EVADING THE EMBARGO

How the United States Arms South Africa and Rhodesia

by

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and

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A number of experts and leaders of anti-apartheid organizations attended the Seminar which focused on the full implementation and strengthening of the arms embargo against South Africa, decided on by the Security Council on 4 November 1977.

Papers and statements presented to the Seminar are being published by the Centre against Apartheid at the request of the Special Committee against Apartheid which invited complementary information or comments from Governments concerned.

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The views expressed in this paper are those of the authors.

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Although the United States agreed to honour both the 1963 United Nations embargo on arms deliveries to South Africa and the 1966 United Nations arms embargo on Rhodesia, vast quantities of United States arms have been supplied to the two countries through a variety of clandestine and semi-legal channels. These deliveries have enabled the minority Governments of Pretoria and Salisbury to intensify their control over the Black majority, and to resist what they perceive as half-hearted calls for change on the part of United States officials.

Strict enforcement of the United Nations embargoes is critical for two reasons: first, to demonstrate the unity of the world community in opposing White minority rule in southern Africa, and second, to prevent the delivery of those weapons and systems needed by the minority Governments to preserve their dominance in the face of growing domestic opposition. Indeed, while these régimes may require a wide variety of externally supplied resources to survive -- including oil, technology, capital investment and loans -- their racial policies ultimately rest on the possession of overpowering military and police capabilities. The sincerity of Washington's commitment to the anti-apartheid effort can thus be measured by its performance in enforcing the arms embargoes.

Given the fact that the Carter Administration has now subscribed to a new, more rigorous embargo on South Africa, it is particularly important that we examine the loopholes that have been used to evade the 1963 and 1966 measures, for, unless Washington acts forcefully to close existing breaches in the original United Nations resolutions, it will not be able to halt the flow of arms to the minority régimes and our country will become ever more implicated in the preservation, by violent means, of the racist status quo in southern Africa.

United States arms in South Africa

Our research on the arms traffic indicates that a variety of channels -- legal and illegal, direct and indirect, overt and covert -- are used by United States and foreign corporations to evade the 1963 and 1966 United Nations sanctions. We will attempt to describe the various channels and the arms that have been shipped through them. For convenience, and because of the greater availability of information, we will concentrate on transfers to the South African Air Force (SAAF), but most of the channels we describe

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1 United Nations Security Council resolution 418 (1977), of 4 November 1977, which requires all Member States to halt all transfers to South Africa of "weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned..."
are also used to supply the South African Army and Navy. As we shall show, some of these routes are further used to arm Rhodesian military units. To illustrate the use of these channels, we will identify some of the United States arms that have been transferred to South Africa and Rhodesia over the past few years; research by other analysts suggests that additional United States arms have been furnished through the same routes, but we will confine ourselves to cases which have been confirmed by internationally recognized sources.

Each year, the International Institute for Strategic Studies (IISS) in London publishes an authoritative survey of world military forces, The Military Balance. Of the 362 combat aircraft (excludes trainers) listed as being in the SAAF's active inventory in the 1977/78 edition of this document, at least 161 -- more than 40 per cent -- are partly or fully of United States origin. Some of these, such as the C-130 Hercules transports, were delivered prior to the 1963 embargo; most, however, have been delivered over the past 15 years.

Aircraft of United States origin delivered to the SAAF after the embargo was imposed include 16 L-100 transports, 7 Swearingen Merlin-IV medium transports, and at least 22 Cessna Model-185 Skywagons. United States-designed and United States-powered aircraft delivered during this period include 19 Piaggio P-166S patrol planes, 40 AM-3C Bosbok utility craft, and 20 C-4M Kudu liaison planes. These planes may not be the most advanced aircraft in the SAAF's inventory, but they play a key role in the kind of scattered, sporadic fighting in which South African forces have been engaged. United States-supplied planes were used, for instance, to airlift supplies to South African forces fighting in the Angolan civil war of 1975, and to ferry riot troops to one embattled city after another following the 1976 Black uprising in Soweto.

