to South Africa, who was under an arms embargo.⁷⁸

In the wake of the report, the US Department of Commerce issued an interim rule on 16 June 1992 in the Federal Register, in which destinations were listed for which a validated license was required when the exporter knew or had reason to know that the exported items would be used in the design, development, production or use of missiles. The list included Israel and South Africa as being involved in missile projects, and for the first time, a much stricter policy with regard to missile-related equipment being exported from the US to Israel came into action.⁷⁹ South Africa was already barred by the arms embargo from receiving such technology through any means.

6.5.2.8 South Africa launches space satellite program

In June 1992, it was reported that South Africa had launched its space satellite program, i.e. an ambitious effort to build and launch space satellites in the next three to five years. It was also seeking foreign partners to help it become internationally competitive – a matter not allowed under the arms embargo. As part of the program, the South African Government established a billion-dollar conglomerate called Denel, which took over twenty-five subsidiaries of Armscor. Denel in turn created an aerospace division charged with putting South Africa into the commercial satellite business by 1995. The division was called Houwteq, which launched into building a satellite that could be launched within five years. Furthermore, South Africa sought to build a space center similar to the US' Cape Canaveral on the Cape Peninsula, for use by the entire Southern Hemisphere. In preparation for the program, South Africa had already tested at

78. T.L. Friedman, Arms-export reports further strain U.S.-Israeli ties, *The New York Times*, 15 March 1992, p. 10.

79. Federation of American Scientists (Washington, D.C.), *Arms Sales Monitor* 16, July 1992 (Online document).

least three intermediate-range missiles, of which two were fitted with two-stage rockets, and tested them at the Overberg testing range. Furthermore, various components for satellites were already obtained or developed, i.e. super-light titanium fuel tanks, extra-strong but extremely light composite materials used in build caskets for equipment, compact imaging equipment, small telemetry and avionic guidance systems, and positioning equipment to control satellites in flight.⁸⁰ In the light of the discussion thus far, it was clear how South Africa had procured much of this equipment through violations of the arms embargo.

As part of the space satellite program, a team of Denel's officials visited Europe in May 1992 in an effort to obtain more technology and partners. The groups also hoped to talk to potential partners in the US. However, this would still be violation of the arms embargo, as well as against the MTCR, which was aimed at halting the proliferation of missile technology. Furthermore, Armscor and all its subsidiaries was slapped with an embargo on all exports to it from the US, as discussed. Although Denel was independent from Armscor, the US still viewed it as an affiliate of Armscor, because of its takeover of 25 Armscor subsidiaries. Stiff opposition of the program also came from a South African conservation group, which objected to the testing of rocket motor propellants at a site in a proposed biosphere reserve on the Cape Peninsula. The village council of a small community at Rooiels in the Peninsula sued Denel's chemical subsidiary, Somchem, which had its main motor propellant testing site on the southern edge of the Kogelberg nature reserve. The village wanted Somchem expelled from the region. If it won, the satellite program could be delayed for months or years while new testing facilities were build elsewhere.⁸¹ Naturally, conservationists in the US probably also pressurized Bush to block the program.

6.5.3 SOUTH AFRICAN NUCLEAR DEVELOPMENT

6.5.3.1 South Africa's signing of the Nuclear Non-proliferation Treaty

In March 1990, rumors that South Africa was ready to sign the international Nuclear Non-proliferation Treaty, which limited the spread of nuclear weapons, surfaced yet

80. D.B. Ottaway, South Africa launching space satellite program; U.S., conservation group oppose plan, *The Washington Post*, 9 June 1992, p. A11.

