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ADV LEBALA: Morning Chair.

CHAIRPERSON: Before we start can we let our witness take an oath?

(Witness is sworn in.)

5 ADV LEBALA: Morning Chair, morning Commissioner Musi, we are ready to proceed. Admiral Higgs, yesterday when we parted ways you were just about to refer to page 1 paragraph 6 of your sworn statement, I would like you to go to page 1 paragraph 6 of your sworn statement but before we do that I
10 would like to inform you that there are going to be instances where you are going to testify with your cap on as a Navy officer and also with your cap on as a member of the South African National Defence Force, but permit me to take you firstly to, ask you to put your cap on as a member of the
15 South African National Defence Force.

Please tell the Commission about your standing before this August forum in your uniform, look around to your colleagues who are dressed in uniform in relation to the Code of Oath that distinguishes you from civil members of the
20 South African National Defence Force and the society, particularly in relation to the subject of the SDPP packages.

R/ADM HIGGS: Thank you very much Mr Chairman. One of the fundamental points of being in uniform is that we have a different set of rules and a different set of values, those

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rules and values comes from the Constitution and that's always been imbedded in the spirit of the professional military of the new South Africa and in particular were raised from the Constitution and the White Paper and formalised just
5 over 10 years ago in our Code of Conduct.

ADV LEBALA: Now I note that you are referring to the Code of Conduct. Please look at page 12 of the index and paginated papers. Commissioners, I'm referring to Higgs bundle page 12, there's a document in page 12 headed "The
10 Code of Conduct". Does it refresh you Admiral Higgs?

R/ADM HIGGS: Thank you Mr Chairman.

ADV LEBALA: I beg your pardon, I see the commissioners are trying to identify the page. It's very important that we shouldn't lose them and they shouldn't lose us. Thank you.
15 Commissioners, are we on the same hymn sheet? Admiral Higgs.

R/ADM HIGGS: Thank you very much indeed Mr Chairman. The Code of Conduct is something which defines how we as uniformed people must be. The issue comes down to what is
20 expected from us when we put on our uniforms of the arm of the Navy, of the Air Force and of SAMS and *de facto* it cuts us apart from other people. The uniform which we always tell our youngsters is not clothing, it is just like the material of the South African national flag, that is material that it is a

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million times more important. The issue with regard to our uniform is similarly so, the uniform symbolises who we are and is reflected in the Code.

ADV LEBALA: Admiral Higgs, we've been advised that if you could try and create some distance between you and mic, because I see that you are echoing and punching and it affects the record and I see the stenographer is a little bit restless, so do me a favour, each time you speak look at the stenographer, he will signal you as to whether you are doing the right thing so that we shouldn't burden the record. I'm giving over to you now.

R/ADM HIGGS: Thank you. Thank you Mr Chair. The issue with regard to uniform is the same as a cross and flag. This uniform is used as clothing but it is a million times more important. If we take a youngster from our Navy or our Army or our Air Force and they walk through the streets of Shanghai in China, or they walk through the streets of New York in the United States or anywhere in the world people make way for them, that's a fact Sir. If they are wearing very expensive suits people just look at them as if they are somebody else with a bit of money but with a uniform on people stand apart.

I was very privileged in 2010 to represent the Chief of the South African Navy at the 60th anniversary of the

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Sri-Lankan Navy and at a function hosted by the head of state I sat next to my liaison officer, a commander in the Sri-Lankan Navy and his wife, and his wife said to me: "Do you know Admiral, when I as a lady, a civilian lady walk through the streets of Colombo on my own an I am nobody, but when I walk next to my husband who is a commander in the Sri-Lankan Navy ...", she said everybody looks at her with respect and makes way for her.

ADV LEBALA: May I interpose? May I interpose at this stage because I want to direct you to the real relevance of this question, its significance is going to come at a later stage when we are talking about uniform but at this stage permit me to put one question to you, what is that that relates to the uniform, the Code of Conduct and the Constitution?

R/ADM HIGGS: Mr Chairman I need to read specifically from the Code which is built from the Constitution which potentially afterwards I will link up with the Constitution or if necessary I could do the Constitution first and then link it, but they are interwoven.

ADV LEBALA: I'm going to direct you Sir, please start with the Constitution. Chairperson, Commissioner Musi, we refer to the bundle legislation (indistinct) page 108, the witness would like to refer you to Section 199 of the Constitution

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Volume 1 Legislation Section 119 of the Constitution Act 108/1996.

CHAIRPERSON: Page?

5 ADV LEBALA: 108 of the index, Volume 1 Legislation. Just
to refresh you Commissioners if you recall yesterday when we
were doing hygiene and tidying up around bundles we
mentioned that there was going to be two volumes
encapsulating the legislation bundle, volume 1 and volume 2,
so we are referring to volume 1 that contains the Constitution
10 and other legislative enactments, but at this stage we're only
focusing on page 108 of the Index volume 1 referring to the
Constitution. I see the chairperson is nodding, I suppose we
are on the same page. Thank you, thank you Chair.
Commissioner Musi, are you tagging along with us Sir?
15 Thank you. Yes, you may proceed.

R/ADM HIGGS: Thank you Mr Chairman. If I read from
section 199: "Establishment, Structuring and Conduct of
Security Services" in subsection (1) it says:

20 *"The security services of the Republic consists of
a single defence force, ..."*

I'll read that again:

*"... a single defence force, a single police service
and any intelligence services established in terms
of the Constitution".*

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In subsection (2):

“The Defence Force is the only lawful military force in the Republic”.

And then skipping to subsection (4):

5 *“The security services must be structured and regulated by national legislation”.*

And then more specifically in subsection (5):

10 *“The security services must act and must teach and require their members to act in accordance with the Constitution and the law including customary international law and the international agreements binding on the Republic”.*

Very particularly subsection (6):

15 *“No member of any security service may obey a manifestly illegal order”.*

In subsection (7):

“Neither the security services or any of their members may in the performance of their functions:

20 (a) *Prejudice a political party interest that is legitimate in terms of the Constitution or;*
(b) *Further in a partisan manner any interest of a political party”.*

ADV LEBALA: Now the relevance in this Section in relation

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to you being in uniform, your colleagues being in uniform distinct from civilian members of the society and the Code of Oath, how do they relate?

5 R/ADM HIGGS: Mr Chairman Sir, what I've read from the Constitution I will now read from the Code of Conduct which we were taken to earlier on and you will see the linkage that the Constitution feeds and sets the framework for the Code of Conduct which has 12 bullets which use very similar language and concepts to that which I had just read.

10 ADV LEBALA: You may proceed to deal with those relevant bullet points, please focus only on the relevant points.

R/ADM HIGGS: The Code of Conduct for Uniform Members of the South African National Defence Force, I've elaborated on uniform and this is the Code.

15 • *I pledge to serve and defend my country and its people in accordance with the Constitution and the law with honour, dignity, courage and integrity. I serve in the SANDF with loyalty and pride as a citizen*
20 *and as a volunteer*".

The issue with regard to "volunteer" is fundamental to date because nobody is conscripted in South Africa. The second bullet:

• *I respect the democratic political process and*

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civil control of the SANDF embracing the spirit of the new South Africa.