Still other United States-supplied aircraft, not listed in The Military Balance, are flown by an all-White, voluntary militia known as the "Air Commandos." These forces, trained by SAAF instructors at Government expense, are called up periodically to help patrol border regions and to augment regular counterinsurgency forces in Namibia.

The existence of these United States aircraft in South African hands cannot be denied. The real question is: "How did they get there in the face of an embargo which Washington had pledged to support?" Following is a description of the principal loopholes used by United States firms and Government agencies to evade the 1963 sanctions.

Loophole No. 1: civilian aircraft sales to the South African Air Force

In some cases, United States airplanes have been delivered from the United States directly to the SAAF with the blessing of our Government. Such, at least, was the case with the Lockheed L-100's and Swearingen Merlin-IV's, delivered under the Nixon Administration, and the Cessna 185's, delivered in the mid-1960s. These aircraft were declared "civilian" products by the United States State Department and thus exempted from the 1963 embargo -- even though United States officials knew they would be used by the SAAF to support military operations.

The 7 January 1964 White House memorandum governing United States participation in the 1963 United Nations embargo outlawed the transfer of conventional weapons, but gave the State Department wide latitude in determining whether auxiliary items, such as transport and communications equipment, were to be included in the ban.3/ By stretching this discretionary power to its limits, the Secretary of State could permit sales of major combat-support equipment to South African military forces.

Under the Nixon Administration, this practice became official policy. In a secret 1969 National Security Council memorandum, known in government circles as the "Tar Baby" document, President Nixon agreed to provide substantial quantities of support equipment to the South African military. According to the published version of this document, the Administration decided to "enforce the arms embargo against South Africa," but would accord "liberal treatment to equipment which could serve either military or civilian purposes."4/ The L-100's and Merlins fit into this category.

The Lockheed L-100 "Commercial Hercules" is almost an exact replica of the Lockheed C-130 Hercules cargo plane flown by the United States Air Force and many other military agencies around the world. Both the L-100

3/ The authors are indebted to Robert T. Sylvester, "United States arms embargo against South Africa: is it to be effective?" (unpublished manuscript, 12 April 1978).

and the C-130 can carry some 43,000 pounds of cargo or 92 combat troops over distances up to 2,500 miles. The military version has slightly superior range and payload characteristics, additional electronics and a paratroop door, but otherwise there is little to distinguish it from the civilian version.²/ Aircraft of this type were reportedly used to carry supplies to the South African units fighting in Angola during the 1975 civil war, and they may well have been used again during the May 1978 attack on Angola.

The Swearingen Merlin-IV is an all-weather, pressurized, executive-type transport plane. It is powered by two AiResearch turboprop engines and can carry 15 to 20 paratroopers or 5,000 pounds of cargo over distances of several hundred miles. Although the Merlin is not configured specifically for military use, it is included in the air force inventories of several countries, including Oman, Argentina and Chile. According to the July 1976 issue of Milavnews, a private intelligence newsletter published in the United Kingdom, the SAAF received seven Merlins in 1975/76 and assigned them to the Twenty-first Transport Squadron, based at Zwartkop. Reportedly these planes have also been used to support military operations in Namibia and southern Angola.

Like the Lockheed L-100/C-130, the Cessna Model-185 Skywagon is produced in both civilian and military versions. The military version, designated U-17 by the United States Air Force, is used for a variety of support functions including liaison, reconnaissance and light transport duties. Both versions are powered by a single 300 horsepower piston engine, and can carry up to six passengers for distances of over 1,000 miles.

Although the SAAF's Skywagons cannot be considered major combat systems, they do play an important role in guarding the South African border against Black liberation fighters. According to the South African military magazine Paratus, Cessna 185's "keep the 1,000-mile border under constant surveillance." The planes were being used for road surveillance, medical evacuation, light transport, and radio relay posts, and were used for low-level visual reconnaissance with a pilot and observer because of their "manoeuvrability and low fuel consumption." The magazine also noted that "Cessnas can be used to control ground fire on to specific targets and to report subsequent enemy movement."