81. D.B. Ottaway, South Africa launching space satellite program; U.S., conservation group oppose plan, *The Washington Post*, 9 June 1992, p. A11.

again. The rumors were the result of US, Britain and Soviet Union officials saying that they believed that after talks with South Africa in 1988 and 1989, South Africa was poised to sign the treaty after refusing for many years to do so. Apparently, in December 1989, South African Foreign Minister Pik Botha left the representatives of the three mentioned countries with a clear impression that the South African Government would agree to adhere to the treaty at another meeting in Vienna in 1990. The development that appeared to have swung South Africa around in favor of signing the treaty, was apparently an assurance from the US, Britain and the Soviet Union that the International Atomic Energy Agency would not be in a position to start inspecting South Africa's nuclear development plants for about two years after it had signed the treaty. Although inspections of the two nuclear power reactors at Koeberg and the small Safari research reactor took place regularly, the South African Government had never allowed any inspection of its pilot uranium enrichment plant, which was suspected of being used for military ends. South Africa was also assured in principle that if it signed the treaty, European countries were likely to lift their ban on nuclear cooperation with South Africa. These assurances came after South Africa said that it would only sign the treaty if it could gain access to Western nuclear technology, be able to take part fully in the scientific work of the International Atomic Energy Agency and benefit from the help it gave its members.⁸²

In September 1990 an international storm broke loose when a declassified CIA document prepared in December 1979 revealed that South Africa had an active nuclear weapons program since at least the mid-1970s, despite years of official denials from the South African Government. The declassification of the document in response to a US Freedom of Information Act request from a private firm, the Natural Resources Defense Council, marked the first time that the US Government had confirmed that South Africa had a dedicated nuclear weapons program and that the US Government knew about it. According to the document, South Africa had almost certainly conducted an atmospheric test of a low-yield nuclear bomb off its coast in 1979 – the so-called Vela incident discussed in detail in Chapter 3. The document further revealed that Israel had cooperated closely with South Africa in the 1970s on nuclear weapons programs and had provided various sorts of advanced nuclear weapons technology to South Africa. Previously classified details of the Vela incident was contained in the document, as well

82. P. Lewis, South Africa seen as ready to sign nuclear pact, *The New York Times*, 21 March 1990, p. A11.

as a detailed exploration of who was responsible. All fingers pointed to South Africa as the only likely source of the test, noting that the country had sufficient supplies of highly enriched uranium to build several small nuclear bombs. Furthermore, the explosion in 1979 was carried out in secrecy over remote waters off Southern Africa's southern coast, after South African authorities declared the harbor and the naval base at Simonstown off-limits to the public. Such a closure was not necessarily required for a nuclear test at sea, but it could have screened sensitive loading or unloading operations as well as ship movements.⁸³

The declassification of the CIA report and the storm it created placed new pressure on South Africa to sign the Nuclear Non-proliferation Treaty. On 28 June 1991, the South African Government announced that it was ready to forgo the possession of nuclear weapons and would sign the Nuclear Non-proliferation Treaty. After so many years of pressure by various US Administrations, the Bush Administration finally tasted the victory. In a statement following the announcement, South African Foreign Minister Pik Botha emphasized yet again that South Africa's many years of refusal to sign the treaty was on the basis that doing so would jeopardize the country's security. Thereafter, Botha acknowledged that South Africa had the potential to develop a nuclear bomb, and that the country had a plant that produced weapons-grade uranium. However, the country had never tested such a weapon, either alone or in cooperation with other countries. Furthermore, according to the statement read by Botha, the threat of a conventional military conflict involving superpower rivalry in Southern Africa had diminished substantially. The factors behind this included the decline in tensions between the Soviet Union and the US, the withdrawal of the Cuban forces from Angola, and the growing international acceptance of South Africa as a consequence of De Klerk's commitment to reform in South Africa. Therefore, South Africa's nuclear weapons research would cease. Botha ended his statement by expressing the hope that South Africa, by signing the treaty, would qualify for renewed membership in the International Atomic Energy Agency, which would allow it to take part in the exchange of nuclear technology for peaceful purposes.⁸⁴

83. J.M. Broder, S. Africa A-arms program since '70s told, *Los Angeles Times*, 27 September 1990, p. A16.

84. C.S. Wren, Pretoria accepts atom-arms ban and agrees to plant inspections, *The New York Times*, 28 June 1991, p. A1; Anonymous, News summary, *The New York Times*, 28 June 1991, p. A2; K. Nelmapius, SA sal kernsperverdrag onderskrif, *Beeld*, 28 Junie 1991, p. 1.