- *I will not advance or harm the interests of any political party or organisation.*

5 Which comes straight out of the Constitution.

- *I will accept personal responsibility for my actions, I will obey all lawful commands and respect all superiors.*

10

- *I will refuse to obey an obviously illegal order.*

It's something which makes one wonder in the military if you give an order and people say I need to think twice about that it's obviously illegal. If a superior officer tells a subordinate: "Go and shoot that child", if the subordinate shoots that child they are both going to be guilty. The subordinate will not be able to say: "Oh, I'm just obeying an order", I think that's a very graphic thing, so the reality is it brings humanity and reality of the spirit of the new South Africa into the military. The next bullet Sir:

20

- *I will carry out my mission with courage and assist my comrades in arms even at the risk of my own life.*

This is the basis of the profession of arms.

- *I will treat all people fairly and respect their*

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rights and dignity at all times regardless of race, ethnicity, gender, culture, language or sexual orientation.

Embracing the spirit of the inclusive South Africa.

- 5
- *I will respect and support subordinates and treat them fairly.*
 - *I will not abuse my authority, position or public funds for personal gain, political motive or any other reason.*
- 10
- *I will report criminal activity, corruption and misconduct to the appropriate authority.*
 - *I will strive to improve the capabilities of the SANDF by maintaining discipline, safeguarding property, developing skills and knowledge and performing my duties diligently and professionally.*
- 15

ADV LEBALA: Admiral Higgs, the Code of Conduct, when was it manifested into reality to be applicable in as far as the SANDF is concerned?

20 R/ADM HIGGS: Mr Chairman Sir, the Code of Conduct was formalised as a document which every member of the South African National Defence Force signs, it was brought into being formally in the year 2000/2001 and it is read at every parade which the Navy, the Army, the Air Force and SAMS

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has and any joint parade, so people are continuously reminded of it at all formal gatherings and for it everybody stands to attention in uniform and listens to it, so it is not something which is tucked away in a bottom drawer
5 somewhere, it is very much at the forefront of everybody's minds.

ADV LEBALA: Admiral Higgs, mentioning that it was sort of saying, confined in 2001, what's the relevancy of its efforts in relation with the subject that we are dealing with of the
10 SDPP's that started during or about post-1994?

R/ADM HIGGS: The relevance of it today is that it has formalised what started in the Constitution and then was actually taken by the White Paper and the reality is it focuses us on the use of force. The military is about the use of force
15 and the use of force means that you have to have a capability to use force and that capability has got two fundamental issues to it, it has got the issue of equipment and it has the issue of professional military people who will make the equipment work and that is the basis of thought from the
20 Constitution, the Code of Conduct into why we have a Navy, an Army, an Air Force and SAMS to defend and protect South Africa.

ADV LEBALA: Admiral Higgs, as far as the application of the (indistinct) are concerned that (indistinct) in this Code of

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Conduct in 2001, the Constitution that was enacted in 1996, the SDPP that started post-1994, what are you saying about the ethos contained in this Code of Conduct in relation to these three highlights I'm making of referring to 1994, the SDPP post-1994, the Constitution of 1996?

R/ADM HIGGS: Mr Chairman Sir, the ethos reflected in that I believe was fully embraced by all serving military people who participated in the Defence Review and all the associated processes to help design and come up with the fact that we need certain equipment and we must be able to do that.

ADV LEBALA: Admiral Higgs, just in (indistinct) below on page 12 there's the paragraph headed "Rules of War", I just want you to explain the sentence below that and read it for the record, starting with: "In situations ...", just start there.

R/ADM HIGGS: Sir, from the "Rules of War":

"In situations of arms conflict I will abide by the rules of international humanitarian law as contained in the Geneva Conventions".

ADV LEBALA: Now this paragraph headed "Rules of War" relates to arms. Now in relation to what are they referring you to now in as far as protecting and defending South Africa is concerned, in relation to the SDPP what is your comment, arms, protecting and defending the Republic of South Africa,

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its people and integrity and arms and use of force?

R/ADM HIGGS: Mr Chairman Sir, use of force is fundamental to any military which must defend and protect South Africa, in accordance with the Rules of War, the Geneva Convention,
5 our Constitution, our White Paper and broad international examples of all other professional militaries in democracies in the world, we are not out of step with other democracies which have their own militaries.

ADV LEBALA: I would like you to look at Section 200
10 Admiral, (indistinct) 19 of the legislative bundle volume 1. Commissioners, we are referring to Section 200 headed "The Defence Force of the Constitution". Would you like to read subsection 1?

CHAIRPERSON: Just hold on.

15 ADV LEBALA: Volume 1 dealing with legislation bundle Chair, page 119. It's the same bundle that the witness referred to when the witness was talking to section 119 and the Code of Conduct Chair. I would appreciate if the Chair could draw my attention if the Chair has identified the
20 relevant section. Page ...

CHAIRPERSON: Page?

ADV LEBALA: Page 119 Chair, 119 Section 200. I'm struggling Chair with the microphone. Page 119 Section 200, you may proceed to read the section. Remember Admiral

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Green reflected it yesterday, please read subsection (1).

R/ADM HIGGS: Mr Chairman Sir, Section 200 “Defence Force” subsection (1):

5 *“The Defence Force must be structured and managed as a disciplined military force”.*

ADV LEBALA: Please read subsection (2).

R/ADM HIGGS: Sir, subsection (2):

10 *“The primary object of the Defence Force is to defend and protect the Republic, its territorial integrity and its people in accordance with the Constitution and the principles of international law regulating the use of force”.*

15 ADV LEBALA: Admiral Higgs, seeing what is being emphasised in Section 200, structuring and managing the disciplined military force, the principles of the use of the force, what the Code of Conduct reflect in relation to the rules of war, what do you make out in relation to the SDPP packages at this stage before you even go deeper into the processes of procuring the SDPP’s, what do you make of what
20 is coming out of these provisions?

R/ADM HIGGS: Mr Chairman Sir, in accordance with my judgement the SDPP’s are fully aligned with the constitutional imperative as has been read now.

ADV LEBALA: Explain in what context particularly having

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read Section 200 regulating the use of force, what if read in as far as the Code of Conduct Rules of War, I would like you to elaborate if you could?

5 R/ADM HIGGS: Sir, with regard to the Code of Conduct the whole ethos of a professional military in South Africa, the fundamentals of defending and protecting South Africa it is imperative for two elements, one is that you have to have the people and two; you have to have the equipment, you've got to have that to be able to use force in accordance with the
10 Constitution. It is fully aligned with the Rules of War, with the International Humanitarian Law contained in the Geneva Conventions and is fully aligned with everything relating to the Department of Defence and defending and protecting South Africa.

15 ADV LEBALA: Now I would like us to raise with the (indistinct) and I want to take you back to your statement, look at page 1 of the index (indistinct) bundle.

**NOTE: Note that Advocate Lebala's microphone is either not functioning correctly or is not engaged. There is a
20 continuous bumping of the microphone which causes a disturbance on the record.**

ADV LEBALA: You will remember that yesterday when we adjourned we were just about to deal with paragraph 6 of your statement, the theme of which is to refer to the Defence

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Review, but before we even go there do you want to take the Commission through the basis of the Defence Review, the way you understand and your *Curriculum Vitae* has already informed us that you participated in the Defence Review, but
5 before we even go there I would like you to lay a basis of the Defence Review the way you understand it and what informed it.