According to Paratus, the South African crews are strongly attached to their Skywagons:

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²/ All data on aircraft performance characteristics is taken from Jane's All the World's Aircraft, 1976/77, and earlier editions.
"Each aircraft is given a name, usually terms of endearment, such as "Baby Jumbo," "Buke's Baby," etc., and with the dedicated work of the ground crew all aircraft are kept in excellent flying shape. No matter what time the Cessna comes in, it is always welcomed by its crew who check and secure it for the night, always looking after its affairs before their own."6/

Other significant support equipment, including computers, communications systems, navigational devices and military vehicles, have also been supplied to South African military forces via loophole No. 1. Like the transport planes described above, these items were deemed "civilian" systems and thus exempted from the embargo even though intended for military use.

Loophole No. 2: United States-powered aircraft

The 1963 embargo applies both to complete aircraft and to major components and subsystems such as engines. Our research indicates, however, that many of the aircraft in the South African Air Force inventory, including the Piaggio P-166, the AerMacchi AM-3C, and the Atlas C-4M, are powered by United States-produced or United States-designed piston engines. These aircraft were assembled outside the United States, and the engines used to power them were deemed non-embargoed products under a 1968 State Department memorandum allowing sales of United States components to "third countries" for use in combat support equipment of the type covered in loophole No. 1.7/

The role of United States engines is particularly critical because, despite reports of South Africa having its own aircraft industry, the fact is that the country still cannot produce aeronautical engines and must import them from outside. Following are descriptions of the aircraft and engines involved under loophole No. 2.

The P-166 is a light transport plane produced by Piaggio of Italy and powered by two Avco-Lycoming IGS0-540-AIC piston engines produced in Williamsport, Pennsylvania.8/ The basic P-166 carries up to 12 passengers or 2,500 pounds of cargo, and can be armed with a variety of bombs, rockets, and other munitions. The SAAF has also acquired a specially-equipped version, the P-166S Albatross, which is used for coastal surveillance missions.

7/ Sylvester, op. cit.
8/ All data on aircraft engines is from Jane's All the World's Aircraft, op. cit.
Piaggio also produces, under licence the United States-designed Lycoming engines used to power the AM-3C and the C-4M. The AM-3C, known in South Africa as the Bosbok, is a three-seat utility plane manufactured in Italy by Aeronautica Macchi SpA (AerMacchi), an affiliate of Lockheed Aircraft. According to Jane's All the World's Aircraft, the AM-3C is used for observation, liaison, and training missions. It is powered by a single Lycoming GSO-480 piston engine, and can be fitted to carry small bombs, rockets and napalm.

The C-4M Kudu is a light STOL (short takeoff and landing) transport used to support ground operations. Like the AM-3C, it is powered by a Lycoming GSO-480 piston engine produced under licence in Italy by Piaggio. The Kudu is produced in South Africa by Atlas Aircraft, a company set up by the Pretoria régime to promote self-sufficiency in arms production -- and thus to lessen the impact of the United Nations embargo.

Although Prime Minister John Vorster has boasted frequently of South Africa's domestic arms-making capabilities, the fact remains that Pretoria is highly dependent on foreign suppliers for key components, raw materials and design technologies. The Kudu is a case in point: not only is it powered by a United States-designed engine imported from Italy, but it is itself modeled after a United States aircraft, the Lockheed L-60.

**Loophole No. 3: overseas production of United States-designed aircraft**

We have already seen, in the cases of the AM-3C and C-4M, how United States-designed engines, produced in Europe, are used to power aircraft destined for South Africa. In still other cases, European producers have sold to SAAF aircraft of wholly United States design. Such sales, to be permissible under United States law, would have to be of unarmed support planes of the sort described under loophole No. 1. An aircraft in this category, whose delivery to SAAF can be documented, is the AerMacchi-Lockheed AL-60 Conestoga transport, the Italian version of the Lockheed L-60.

The AL-60 is a single-engine STOL transport produced in Italy by Aeronautica Macchi under licence from Lockheed, which also owns a considerable block of AerMacchi stock. Powered by a single Lycoming 10-720-A1A piston engine, it is designed for operation out of unimproved airstrips in rugged areas. Approximately 20 AL-60's were sold to SAAF in the 1960s, and later transferred to the Rhodesian Air Force, where they are known as the Trojan.\(^2\) Reportedly these aircraft are used by the Rhodesian Air Force to support outlying anti-guerrilla forces.