In signing the treaty, South Africa agreed to open up all its nuclear installations to international inspection. Although inspections of the Koeberg nuclear power reactors and the Safari 1 research reactor had already taken place, signing the treaty would also include a thorough examination of the uranium enrichment plant at Valindaba, to which access for inspection was refused in the past. In the US, Bush delivered a statement in which he welcomed and commended the South African Government for its decision to accede to the Nuclear Non-Proliferation Treaty. He said the decision reflected the growing international conviction that the proliferation of weapons of mass destruction had to be halted, as well as demonstrated the statesmanship and vision of De Klerk as he took South Africa into a new era beyond apartheid and regional conflict. The editor of the *The New York Times* agreed when he stated that banning nuclear bombs was another sign of the enlightened leadership of De Klerk. The editor also stated that the reason for South Africa's change of heart was clear, namely that it could no longer afford the denial of trade and technology that came with its status as a pariah state.⁸⁵

On 8 July 1991, South Africa adhered to its commitment when Foreign Minister Pik Botha signed the Nuclear Non-proliferation Treaty at a ceremony in Pretoria, thereby permitting inspection of all its atomic installations and easing international concerns over its nuclear weapons ambitions. A few months later, in October 1991, a statement was made by a reporter in *The New York Times* that South Africa was a customer of Communist China in the nuclear, chemical and missile business. The South African Ambassador in the US, H.H. Schwarz, reacted strongly in a letter to the Editor, saying that there was no evidence for the allegation and that the South African Government disputed such unsubstantiated allegations. He further stated that South Africa had no need for nuclear weapons, a fact substantiated by South Africa's signing of the Nuclear Non-proliferation Treaty.⁸⁶

85. C. S. Wren, Pretoria accepts atom-arms ban and agrees to plant inspections, *The New York Times*, 28 June 1991, p. A1; Bush Presidential Library (College Station), Public Papers: **Statement** on South Africa's accession to the Nuclear Non-Proliferation Treaty, 28 June 1991; Anonymous, South Africa bans the bomb (Editorial), *The New York Times*, 7 July 1991, p. D10.

86. Anonymous, South Africa signs a treaty allowing nuclear inspection, *The New York Times*, 9 July 1991, p. A11; H.H. Schwarz, Nonnuclear Pretoria (Letter), *The New York Times*, 18 October 1991, p. A30; M.R. Gordon, Washington welcomes De Klerk disclosure, but wants more details, *The New York Times*, 25 March 1993, p. A12.

6.5.3.2 US spying revealed

A few months after the signing of the Nuclear Non-proliferation Treaty by South Africa, a South African sweeping team in two operations discovered listening devices planted by the FBI and CIA in the South African Embassy in Washington, D.C. According to the sweeping team, various types of listening devices had been planted in the Embassy. They also said that the spying effort was an extremely professional operation. The CIA however only admitted in the beginning of 1993 that it had been responsible. The reasons for planting the devices were threefold: first, they wanted to spy on Armscor's missile development program and other activities with military implications, and secondly, the CIA were convinced that South Africa had developed a nuclear weapon. Thirdly, there were fears that South African agents were targeting ANC officials in the US for assassinations. The spying started during the Reagan Administration but only became particularly intense during Reagan's second term and then during the Bush Administration. It was intensified in 1990, when the Bush Administration suspected that the South African nuclear weapon development program was reaching its height. More listening devices were planted in the South African Embassy, and telephone conversations of the more senior officials in the Embassy were routinely intercepted by the National Security Agency (NSA), the electronic ears of the US intelligence community. The movement and contacts of selected diplomats were also followed and photographed by FBI counter-intelligence agents.⁸⁷