R/ADM HIGGS: Mr Chairperson Sir, the Defence Review was informed by the Defence White Paper, the Defence White
10 Paper was of fundamental importance, it was gotten going by the new Minister of Defence from 1994 and the Defence White Paper was a broad approach to establishing policy as of urgency for defence in South Africa. Sir, what I would like to do is I would like to read an extract from the paper which was
15 written by Dr Rocky Williams who participated fully in the White Paper on Defence and then was the convener or the Defence Review.

ADV LEBALA: I would like you to take the commissioners to the relevant page of this paper you want to refer to and to
20 assist you and the commissioners, Commissioners, please look at Higgs bundle Volume 2, page 761 Annexure "RHAA" to page 779, the witness is just going to deal with some excerpts from this reading. Volume ...

CHAIRPERSON: Which page?

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ADV LEBALA: The witness is going to refer you first to page 762. 762. Are the Commissioners with us on the page? Chair, kindly draw my attention when you are, identified the page. Commissioner Musi, please feel free to draw on my
5 attention once you've identified the page.

CHAIRPERSON: (Indistinct).

ADV LEBALA: Thank you Chair. This is very important because it would defeat the purpose of leading this critical evidence particularly because it lays the basis to the real
10 subject, but we are going to be, we are not dealing with Rules of War, we are not dealing with Protecting and Defending the integrity of SOUTH Africa in the abstract but dealing with the SDPP's and if you are not going to tag along at this stage we'll have failed our responsibility. I would like
15 us to adjourn if need be, just for a few minutes, so that we should be able to correct whatever is creating a difficulty in us taking you in as far as the testimony is concerned.

Commissioners I have a practical solution through your guidance, but I think it will refresh us and bring a gust
20 of fresh air. If you could remove any other bundle that was before you I think we'd live happily.

CHAIRPERSON: But what page are you referring to?

ADV LEBALA: Page 762 of Higgs bundle. You were given five bundles earlier on and I'm going to request you just to

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remove them in front of you and remain with Higgs bundle.

CHAIRPERSON: Can I make a suggestion, can we just
adjourn for five to 10 minutes and let someone attend to
these bundles, because the numbers are very, very faint, we
5 can't see them.

ADV LEBALA: Thank you Chair, thank you, it makes sense.

(Commission adjourns)

(Commission resumes)

CHAIRPERSON: Can I just confirm that the witness is still
10 under oath? Thank you.

ADV LEBALA: Chair and Commissioner Musi, we just have
had a logistical challenge which does not go to the substance
of this hearing, it's a procedural slag in as far as the
numbering of the pages of the bundles are concerned and
15 fortunately we wanted to assist the commissioners to be able
to easily identify the documentation because the numbering
was faint, I don't think it's something that I think affects the
way we conduct the proceedings and the way the proceedings
primarily have to run and I'm just mentioning this so that the
20 record should reflect that this break was solely just to sort
out the numbering, that's all, but we are ready to proceed
Chair.

CHAIRPERSON: Okay, can we (indistinct) those volumes.

ADV LEBALA: Admiral Higgs, the question that was put to

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you with reference to where we stopped, we were laying the basis for you to address the subject of the White Paper, do you remember, do you recall?

R/ADM HIGGS: Mr Chairman Sir, I recall that.

5 ADV LEBALA: Now you wanted to refer us to the documentation, would you like to put it on record what was the reference to that in the name of the documentation?

R/ADM HIGGS: The name of the documentation was a paper written by the late Dr Rocky Williams and the specific page
10 I'd like to take you to please Sir is 762.

ADV LEBALA: Thank you Chair. The actual documentation and article starts on page 761 to 779, but the witness would like to take the Commission from page 762. You may proceed Admiral Higgs. Just a second. Commissioners are with us?
15 Thank you.

R/ADM HIGGS: Thank you Mr Chairman Sir. Sir, I'm going to read and elaborate a little bit on what Dr Williams wrote, as I said he was a significant player in the White Paper and he was the convener of the Defence Review and my particular
20 relationship with him was that when I was in the Defence Review I was very, very close to him, so a lot of his thought is very close to my thought, and I'd like to start off by reading halfway through the second paragraph Sir, it says:

"The Defence White Paper and the Defence Review

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Process. The Defence White Paper establishing the (indistinct) Framework”.

ADV LEBALA: Admiral Higgs, I would like us to identify that paragraph so that we shouldn't lose the commissioners and the commissioners should not lose us. Just on page 762, 5 which paragraph is it? Remember there's a paragraph added, the Defence White Paper and the Defence Review Process, can you see? Now under it there's a Defence White Paper column establishing the (indistinct) Framework. Let's call the 10 paragraph starting 1994 as the first paragraph and the paragraph starting the content of the Defence White Paper as the second paragraph. Just direct the commissioners where you would like to start.

R/ADM HIGGS: Mr Chairman Sir, I'd like to start at the first 15 paragraph starting with "1994":

“1994 was the year characterised by the election of a new government. The initial restructuring of the executive levels of the State and the formulation of the new government's policy positions. Defence was no exception to this process and both the new minister and his ministry embarked on the formulation of a Defence White Paper in June of 1995. South Africa had seen 20 very few Defence White Papers in its history, the

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5 *last significant White Paper being 1997 Defence
White Paper which outlined the-then total strategy
doctrine and all of them had been conducted in a
closed environment. The 1995 Defence White
Paper process was to be substantially different on
two regards, its content and its inclusivity”.*

ADV LEBALA: Admiral Higgs, is there a comment that you would like to make in relation to this paragraph?

10 R/ADM HIGGS: Sir the comment at this stage, just from my
CV, my bio, I just finished off in the United States when this
thing had been kicked off and I was on my way back to the
Cape for six months before I came up here, so that is where I
personally, and firstly I was not involved with this, but I
obviously had played a major role in my defence review
15 activities.

ADV LEBALA: If you can explain, this paragraph talks about
two white papers, that historically there was White Paper in
1977 by the (indistinct) Defence Force then as a Navy officer.
I see you are nodding your head, I would like the record to
20 reflect your response.

R/ADM HIGGS: Yes, I joined the Navy in January 1976 but
as a junior officer I had absolutely no idea of what was
happening at the White Paper level.

ADV LEBALA: And you say there was a White Paper in 1995,

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the ones that you were talking to. Now what was the significant difference between the two white papers?

R/ADM HIGGS: I think the significant difference between the two White Papers upfront was the actual, the content of the White Paper because the new White Paper in 1995 reflected the new South Africa and which was going to put South Africa on track for the future period whereas the 1997 White Paper obviously was in a totally different environment, so the 1995 White Paper was obviously an endearing White Paper which would shape and help shape policy for probably centuries to come.

The other point is that our understanding as is read here is that the White Paper of 1977 was probably put together by a few very smart military officers, some politicians and some academics in smoke-filled rooms whereas the White Paper of 1995 was an inclusive consultative White Paper. Why I mention that is because the whole issue with regard to the Defence Review was taking the consultation and the transparency to a different unprecedented level.

