

2.3 Undercapacity

Much of the problem is blamed on the high vacancy rate within the secretariat and in the inspectorate, which causes severe capacity constraints within the NCACC. Sydney Mufamadi referred to this in the abovementioned letter when he said that *“the recent years have seen a sharp increase of the defence industry’s business. The volume of permit applications that are lodged with the Secretariat for processing have far exceeded expectations thus placing an administrative strain on the Secretariat.”*

2.4 Moral Failure

But of course, the real failure is a moral one.

We do not have a principled approach to foreign policy and the early promise that “human rights will be the light that guides our foreign affairs” has been forgotten.

The danger is that even if the NCACC met regularly, was fully staffed and produced regular reports, dodgy arms deals might still be authorised.

Who can forget the response to the recent incident involving the “An Ye Jiang” – the Chinese ship laden with military equipment destined for Zimbabwe - when the then secretary of defence January Masilela dismissed the human rights violations in Zimbabwe as mere “allegations” and commented, *“The position on arms to Zimbabwe is that we trade normally with Zimbabwe; there is no embargo”?*

The crisis at the NCACC is a major problem:-

- there is a serious question about whether the arms deals that were authorised after the last meeting of the NCACC in May/June 2008 complied with provisions in the legislation and were properly authorised and therefore legal;
- because the NCACC has not yet met, there is a massive backlog of permits to be considered with contracts worth billions of Rands in the arms industry now on hold; and
- several dodgy deals appear to have slipped through the cracks since the last meeting of the NCACC in May/June 2008.

3. Dodgy Deals

We would like to deal at length here with the issue of dodgy deals, which is the most important consequence of the crisis at the NCACC.

We are concerned here with six countries and three types of deals – namely:

- deals that have been “authorised” by the NCACC;
- deals that are “pending” authorisation by the NCACC; and

- a case of an authorisation to exhibit military support equipment in a country of concern.

The deals that have been “authorised” have received contracting permits and export permits from the NCACC.

The deals that are “pending” are awaiting authorisation of contracting permits and export permits from the NCACC.

The deal involving an arms manufacturer exhibiting military support equipment in a country of concern received a marketing permit from the NCACC.

3.1 Iran (Islamic Republic of Iran)

Deal Status	System	Description
Pending	Aviator G-suits	An Aviator G-suit is worn by pilots who are subject to high levels of acceleration to prevent blackouts and loss of consciousness.

There is a deal pending authorisation by the NCACC to export thousands of aviator G-suits to Iran.

The aviator G-suits are worn by pilots who are subject to high levels of acceleration to prevent blackouts and loss of consciousness.

The suits were not produced in our country, but a company based in our country is attempting to export the aviator G-suits to Iran.

The information at my disposal is that the company in question may be assisting in “busting sanctions”. A company based in our country may be being used as a vehicle to export military support equipment for a company based in another country.

We should not be exporting weapons systems or military support equipment to Iran.

The United Nations has placed a partial arms embargo on Iran, while the European Union has placed a total arms embargo on that country.

Moreover, Iran is rated as 6.0 (“Not Free”) by Freedom House and its last report to the United Nations Register of Conventional Arms was in 1998.

Iran is also considered by the United States to be a “state sponsor of terrorism”, meaning that it allegedly “repeatedly provides support for acts of international terrorism”.

3.2 Libya (Great Socialist People’s Libyan Arab Jamahiriya)

Deal Status	System	Description
Authorised	Multiple grenade launchers (40mm)	A multiple grenade launcher is capable of firing lethal or anti-riot ammunition and can be used in combat and

Deal Status	System	Description
		policing missions.
Authorised	Glide bombs	A glide bomb is a long-range precision guided weapon powered by a booster rocket motor. It can be used to deliver penetration or fragmentation bombs at ranges of over 120 kilometres. There is a concern that these glide bomb can be converted to deliver nuclear, chemical or biological weapons.

The NCACC has authorised the export of a number of 40 mm multiple grenade launchers to Libya.

The NCACC has also authorised the export of an unknown number of glide bombs to Libya.

The multiple grenade launchers are capable of firing lethal or anti-riot ammunition and can be used in combat and policing missions.

The glide bombs are long-range precision guided weapons powered by a booster rocket and capable of delivering penetration or fragmentation bombs at ranges of over 100 kilometres.

There is a concern that these guide bombs could be converted to deliver a nuclear, chemical or biological weapon.

For this reason, these glide bombs are normally fitted with certain “safeguards” to prevent and warn of tampering.

However, according to information at my disposal, these “safeguards” were not fitted to the glide bombs exported to Libya.

We should not be exporting weapons systems and military support equipment to Libya.

Libya is rated as 7.0 (“Not Free”) by Freedom House and its last report to the United Nations Register of Conventional Arms was in 1997. Libya was rated as one of the most repressive societies in the world and one of the “Worst of the Worst 2009” by Freedom House.

3.3 Syria (Syrian Arab Republic)

Deal Status	System	Description
Authorised	Multiple grenade launchers (40mm)	A multiple grenade launcher is capable of firing lethal or anti-riot ammunition and can be used in combat and policing missions.
Pending	7.62 mm sniper rifles	A sniper rifle is used to ensure accurate placement of bullets at longer ranges than other small arms. A typical sniper rifle is built for optimal levels of accuracy, fitted with a telescopic sight and employed against human targets.