The spying incident took place during the term of South African Ambassador Piet Koornhof, who went out of his way to make friends with politicians and groups supportive of the Bush Administration. He even often received the notorious far-right US politician Jesse Helms at the Embassy, and instigated other acts of goodwill in an effort to normalize US-South African relations.⁸⁸ Thus, the fact that the Bush Administration went behind his back to install the listening devices, left a taste of bitterness in the mouths of those South Africans who tried their utmost best to improve relations between South Africa and the US. It was proof that the Bush Administration still distrusted South Africa. Why else would they plant listening devices in the South African Embassy? As discussed in the paragraph above, the US was suspicious about

87. F. Swart, Agente het in Dr. Piet se tyd op ambassade in Washington gespioeneer, *Beeld*, 29 March 1993, p. 4; S. Barber, US still spying on South Africa, *Sunday Times*, 4 April 1993, p. 5.

88. F. Swart, Agente het in Dr. Piet se tyd op ambassade in Washington gespioeneer, *Beeld*, 29 March 1993, p. 4.

South Africa's missile and nuclear capabilities. It did not believe the South African Government's denials that South Africa had nuclear weapons and missiles capable of carrying a nuclear warhead. The US had firm grounds on which its suspicions were based, in any case as far as missile technology was concerned. The evidence emerging from arms embargo violation cases in the US proved that South Africa indeed had an advanced missile program. However, the US only had circumstantial evidence of a possible South African nuclear weapons program. It therefore sought hard evidence of such a program, possibly to strengthen its implementation of the arms embargo.

Despite the revelation of the spying activities, South African diplomats in the US, including Koornhof's successor, Harry Schwarz, declined to comment. The revelation came at a time of general agreement amongst Bush Administration officials and Ambassador Schwarz that the relations between the US and South Africa was on an extremely good footing. Schwarz indicated that he wanted to keep it that way, therefore he would not make a big issue of the spying incident.⁸⁹

6.5.4 SMUGGLING CASES

6.5.4.1 The Gluckle and Baker case

In May 1989, two South Africans, Heins Guckle and Syd Baker, were arrested in New York when they tried to sell arms to US federal agents posing as gun smugglers. Guckle and Baker claimed they were co-owners of an arms factory in South Africa, and expressed interest in selling arms to a Colombian terrorist organization known as M19. The arms entailed eight thousand South African-manufactured semi-automatic 9mm pistols. A US arms broker, Michael Devlin and his wife were also arrested with the South Africans and charged with firearms smuggling and contravening the CAAA of 1986, according to which it was a federal offence to do military-related business with South African companies. The proposed transaction was also a violation of the embargo on the import of arms from South Africa specifically stipulated in the CAAA of 1986.

89. F. Swart, Agente het in Dr. Piet se tyd op ambassade in Washington gespioeneer, *Beeld*, 29 March 1993, p. 4; S. Barber, US still spying on South Africa, *Sunday Times*, 4 April 1993, p. 5.

Arm Scor and the South African Department of Foreign Affairs both denied any involvement with Guckle and Baker.⁹⁰

6.5.4.2 The Lukman Case

In June 1989, a rather unusual smuggling case was revealed when John C. Lukman, a US citizen, was sentenced in New Haven to 27 months in prison and a fine of \$20,000 for the illegal trade in rhino horns, leopard skins and Soviet-manufactured automatic weapons. Lukman was the head of an international rhino horn smuggling syndicate. At the time of his arrest, he attempted to smuggle two rhino horns, a stuffed leopard and an AK47 rifle into the US. This constituted violations of the law on endangered species and the CAAA of 1986, which prohibited the import of weapons from South Africa to the US.⁹¹