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\(^2\) Jane's All the World's Aircraft, 1973/74 edition, p. 122; SIPRI Arms Trade Registers (Stockholm International Peace Research Institute, 1975), p. 84.
Loophole No. 4: aircraft sales to civilians 10/

The 1964 Executive Order governing United States compliance with the 1963 United Nations embargo did not cover sales of "civilian" planes to civilian buyers in South Africa, and over the years United States producers have enjoyed a booming trade in light "business-type" planes and helicopters with South African civilians and airplane dealers. South Africa is reported to be the world's tenth largest market for such aircraft, and United States firms normally sell some 150 light planes per year to South African buyers.11/

These aircraft -- many of which also exist in military versions -- are nominally owned by private citizens and firms but can be seized for military use under the emergency decree adopted by the Pretoria régime on 10 November 1977, in response to the new United Nations embargo of 4 November. Such aircraft can also be used for military purposes by the Air Commandos, an all-White citizen's militia, who can be called on to fly their own planes in support of regular military units.

The Air Commandos participate in annual two-week training sessions subsidized by the Government and supervised by SAAF instructors. These units -- currently numbering 13 squadrons according to The Military Balance -- can also be called up in emergencies to augment regular Government forces.

Jennifer Davis, research director of the Africa Fund, testified before the Subcommittee on Africa of the United States Senate Foreign Relations Committee in 1975 that the Air Commandos' training "entails radio co-operation with army and mobile police striking forces, reconnaissance, practice bombing, and general co-operation in maintaining the internal security of both South Africa and Namibia."

Davis continued:

"Many of these Commando members fly United States light planes, such as Pipers and Cessnas. Thus, even if the licensing procedures were adhered to technically in the sense that no planes were sold to the military, such planes would become available to the military, and, most important of all, form part of the 'security planning' of the Government."12/

10/ Our thanks to the Washington Office on Africa and the American Committee on Africa for assistance in this section of our paper.


Although it is impossible to determine from publicly available sources which United States aircraft have been assigned to the Air Commando squadrons, data recently released by the United States Export-Import Bank (Eximbank) on loans provided for civilian aircraft sales to South Africa indicate many deliveries of planes with dual military/civilian capabilities. In 1973, for instance, the Eximbank guaranteed loans for sales of several Beechcraft Model-55 and 58 Baron twin-engined business planes to South African buyers. A militarized version of the Baron, the T-42A Cochise, is used by the United States Army as a basic instrument trainer. The Baron is also used as a military trainer by the air forces of Spain and Turkey.\textsuperscript{13}/

In May 1976 the Eximbank approved a $163,000 discount loan for the sale of two Helio Aircraft Model-295 Super Couriers to a South African firm. The Super Courier is a short takeoff and landing transport which is particularly suited for operation in rugged country. Several military versions exist, one of which is equipped with paratroop doors and "has been operated in Southeast Asia, South America, and in other parts of the world, on a wide variety of military missions," according to Jane's All the World's Aircraft. Under its military designation, the U-10, several were assigned to the United States Tactical Air Command for "counterinsurgency duties".

Other United States aircraft sold to South African buyers since 1972 with Eximbank funding include: the Beechcraft A36 Bonanza, a single-engine utility plane used by the air forces of Iran, Mexico and Spain; the Rockwell Turbo-Commando, a twin-engined turboprop which is in the Iranian air force inventory; Cessna Executives, Golden Eagles, Conquests and Citations; Piper Super-Cubs; and the Mitsubishi MU-2 twin-turboprop STOL transport, produced in San Angelo, Texas, by Mitsubishi Aircraft International.\textsuperscript{14}/

\textsuperscript{13}/ All data on military configurations is from Jane's All The World's Aircraft.

Although these are nominally commercial transactions, involving United States firms and private buyers in South Africa, the United States Government is directly involved -- both through the Commerce Department, which must grant permission for all such "civilian" exports to South Africa, and through the Export-Import Bank, which assumes the risk for loans provided by local banks for these sales. The State Department is also involved by default, since it is responsible for monitoring the 1963 United Nations embargo and for ensuring that military equipment is not misrouted to South Africa.