ADV LEBALA: Let's proceed with the second paragraph Admiral Higgs, starting with the content.

R/ADM HIGGS: Mr Chairman Sir the second paragraph reads:

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“The content of the Defence White Paper was different from that of a ‘traditional’ Defence White Paper in two major respects. Firstly rather than adopting as its departure point an appraisal of the strategic environment within which South African Defence found itself situated it adopted as a first principle almost the importance of ensuring robust and stable civil military relations in a democracy”.

10

And I think that that has been fundamental to the new spirit, the new character of South Africa, of the President Mandela South Africa in those days. And as such it was a very strong, normative document which sought to detail those principles and values upon which defence in a democracy should be established, of vital importance and of course leading me to the subparagraph from (2) with a small indent Sir:

15

20

“The principle upon which sound civil military relations should be established, the management of Defence in a democracy, the importance of transforming the representivity of the armed forces, the cultural transformation of the armed forces and the armed forces and international law”.

That was the major focus of it. And the moving to the next paragraph Sir:

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“Secondly the White Paper gave scant guidance ...”.

And this is the leading to the Defence Review:

5 *“... gave scant guidance as to the size and the
shape of future armed forces and called on the
institution of a Defence Review process to
accomplish this objective. With regard to force
plan and guidelines the Defence White Paper
predicated force design on the primacy of a
10 primary function”.*

A comment on this, the issue one could say should one not have just made the White Paper and the Defence Review one, but my understanding is that in a historic context it was very necessary to bring out a document as soon as possible and
15 so there was pressure to actually get that legitimising document out for as the White Paper and then to inform and kick off the Defence Review process which was going to take significantly more time and my opinion with hindsight is it was a good thing to do because it allowed legitimacy and it
20 allowed very formal Parliamentary direction for the Defence Review to start off with.

ADV LEBALA: May I interpose? May I interpose Admiral Higgs, just go back to the previous page 762, the paragraph overemphasising civilian military relations, why were they so

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important as at that stage?

R/ADM HIGGS: The civil military relationships was very, very important at that stage because if you look at that historic context we had five statutory forces and two non-
5 statutory forces which were being brought together in an unprecedented manner, we had different cultures, different organisations, different philosophies *et cetera* in the context of South Africa and it was vitally important that that framework should be set up, and this was about the ethos of
10 the South African population, it was about the ethos of including everybody into the new formula to formulate where South African Defence should be into the future and I think the Defence Review and my participation in it, I was very, very humbled and privileged to be part of this because this
15 was history in the making and often we look back on it and think of it just being some normal process but it was not, it was not, it was a lot bigger than that and that's what I'll be testifying to later on in the day today Sir.

ADV LEBALA: I note that some terms would be coming time
20 and again, I don't think it's appropriate or rather let me correct myself. It's very important at this stage because we'll be dealing with some terms that will be coming time and again and I just want you to simplify those terms and definitions for the Commission. In the paragraph that you

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have on page 763, please go to page 763, the paragraph starting with "Secondly ...", towards the end of it there's a sentence that: "With White Paper predicated force design on the primacy of the primary function". I note that Admiral

5 Green laid the foundation for the force design, this term is going to be coming time and again, if you had to simplify it in ABC language, what would you say is force design?

R/ADM HIGGS: Thank you Mr Chairman. Sir, the force design was terminology used there but perhaps better

10 terminology is the order of battle, it is the order of battle of South Africa, it included the war fighting, the actual equipment and the people, so together it's a specific capability, it's not just an aircraft, it's not just a pilot, it's the driven aircraft with the pilot with the associated systems

15 to make it work. So, I regard force design as an order of battle, it is significant.

ADV LEBALA: We'll be referring to this term time and again, would you like to proceed on the self-same page or would you want to take the Commission elsewhere?

20 R/ADM HIGGS: Mr Chair Sir, I'd like to continue with the next paragraph, the sub-indented paragraph just after the primary function:

"The size, design, structure and budget of the SANDF will therefore be determined mainly by its

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primary function, however, provision will have to be made for the special requirements of internal deployment and international peace support operations”.

5 Sir, this is very, very important because having observed and listened to debates since the White Paper and Defence Review have gone through and had been endorsed by Parliament it is a magnificent document which I'm sure everybody has seen. The reality is that that is a fundamental
10 point of departure.

ADV LEBALA: Admiral Higgs I would like the record to reflect, I wouldn't want to short-change anyone, there's a document that you just picked up and showed it to the commissioners. Please mention it, explaining and draw their
15 attention to it.

R/ADM HIGGS: Thank you very much Mr Chairman. Sir, this is the document which was produced and published in 1998 and is, it includes the White Paper, the South African White Paper Defence of 1996 as well as the South African Defence
20 Review of 1998. In our bundle Sir we have the full transcript of this on a single paged photostat but this is the document which I'm specifically referring to and it makes me very proud to have participated in this because this is what the people of South Africa decided throughout Parliament what defence

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should be, this is a blueprint and it's fundamental.

ADV LEBALA: Admiral, because we would be going into the rudiments of that document, for the completeness of this part of your testimony is it Annexure "RHW5", please look at
5 Annexure "RHW5" on page?

R/ADM HIGGS: Correct.

ADV LEBALA: Yes. Annexure "RHW4", it starts on page?

R/ADM HIGGS: Correct, it is "RWH4", the South African White Paper on Defence 1996 from page 13 to 62 and then
10 "RWH5", South African Defence Review 1998 from page 63 to 210.

ADV LEBALA: Thank you Admiral. We'll deal with the important parts of this relevant documentation that you have referred us to. You may proceed from there.

15 R/ADM HIGGS: Thank you Sir. Sir, just once again to highlight the supremacy of the primary function, there was lots of controversy about this and it actually came through in the force designs afterwards because there were a number of people who were not necessarily driven by the constitutional
20 imperatives who believed that the primary function was actually not important at all for the force design and this will be explained as we go right the way through to lead to the four options which are actually provided in the Defence Review later on, so just for the people also listening, if you

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just make note of this, this is very significant.

ADV LEBALA: I see that they are mentioning, or rather I note that you have mentioned the primary, you mentioned primary, I beg your pardon, primary what?

5 R/ADM HIGGS: Mr Chair Sir it's primary function, that is to defend and protect South Africa.

ADV LEBALA: Thank you Admiral Higgs, I just wanted clarity about the substance of that primary function. Yes, you may proceed.

10 R/ADM HIGGS: Thank you Mr Chairman. Sir, then I would like to just for completeness of this before we go to the White Paper I'd just like to read a little bit more of what Dr Williams wrote and I think it ties it up nicely before we actually go through the highlights of the White Paper. The next
15 paragraph Sir says:

*"This emphasis on the primary function of the armed forces, which is the preservation of territorial integrity and sovereignty was to constitute a major force design principle in the
20 subsequent Defence Review and the Department of Defence's transformation process".*

That's exactly what I've said and it's fundamental. The next paragraph Sir, this is the last paragraph here which I'm going to read from:

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5 *“The Defence White Paper was a considerably more inclusive process than previous white papers and was characterised, possibly more so than any other White Paper to date by a high level of interaction and consultation between the Ministry of Defence and its parliament’s new and powerful Joint Standing Committee on Defence. The Joint Standing Committee on Defence actively participated in each and every step of the White Paper formulation and the final product tabled in Parliament in May of 1996 as was endorsed by all political parties represented in Parliament, thereby bestowing on the final product a high level of political legitimacy. The Defence Review process initiated in July of 1995 proved to be even more of the inclusive process than had been the case with the Defence White Paper”.*

10

15

ADV LEBALA: Sir, the White Paper was legitimised by its inclusiveness?