6.5.4.3 US Technological Data via Germany

In June 1990, a press report alleged that technological data on the US Star Wars project, a space missile defense system, had been exported to South Africa via Germany by a Los Angeles businessman, Ronald Hoffman. Hoffman was the owner of a company called Plume Technology. He was arrested on charges that he had send data and computer software pertaining to the Star Wars project to West Germany without a license. Arm Scor denied any knowledge of Hoffman or his alleged transfer of technological information to South Africa.⁹²

6.5.4.4 CIA complicity in South African-Iraqi arms deal

In July 1991, the Bush Administration faced a difficult dilemma when it was alleged that the proposed head of the CIA, Robert Gates, had played a key role in the export of South African arms to President Saddam Hussein of Iraq, against whom Bush had declared war. If the allegations were true, it would have been a very serious allegation against Gates in the light of the arms embargo. Gates was appointed to the CIA in 1966, and was named by Bush as the proposed new head of the CIA. Gates'

90. Anonymous, Arms sale riddle as two held in US, *The Star*, 23 May 1989, p. 2; Anonymous, Wapensmokkel-saak: G'n borgtog vir SA man in VSA, *Die Burger*, 29 May 1989, p. 5.

91. Anonymous, Yank smokkel met horings uit SA; gestraf, *Die Burger*, 17 June 1989, p. 13.

92. Anonymous, Krygkor weet niks van dié Yank, *Beeld*, 18 June 1990, p. 5.

appointment had to be approved by the US Senate, who had learned of his alleged complicity in the Iraq arms deal through allegations broadcasted over a television program called Frontline. A former member of the Israeli intelligence service, Ari Ben-Menashe, and a former member of the Iran intelligence service, Richard Babayan, accused Gates of being involved in the early 1980s with the export of 200 South African-manufactured G-5 howitzer guns to Iraq. Babayan alleged that he had met Gates several times in Genève and Washington over a secret mission to help Saddam Hussein in his war against the Ajatolla Khomeini of Iran. According to Babayan, Reagan approved the mission. Babayan further alleged that Gates had suggested that he establish contact between Iraq and South Africa. The result was the export of South African heavy artillery, anti-aircraft artillery and howitzers in exchange for Iraqi oil.⁹³ Despite the allegations, Gates went on to become the Director of the CIA.

6.5.4.5 The case of Willem Louw

In 1992, a South African named Willem Louw, along with three other persons, Menachim Rosenfeld, T. Rosenfeld and Satish Shah were arrested in Germany and extradited to the US on charges that they had conspired to smuggle arms from the US, thereby violating the Export Control Act regulations governing the arms embargo. Louw and M. Rosenfeld were also accused of channeling money in the process in a manner that would conceal the origin thereof. M. Rosenfeld pleaded guilty and was sentenced to twelve months in prison. Apparently, M. Rosenfeld resided in South Africa, because it was ordered that he return to that country after his jail term expired. Louw was released on \$300,000 bail in December 1992 on provision that he remained in the US to stand trial in March 1993.⁹⁴ It is unclear whether he was found guilty and sentenced.

6.6 CONCLUSION

As stated in the introduction to this chapter, the Bush Administration could be regarded as a watershed in global politics. It was during the Bush Administration's term that the wall of resistance of white minority rule in South Africa crumbled. The majority of the credit for this should not go to the Bush Administration, however. Many factors worked together to make it happen. Nonetheless, the pressure from the US in the form of the

93. F. Swart, SA wapens kan nuwe CIA-hoof kelder, *Beeld*, 17 July 1991, p. 4.

94. F. Swart, SA man in VSA uit op R1 m-borgtog, *Rapport*, 13 December 1992, p. 2.

arms embargo, economic sanctions and public renouncement of apartheid should not be underestimated. It definitely had an influence.