On 14 December 1977 -- only five weeks after adoption of the new mandatory United Nations embargo -- the State Department announced that it was recommending approval of an aircraft sale to South Africa that reportedly involved six Cessna planes valued at about $500,000. As in the case of earlier sales, the decision was defended on the ground that the aircraft involved were non-military products destined for civilian users. Announcing the recommendations, State Department spokesperson John Trattner said "it would be incorrect to infer that a decision has been made to discourage the export of civilian aircraft to South Africa."

Press reports of the 14 December announcement indicated that Cessna was planning to sell another 44 planes, valued at $3 million, to South Africa. Reportedly many of the planes involved are Cessna Model-172's, which are used for military training by the air forces of Ecuador, Honduras and Peru.

**Illegal/clandestine arms deliveries**

In addition to the aircraft and support equipment sold to South Africa through the loopholes described above, large quantities of arms have been shipped to both South African and Rhodesian military authorities through illegal and clandestine routes. In most cases, such transactions have involved the delivery of United States weapons to "third countries" which are not covered by any embargo, and then their trans-shipment to individuals, firms, or agencies inside South Africa. Such was the situation in the case of the Olin Corporation, which was convicted in March 1978 of selling 3,200 firearms produced by its Winchester Division to South Africa via trans-shipment points in Mozambique, Austria, Greece, and the Canary Islands. This was the first time that a United States corporation had been indicted for violating the embargo on South Africa, although in 1976 an employee of Colt Industries, Walter S. Plowman, was sentenced to a year in prison for selling handguns to South Africa via several third countries.

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Arms of United States design are also being sold to South Africa and Rhodesia by subsidiaries and partners of United States corporations in Europe. We have already discussed the production and sale of United States designed aircraft engines and cargo planes by European firms, but here we are dealing with the sale of aircraft or other systems that have been configured for specific combat functions. Since United States firms provided the technology and in some cases key components for these arms, their delivery to South Africa and Rhodesia represents a serious erosion of United States adherence to the 1963 and 1966 embargoes.

Several researchers have reported the sale of United States-designed combat planes and armoured vehicles to South Africa by European firms. Such arms reportedly include: the Lockheed F-104G Starfighter, produced by a consortium of firms in the Federal Republic of Germany; Bell Model 205A troop-carrying helicopters, produced by Agusta of Italy; and FMC Corp. M113 armoured personnel carriers, produced by Oto Melara of Italy. Although full confirmation of these transactions is still lacking, it is clear that at least some United States-designed arms have reached South Africa through such channels. Furthermore, in one significant case, there are strong indications that United States-designed combat planes have been sold to the Rhodesian Air Force by a United States affiliate in France.

In its June 1977 issue, Milavnews, the British newsletter mentioned earlier, reported that Rhodesia had received 20 militarized versions of the Cessna 337 aircraft from Reims Aviation, a Cessna affiliate in France. According to Milavnews, the 337's "arrived in Rhodesia by circuitous routes in mid-1976 when they were ostensibly ordered by a 'Spanish fishing company' in the Canary Islands." These presumably are the 18 337's listed as being in Rhodesian Air Force hands in the 1977/78 edition of The Military Balance. (No such aircraft were listed in the 1976/77 or earlier editions.)

The Cessna 337 is a light, twin-engined aircraft with a dual fuselage. This aircraft was at one time produced in a military version, the O-2, and saw wide service in Vietnam as a forward air control, target-spotter plane. It is produced in a civilian version by Reims Aviation, which is 49 per cent owned by Cessna. The 337's shipped to Rhodesia were reportedly fitted with underwing armament racks and special avionic gear, thus converting them, in effect, to the O-2 configuration.