20 R/ADM HIGGS: Correct Sir Mr Chairman, the White Paper was legitimised, thus inclusiveness and the fact that Parliament said this is the way to go guys.

ADV LEBALA: Are we still on the self-same annexure or you are going to other pages or another relevant part of your

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testimony?

R/ADM HIGGS: Mr Chair, Sir, I'd like to now move across to the actual White Paper on Defence where I would like to take you through to a number of highlighted areas, so we are
5 going to move, if we may Sir, to "RWH4", South African White Paper on Defence of 1996 and that is from page 14 to 62, if you could turn to that and then I will direct you to the first page I would like to raise Sir.

ADV LEBALA: We are on page 13, 14, 15, 16 and 17. Would
10 you like to direct the commissioners to the specific page where you would like to start?

CHAIRPERSON: (Indistinct).

ADV LEBALA: Annexure "RHW4".

CHAIRPERSON: Where would one find it?

ADV LEBALA: It's on volume 1 of Higgs bundle. I beg your
15 pardon. It starts on page 13 to page 62. Thank you Chair, I see we are on the same page. Admiral Higgs, please direct the commissioner which page would you like to start with.

R/ADM HIGGS: Thank you Mr Chairman. Sir, I'd like to
20 proceed to page 17, page 1-7, that is the (indistinct) by the Minister of Defence.

ADV LEBALA: Admiral Higgs, just to testify in your testimony, we will be speeding things up, you will note that it is another (indistinct). What I would like you to do is we

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could read and say I would like to start with the paragraphs, we have a title or a paragraph start with "Defence must serve ...", and we will qualify them as paragraph 1, 2 or 3. Yes, you may proceed Sir.

5 R/ADM HIGGS: Thank you very much Mr Chair. Sir, I'd like to start with the first paragraph, the second sentence of the first paragraph starting at the end of the third line, that is the paragraph we have entitled as "Publication". The point here is:

10 *"The constitutional function of Defence has as its primary object to loyally defend and protect the sovereignty, territory and people of our country against external aggression and as its secondary object to assist our civil authorities in maintaining*
15 *the rule of law where necessary".*

I continue below the next, the photograph of Minister Modise:

20 *"Defence must serve to uphold peace and security in a democratic society so as to create a stable environment for the improvement of our people's lives and for the development and progress of our country".*

Sir, I think this is at the heart of everything, particularly the last sentence, the issue, the guns-butter issue is fundamental in South Africa.

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ADV LEBALA: I would like you to simplify the concept “guns-butter” issue to the Commission.

R/ADM HIGGS: Thank you Mr Chair. Sir, the guns-butter comes down to the balance between security and defence
5 expenditure and (indistinct) expenditure on other social related issues and the big motivator decisions any government has to take is what balance to have, what percentage goes in there and how much would actually maintain that, and this sentence which we have here is
10 indicating that they actually are, they are interfacing, they interpose on each other and the reality is you need both which was the conclusion which we came to, and I will talk a lot to that over the next few hours.

ADV LEBALA: The self-same issue of the balancing along
15 the lines of guns and butter issues, was it ventilated during the (indistinct) discussions?

R/ADM HIGGS: Sir, I was (indistinct) discussions but in reading it, it is a fundamental principle in all the discussion which permeates through this document with regard to the
20 discussions which I participated in, in the Defence Review, it was most definitely part of it and this point which I wanted to highlight now actually sets up a good relationship between the two of them.

ADV LEBALA: Before we even go to the Defence Review, as

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at this stage from what you know, having participated in the Defence Review, my understanding that the foundation to go into the Defence Review was premised on the White Paper, what was your knowledge and information that you got in as far as interest, different views and debates in as far as the White Paper are concerned in relation to the interest, different interests that were taking place there?

R/ADM HIGGS: I think the issue with regard to interest was huge and I think that the point of departure of the Defence Review and the White Paper in opening our doors to everybody to participate in it was of fundamental importance, because everything was to inform the debate and in fact I'll always remember those words, whenever anything controversial came up, whatever, people would say put it on the table, let us hear what the people have to say, and it was very, very important and in fact I'll talk later to the Defence Review.

We had people from everywhere coming in and at our hearings and our regional hearings the doors were always open, at no stage did we say the doors are shut, you may not get involved, it allowed everybody to vent and at the same time as it gave an opportunity for people to talk we encouraged people to listen also, which was actually something quite unique for some people, we're not used to it,

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lots of people would talk and would not listen to everybody else, but it allowed everybody to actually sit and talk and listen and interface, I think in an unprecedented way which related to the spirit of the new South Africa.

5 ADV LEBALA: Yes, you may proceed. Are we still on the self-same page 17 or are we leaving it?

R/ADM HIGGS: Sir, I'd just like to read the paragraph again which, as I said, related to setting the scene for the guns *versus* butter it says, this is just under the picture of Minister
10 Modise, it says:

*“Defence must serve to uphold peace and security in a democratic society so as to create a stable environment for the improvement of our people’s lives and for the development and progress of our
15 country”.*

Which is setting up a secure, stable environment where defence is fundamental to things so that there can be economic stability, prosperity and the individual and personal security of everybody can be best assured.

20 ADV LEBALA: Yes, you may proceed, are we still on the self-same page or are you taking us to another page?

R/ADM HIGGS: Sir, I would now ... Mr Chair Sir, I would like now move two pages down to page 19.

ADV LEBALA: I think you should look at the commissioners

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to see whether they already have the page before we start. I see the commissioners are nodding, you may proceed Sir.

R/ADM HIGGS: Thank you Mr Chairman Sir. Sir, this is the page with the Chief of the Army Lieutenant General Ramano at the top, the first paragraph refers to the White Paper, I would like to skip that and then go down to the Defence Review, this was setting up the scene for the Defence Review again and here it says:

“The Defence Review elaborates on the White Paper Policy in terms of the SANDF’s role, function, posture, doctrine, force design (order of battle), equipment levels and budgetary implications as well as the human resource issues such as the details and practical implementation of integration, affirmative action and effective transformation”.

Continuing to the next paragraph Sir:

“In other words the review process had determined the size, type and staffing of the SANDF, its command and control as well as its primary equipment and related budgetary requirements”.

ADV LEBALA: I see that the issue of budgetary implications was also ventilated as early as discussions (indistinct) Defence Review.

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R/ADM HIGGS: That is quite correct Sir. With regard to everything, as the whole issue moved down the, what ensued, I believe the White Paper and in particular the Defence Review, were fully linked into the reality of South Africa of 1995, 1996 and 1997 because it was not done in a smoke-filled room, it was done there with all the doors open and people experiencing the new South Africa coming in and out and participating.