When Bush became US President in 1989, a global political earthquake was already starting to occur. Soviet communism crumbled and consequently also the Berlin Wall, which symbolically represented a barrier between communist Eastern and democratic Western Europe. In Southern Africa, Namibia gained independence after many years of administration by South Africa that had led to numerous outcries and United Nations resolutions against the latter. In the Middle East, the continuing Israeli/Palestinian conflict blocked every effort to put a peace plan on the table, and Saddam Hussein of Iraq was being accused of gross human rights violations and the procurement of weapons of mass destruction. It was especially the latter that demanded the attention of the Bush Administration for its entire four years in office. After Hussein annexed neighboring oil-rich Kuwait, the US declared war, resulting in Operation Desert Storm and the Gulf War. Furthermore, the US wanted to make its mark as the superpower that ended the proliferation of weapons of mass destruction, e.g. nuclear weapons and ballistic missiles. Thus, the Bush Administration spent much energy on convincing countries to adhere to a new global initiative, the Missile Technology Control Regime (MTCR). All these occurrences kept the Bush Administration very busy, in fact, too busy to give focused attention to South Africa. One got the impression that South Africa was very low on the priority list of the Bush Administration, especially when compared with the efforts of the preceding Reagan Administration. Unlike Reagan, Bush, who had been Reagan's Vice-President, was happy to contend with the legal requirements of the CAAA of 1986, which stipulated that South Africa had to adhere to five specific prescriptions before sanctions could be lifted. This was despite the fact that the Bush Administration on various occasions stated that it was increasingly optimistic about the political transformation taking place in South Africa. However, when these public statements were due to be translated into practical encouragement from the Bush Administration, it was quick to say that F.W. de Klerk had to be given time to implement his reforms, and in the meantime, the US embargoes and sanctions would remain.

The Bush Administrations' happy adherence to the punitive measures against South Africa was also evident from the way in which it implemented the arms embargo. Many cases of illegal procurement of US military technology and items, which had been

concealed for years, were revealed during the Bush Administration. This in itself speaks of a commitment and dedication of Administration officials to implement the arms embargo strictly. One specific case, the International Signal Control case, left politicians and officials especially baffled because of its enormity and concealment during the entire Reagan Administration. What started out as an arguably small investigation turned up a masterplan of smuggling to South Africa. The revelation of the smuggling activities led the Bush Administration to an action that had been unprecedented during all the years that the arms embargo was in effect: indictments against three South African firms and seven South African citizens, in addition to the US compliants in the smuggling. In all the revealed cases since 1977, when the mandatory arms embargo was instituted, it was only the US firms and individuals that had been convicted. The ISC-Armscor case thus also symbolized a watershed in US judicial prosecution.

The ISC-Armscor case was not resolved during the Bush Administration, but rolled over far into the Clinton Administration, with far-reaching consequences. In other cases that was revealed during the Bush Administration, the guilty parties did not get away with relatively light sentences, as was the case during the Carter Administration and the Reagan Administration's first term. Furthermore, Bush did not hesitate to slap Armscor with even more sanctions after it became known that it had collaborated with Israel in the development of ballistic missiles and that much US equipment were obtained for this program, in violation of the US Arms Export Act. The fact that sanctions were waived for Israel, speaks for itself about the commitment of the Bush Administration to the implementation of the arms embargo against South Africa. On the other hand, the reforms taking place in South Africa should have convinced the Bush Administration that there was no turning back in that country. Still, it chose to play safe and adhere to the law books, whereas with Israel, it waived the law books because of a fear that it might jeopardize the Middle East peace process. Ironically, South Africa was also involved in a peace process, with much more major turnabouts than what was happening in Israel. The difference perhaps was that a settlement in the Middle East peace talks would bear a clear US involvement stamp, whereas with South Africa, the Bush Administration could not say the same. After many years of embargoes and sanctions, the change in South Africa came from within. Also, Israel declared that it would adhere to the MTCR, which, as said, was a showcase of US influence. South Africa refused compliance, and was therefore punished.