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18/ Gervasi, loc. cit.
19/ Earlier, Michael T. Kaufman had reported in the New York Times (3 October 1976) that some "ten new Cessna light reconnaissance and transport planes," produced in Reims, France, under licence, had arrived in Rhodesia "through the sanctions net."
20/ According to Jane's All the World's Aircraft, the "primary structures" of the Reims 337 planes are produced in the United States and then shipped to France for assembly; only certain smaller components and equipment are French-produced.
Several of the Rhodesian 337's have been used as spotter planes in raids on neighbouring Mozambique, according to Tony Aiviran, United States journalist based in Dar es Salaam. One 337 has reportedly been shot down in Mozambique. The use of this aircraft by the Rhodesians is one of the clearest cases of the importation of United States counter-insurgency tactics and equipment, originally developed for Vietnam, into southern Africa.

In its March 1978 issue, Milavnews reported that another four Reims 337's, nominally destined for Panama, "were believed to have arrived in Rhodesia towards the end of last year." The United States Department of Commerce and the United Nations Committee on Sanctions are now investigating the alleged sales of 337's to Rhodesia.

There are indications that the Olin and Cessna-Reims cases are only the tip of the iceberg of United States corporate clandestine arms sales to South Africa and Rhodesia. Although some firms involved in such transactions may be tempted to violate the embargo out of sympathy for the white minority régimes, it is likely that most will do so simply out of a desire for profit. As long as private firms judge it to be in their interest to take advantage of any loopholes or laxity in the enforcement of arms restrictions, the burden of responsibility for assuring compliance with the embargo must fall on the United States Government. The relative ease with which Olin was able to circumvent the embargo (its one mistake apparently was to ship arms repeatedly through the Canary Islands, which presumably has a relatively limited market for firearms, thus triggering the suspicions of United States officials) suggests that Government enforcement has, up to now, been rather lax.

If the United States Government were truly committed to strict adherence to the United Nations embargo, it would be extremely vigilant in monitoring corporate arms transactions in order to preclude any violations; conversely, the lack of such vigilance suggests that the Government is, through inaction, prepared to allow such violations. That the Government has undermined the embargo by "closing its eyes" to corporate misbehaviour was alleged by Walter S. Plowman during court proceedings connected with his prosecution for violating the embargo. According to press accounts of the case, Plowman charged that State Department officials "acquiesced" to his South African sales by failing to investigate questionable transactions.21/

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Plugging the loopholes

In response to widespread protests from members of the United States Congress and opponents of the Pretoria régime, the Carter Administration agreed to re-evaluate Government regulations concerning civil aircraft sales to South Africa in the light of the United Nations embargo of 4 November 1977. The new regulations were issued on 17 February 1978, and while they go a long way to curb the abuses noted under loopholes Nos. 1-3 above (it will no longer be permissible, for instance, to sell "civilian-type" aircraft like the L-100 to South African military and police units), they do not prohibit sales of civil aircraft to non-governmental buyers in South Africa. Indeed, the General Aircraft Manufacturer's Association announced on 22 March 1978 that the Carter Administration had approved the sale of another 70 to 80 light aircraft, worth over $3.5 million, to buyers in South Africa.22/

In letters to members of the United States Congress, the State Department has promised to impose new conditions in all licences issued for the export of civilian aircraft to South Africa prohibiting their use by military or police units. Critics of the Administration's policy charge, however, that such conditions would not be heeded by the apartheid régime in the event of a crisis, at which time the emergency decree described above -- allowing the Government to seize the assets of any private individual or firm -- could be put into effect. Accordingly, several Representatives, led by Cardiss Collins of Illinois, have introduced a bill (H.R. 10722) prohibiting the sale of aircraft, aircraft engines, and helicopters to South Africa.

In the absence of such legislation, it is safe to assume that United States aircraft sold to South Africa will be used for military purposes in the event of intensified armed struggle against the apartheid régime. The same is true, of course, of United States vehicles, computers, and other military-related products sold to corporations in South Africa.

Unless the links between United States firms and their overseas subsidiaries and partners are closely monitored by United States officials to prevent violations of the United Nations embargo of the types described above, it is obvious that such supply routes will remain in operation. It is up to us, therefore, to generate public support for the Collins bill and to pressure the Carter Administration to take effective action to enforce the United Nations embargo against South Africa of 4 November 1977 and the 1966 embargo against Rhodesia. If it fails to enforce the embargoes, the United States Government will be providing de facto support to South African and Rhodesian efforts to strengthen their military capabilities.