ADV LEBALA: I see on this paragraph another term that we are going to be using time and again is coming, called the doctrine, force doctrine. In your own terms just simplify it for us as we are going to refer to it time and again. What does force doctrine mean?

R/ADM HIGGS: Thank you very much Sir. Sir, doctrine is very important to military talk, the simplest way to explain doctrine is in three words, it is how we fight, it includes the principles and concepts but it is how we fight, so the doctrine is how South Africa fights.

ADV LEBALA: As at that stage in relation to the subject before us, remember we are laying the foundation for the (indistinct) on the equipment and its utilisation and the reason why we acquired it. As at that stage the subject of (indistinct) the budget, the (indistinct), what was informing us in relation to our positions?

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R/ADM HIGGS: Sir, I think that what it was directing, is it was directing that we had to make sure we were able to fight and it was how we were able to fight and the terminology which we actually used was needs driven and cost constraint.

5 The needs were as defined by high level policy and the cost constraint meant bringing financial realities into it, it was not just a cost constraint activity because that would not have done justice to what the Constitution had instructed us to do.

ADV LEBALA: Well as at that stage how important was the
10 subject of considering in acquiring equipment as at that stage, was it on the minds of the framers and the (indistinct) at that level?

R/ADM HIGGS: Sir, I think that at the White Paper one would have had an idea that it would lead to purchasing of
15 equipment because at that stage as my colleague Admiral Green had mentioned yesterday the National, or the Defence Force, South Africa's defence capability was in fact at the stage where we needed major renewal and just talking to that briefly concerning renewal and bringing another international
20 perspective into things because sometimes people tend to think that renewal is (indistinct) activity and then you sit quiet for 20 or 30 years and then you do it again.

In the United States Constitution of many hundred years ago it is said you maintain a navy, and of course

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referring to the US Army 300 years ago, and you raise an army, in other words an unsophisticated organisation, but the concept is you maintain something, you can't raise a navy quickly. Our Army today is not the same as an

5 unsophisticated army, so *de facto* our Army today would also have to be maintained and of course in those days 200, 300 years ago people hadn't dreamt of an air force but the reality is the principles are there, so if you are talking about a modern country, a significant regional power, there has to be

10 continual renewal, there has to be continual renewal to maintain a military, it doesn't mean to put it to sleep, you take your new equipment in, you bring it into service, you operate it correctly, the old equipment you continuously take it out of service and replacing it with new equipment. It is a

15 continuum. If you don't do that for that 10 or 15 or 20 years you end up with a big issue and then it's a big issue to go and try to equip the military and in fact you end up creating more problems than one could imagine.

ADV LEBALA: We know that you did not participate in the

20 White Paper, but you participated in a very important process that was informed by the White Paper. This thinking that you are talking about, how significant was it during that time in 1994, 1995 whilst the deliberations leading to May 1996, the concretisation of the White Paper before we even go to the

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Defence Review?

R/ADM HIGGS: Thank you Mr Chairman. I think it was very significant, it was there the whole time, it was in your face, it was debated continuously and I think as I mentioned it, it was
5 because everybody was participating it and everybody felt, and even the people in military uniform, when we take off our uniforms we are civilians, we also have civilian rights and responsibilities, so everybody was actually striving for the balance and the Constitution drove us to achieve certain
10 things, so it was the dynamic of trying to get this together and move it on.

ADV LEBALA: You've touched on the subject that Admiral Green spoke about yesterday on rejuvenation and acquisition of equipment. Remember during this time it's post 1994, new
15 democracy, you call it the Mandela era if I may use this expression. What was the thinking of South Africa during that time in relation to military force and civil military relations?

R/ADM HIGGS: Mr Chair Sir, at that stage, in fact just
20 coming back to the Mandela thing which I refer to so favourably, in my time outside the country it was so amazing to represent South Africa and in particular the spirit, the ethos of President Mandela. I came across people who hadn't heard of South Africa but who knew President

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Mandela, Mandela was in their heart, it was an amazing thing, so I think in that, the Mandela ethos in South Africa is brilliant and it's bound together, but the whole ethos with regard to expenditure *et cetera* and putting money into
5 defence, there was great concern amongst lots of people about whether we could afford it and whether we should do it and whatever else.

From my side I think I was relatively privileged in the sense that I had studied at a war college with 35 other
10 nations and I had come back and I was able to add some international perspectives into the debates and into the discussions and I could say well guys, let me tell you what Japan does and let me tell you what New Zealand does, let me tell you around what Saudi-Arabia does and Russia and
15 virtually everybody except in China in those days, but the reality is it helped people understand the dynamics around defence expenditure in a vibrant democracy because defence expenditure is not popular, it's not popular, defence expenditure on hardware is certainly not popular but there's
20 certain realities, there's constitutional imperatives, everybody is going to take that through and that is why ... In fact Sir I may just go to the next paragraph, that actually sums it up so nicely, it says, they refer to the review then which was going to happen or in my actual testimony but here

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it talks about it:

"It has been hailed as the most consultative, inclusive and transparent review of its kind anywhere in the world".

5 That's significant, that's significant and that was South Africa, we were way ahead of other countries, other countries just went off being where we were, so that we could sit and discuss these things almost from a zero sum game.

ADV LEBALA: As at that stage what were the ethos in as far
10 as the order of battle, how we fight, how we were going to look at the Constitution of our Defence Force including giving it equipment as at that stage on the ground?

R/ADM HIGGS: Sir, I think that was possibly one of the reasons why Dr Williams ensured, we're actually stepping a
15 little bit into the review now, but it's good. Why he ensured that when he went around to the whole country, which is what we did, we went to all the provinces *et cetera*, we had people there from the Defence Secretariat, just some of the names we had Mr Tsepi Mothubi who is now the Director-General of
20 Military Veterans, we had Mr Mick Sendal who is also a very senior official in the Secretariat, we had representatives from all the services. We had a senior Air Force officer Colonel Wilcock, we had a senior Army Officer Colonel Gomez there, they all later became generals and we sat and we spoke

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these issues, we spoke these uncomfortable issues with the people of South Africa, we spoke the issues, I was (indistinct) often with regard to the Navy throughout the entire country where people would say guys, why do we need
5 a navy and what was very good is it actually helped us to explain and we went around and to lots of people in the hinterland where you go and say are you aware that 55% of the GDP of this country passes through our ports?

The people were not aware of that, and are you
10 aware that 80% of our exports by value, 90% by tonnage all goes through our ports, if we cannot trade, if we cannot do what we're meant to do there won't be an economy here. Our oil, most of it (indistinct) SASOL comes from the sea, all those things, that's before we start talking about supporting
15 the people who look after our fish *et cetera* and making sure that people don't spend or steal our alluvial diamonds which lie on the sea bed, I think all these broad realisations helped people understand that you can have guns and butter.

ADV LEBALA: You have already laid the foundation on the
20 subject but I intend making you to spend a lot of time on and informing the Commission about the importance of the sea and the ocean to South Africa and where we are situated. At that stage you would be putting your cap on as a naval officer, but I would still like to drag you back to have your

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cap on as a member of the South African National Defence Force. We are still busy with the White Paper, are you done or do you want to go to another page?

R/ADM HIGGS: Sir, I would like to go to page 20 if I may,
5 it's the next page, and I'd like to read to the first two paragraphs setting up the review and then finishing off with a small statement on transformation signed by Minister Modise. Sir, if I may the very first paragraph on page 20 say:

10

"It featured three national consultative conferences, a host of regional workshops in all provinces, public hearings in Parliament and a special conference on the issue of the liability to serve in times of crisis of our volunteer service men and women".

15

And then the next paragraph also which we're going to talk to later:

"It drew together a wide-range of interest groups including academics".

South African academics and international academics.

20

"It included clergy".

From any churches:

"It included industrialists, it included the media, pacifists, ...".

Whose objectives were to shut down the military:

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“... it included parliamentarians, our elected civil authorities and members of the Defence establishment bringing into being a real Defence family”.

5 So it was fully inclusive and reflected the discussion and the dynamic of South Africa at that stage.

ADV LEBALA: I see that we are already into the Defence Review, just to make everybody to be with us I would like you to draw a fine line between the White Paper and the Defence
10 Review, how would you like to draw a distinction before we even start going into the Defence Review, we know that the White Paper informed the Defence Review, but if you were to simplify in line with the way you explained Sir.

R/ADM HIGGS: Thank you very much Mr Chairman Sir. Sir,
15 the White Paper was broad-brush high level policy focusing specifically on the human dynamics of the new South Africa and was setting the scene for perhaps more nuts and bolts at a lower level of policy filling in the various gaps from which tangible inputs may be taken and tangible and substantive
20 decisions could be made.

ADV LEBALA: Thank you. Admiral Green yesterday laid the foundation for it, you said the White Paper was the policy and the Defence Review was the way to make that policy to be operationalised. Do you agree with that?

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R/ADM HIGGS: Sir, I think Admiral Green has got a very good perspective on that, I would just perhaps (indistinct) policy, as high level policy, but also as a slightly more comprehensive policy from which strategies and plans would, could go, but Admiral Green is quite correct with regard to that interpretation.

ADV LEBALA: Now we are already into the Defence Review, we've got no choice, paragraph 20, page 20, the two paragraphs that you have read informs us that there were consultative conferences, regional workshops in all the provinces, public hearings in Parliament, special conference, there were clergy, there were academics, pacifists, parliamentarians. Now let me ask you a question, there's going to be critics in as far as this Commission is concerned and they are going to testify to demonstrate that we need not have acquired this equipment, even if we've acquired it it's been put to waste, it's not being utilised, did they participate at these conferences and talks and discussions?

R/ADM HIGGS: Mr Chairman Sir, they participated variant.

ADV LEBALA: Remember on your CV you represented the higher official of the South African National Defence Force at the Defence Review level. From your experience I would like you to give the nuts and bolts of their participation.

R/ADM HIGGS: Thank you very much Sir. Sir, with regard to

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the participation in the Defence Review working group the working group itself comprised of people from the Department of Defence, it included civilians from the Secretariat, and it included senior military officers serving and covering all the services. In addition to that it included members of the elected civil authorities, parliamentarians. Just by name there were three of them who I can recall, from the ruling party it was Mr Zo Khota and Mr Vavu Mathekane who brought some very good insights into things and then I think it might have been from the official opposition, I'm not quite sure, but it was somebody, I believe from the New National Party called Mr Johan Marais who also brought in very good perspectives from his side, so they were the political people who were involved in the process and also helped ensure that we did not stray too far from *de facto* what the Joint Standing Committee on Defence and what Parliament was actually going to be looking at eventually.

ADV LEBALA: If one were to ask you about the role that you played what would you say it was at that stage at the Defence Review level?

R/ADM HIGGS: Sir, I played the role of a serving officer at the level of captain or colonel, just to my CV at that stage I had 20 years' experience in the commission (indistinct) and I played a supportive role on all occasions but there were

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three occasions when both the convener of the Defence Review Dr Rocky Williams and General Le Roux were not available and it was in three regional conferences, one in Bisho and one in Bloemfontein and one in Kimberley where I
5 chaired the proceedings.

ADV LEBALA: Any other thing you would like to add on this page or do you want to take us to another area before we go back to your statement?

R/ADM HIGGS: Thank you Sir. I'd like to just move to the
10 fourth last paragraph on page 20, it starts: "Our overall plan ...".

ADV LEBALA: Can the Commissioners please nod if they are with us on the fourth paragraph on page 20. It starts with: "Our overall plan with the transformation of the SANDF ...". I
15 see the commissioners are nodding, you may proceed.

R/ADM HIGGS: Thank you Sir. I read:

*"Our overall plan is the transformation of the SANDF so that we have a motivated, disciplined and adequately equipped force to carry out its
20 constitutional responsibilities for the 21st Century".*

ADV LEBALA: This paragraph emphasises or deals with adequately equipped. As at that stage in your own words having chaired some of these consultative processes, what

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was happening and what was on the minds of the participants?

R/ADM HIGGS: Sir, I think what was on the minds of the participants was that it was imperative that the South African
5 National Defence Force would have to re-equip itself and I think that, as people participated more and more there was a broader understanding of what it was. In those days people were also very aware that defence expenditure had been cut considerably from where it was a decade or two earlier and in
10 fact just speaking to people in broad civvie [sic] street with a review and having people come in, there was actually very little understanding of what defence expenditure was.

Certain people tended to think, the civilians out there tended to think that the Military probably spent more
15 than 20% or 30% of Government's expenditure, they expected out of 100 cents maybe 20 or 30 cents to be spent on the Army, in particular the Air Force and the Navy to a lesser extent, and people were exceedingly surprised when they saw actually how little we were spending out of the Government
20 purse.

ADV LEBALA: At this stage I would like to, you to put your cap on as a Navy officer. I want to take you to your statement, because at a later stage I want to get back to the Defence Review and deal with Project Optimum that assisted

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us in implementing options as to what equipment we acquired and what preference could we make in relation to our budget. Let's start, we'll get there. I would like you to go back to your statement. Now having your Navy cap on, we are not
5 looking at yourself as a member of the South African National Defence Force, I would like you to be selfish and look at the interests of the Navy. Please look at page 2 of your statement.

R/ADM HIGGS: Thank you very much Chair.

10 ADV LEBALA: "The Dependence of South Africa on the Seas". Could you explain to the Commission because we have to lay a foundation as to why the Navy acquired these frigates and submarines. Let's start here. What did the Navy acquire, inform the commissioners, and what's a frigate,
15 what's a submarine, what's a Corvette. I know I've asked a compound question, let's start here, I don't have to confuse you. What did the Navy acquire?

R/ADM HIGGS: Sir, the Navy acquired four frigates of a 120 metres in length, of about 3 500-tons, frigates which were
20 capable of conducting autonomous, sustained operations in virtually any sea condition as well as three Heroine class 209 submarines.

ADV LEBALA: We'll get back to that. All that I wanted you to do is just to lay a foundation so that commissioners should

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have an idea before we go into the history that they should know that in as far as the Navy is concerned this is what the Navy got. What's a frigate in simple terms?

R/ADM HIGGS: Sir, a frigate is a vessel which is capable of
5 operating autonomously, it is the smallest size vessel which can go and achieve a naval mission in an environment where there's a submarine threat, a surface or an air threat, it is a vessel which can stay at sea for a long time and it's a vessel which can stay at sea and operate 24 hours a day, seven
10 days a week.

ADV LEBALA: How many of those did the Navy acquire?

R/ADM HIGGS: We acquired four of those frigates Sir.

ADV LEBALA: What else did the Navy acquire?

R/ADM HIGGS: The Navy also acquired three Heroine class
15 209 submarines.

ADV LEBALA: (Indistinct) background is there in relation with what we have to do. Look at page 12 of your statement. Why is the Navy so important to South Africa and why the White Paper started leading to the Defence Review up until
20 the programme was put in place to acquire equipment for the Air Force and the Navy, was the Navy given preference?

R/ADM HIGGS: Mr Chair Sir, I hate to say the Navy was given preference or not given preference, I couldn't chat on that one, but I could set the basis for the rationale of our

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arguments which funny enough were very (indistinct) through the Defence Review process because we had people like Mr Terry Crawford-Brown participating fully in these things and he challenged us on every issue and everybody else
5 challenged us on every issue, so it was wonderful because it actually put us to the test.

But as a point of departure with regard to the Navy, the first thing is South Africa is a maritime nation, the history of this country has been impacted by forces which
10 have come from across the sea. The person, the naval philosopher who is probably one of the most smartest persons I've ever read was an Admiral AT Mahan, he wrote a number of books as a captain and in fact was a former and one of the founding fathers of the US Naval War College which I was
15 privileged to attend just after our elections in 1994 which we discussed yesterday, and in a nutshell what Admiral Mahan said is it is a nation which has a great navy which becomes a greater nation.

And I'll say that again because it's very important
20 to grasp this. Pardon me Sir, it is a nation which has a great navy which becomes a greater nation and Admiral Mahan wrote that about the effect of navy power on history, and a lot of his focus was on the British Royal Navy. He looked at Britain and saw Britain, this tiny island nation, yet had so

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much influence through the entire globe to the interests of many hours in a boat but primarily to the interests of Great Britain, and he wrote heavily to that because the reality is if Britain did not have a strong navy we would probably never
5 have even been speaking English in this country today.

Britain was able to go and extend their influence by means of their navy around the globe and that was the point of departure Sir, and when we're talking about strategic utilisation of our frigates and our submarines, later on in my
10 testimony I will explain some of the personal experiences I have had with our submarines and our frigates helping make South Africa a great nation. Coming ... Sir.

ADV LEBALA: You may proceed Sir.

R/ADM HIGGS: Thank you Sir. Sir, I would just like to bring
15 something, when we're talking about the war fighting side of people and defending and so on, which we're going to talk about in the Project Optimum and the Defence Review and today I think people are very aware of nations moving across the world and imposing their will on other nations in not a
20 friendly manner. And often a lot of South Africans need to be reminded of the Anglo Boer War.

The British who came here and fought here for British objectives and the reality is they were able to muster and to bring 450 000 troops to fight in South Africa, there

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were almost half a million troops who came here to kill the Boers and those troops came by the sea Sir. They did not fly in, there were no aircraft, nobody had dreamt of an air force at that stage, God bless their souls, but the reality is they came by sea, they came by sea because Britain controlled the sea and that influenced events, that influenced what has happened in this country over the last few hundred years.

The second time there was major impact here, perhaps not as in the face as 450 000 occupying troops, was the 2nd World War. In the 2nd World War there were over 140 ships which were sunk off the South African coast, they were sunk by German surface ships, German submarines, German mines, they were sunk by Japanese submarines who were operating off our coast here, that is the reality of history, and I think as we go down the line it is very important just to keep that in the back of one's mind as we move into the future.

You know South Africa is a wonderful place and I'm a very proud first generation South African and I want to make sure that my kids and everybody else's kids have got a wonderful future here, based on what we decide, not based on what some invading country may decide because we have not met our constitutional mandate. The reality is we must go there and we must be able to do that and the Navy is

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fundamental not (indistinct) poor air force and army, we want
a strong air force and a strong army because we want that
balance and we need each other, but it is those type of things
and that understanding which will allow us to actually meet
5 our constitutional obligations and to move on together with
everybody.

ADV LEBALA: Thank you for that background Admiral Higgs.
I see that on page 2, page 2 of your statement you introduced
both subjects that we touched, paragraph 7 refers to Admiral
10 Mahan about what makes great nations that have great
navies, and you referred to the history of paragraph 8
Commissioners, he referred to the history of South Africa that
is being influenced by the sea and the bringing of 450 000
troops into South Africa by the sea.

15 Now with your cap on as a navy officer and the
position of South Africa, the dominant position it enjoys
because of its location, if I may use this expression, and the
ocean, and the SDPP Packages and the thinking that went on
during the White Paper leading to the Defence Review, what
20 is your comment about the significance of the acquisition
process in as far as getting equipment for the Navy in the
context that I've just directed you to now?

R/ADM HIGGS: Thank you very much Sir. I think what was
significant in the process and the whole ethos of the White

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Paper and the Defence Review is that everything was transparent, everybody worked down the line. Largely what I've mentioned to you now was discussed in all these regional workshops, the people who were prepared to go there and listen and so we've discussed these things and we were challenged on all issues, in particularly the relationship between frigates and submarines and we will discuss that later, but the reality is I believe that there was very fair legitimacy with regard to that. And in additions Sir, to the war fighting side (indistinct) spoken about our constitutional mandate, you go to the British coming in here, God bless their souls, they are our friends today, they are of our best friends but the reality is our Navy is there to make sure that if the British are here it's because we want them to be here and not because they will enforce their will on us, but the reality is it's the ability to protect South Africa against any would-be aggressor, it's the fact of our maritime trade being so fundamental to the butter side of the guns and butter debate.

20 If you can't get oil in here, SASOL can only produce so many things and not all of us will be able to come through to Sammy Marx today, the reality is you've got to have those ships and those ships, they have got to move in and out there and for that we need a strong navy and an air

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force to actually help that it could happen. But taking it to the next side there's just another dimension which I would like to talk upon Sir and Advocate Cooper raised it with Admiral Green yesterday, it is just concerning our territory at sea, we've got our exclusive economic zone which takes us out and it gives us the right of fish and everything in about 320 kilometres and in total that gives us about 1.5 million km² kilometres of exclusive economic zone around South Africa and around our islands, but just as a form of reference the land mass of South Africa is just over R1.2 million km².

So, we've got 1.2 million km² of turf here, our exclusive economic zone, just over R1.5 million, a little bit more but there is something of great significance Sir. In 2009 South Africa put in a bid at the United Nations with regard to our extended continental shelf claim and this is in (indistinct) new legislation which PETRO SA is leading but which the South African Navy with our hydrographic capability played a significant role in extending our claim to another 1.8, an additional 1.8 million km² plus.

So, it would mean that stuff on the seabed, below the seabed in that it is gas or oil, our great, great grandchildren will be benefiting from that, so the reality if we are taking those two things together, we've got 1.2 million km² here, we've got just short of 3.6 million km² of stuff

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which belongs to us out at sea and I think the reality is we don't know what's under the seabed there for the future.

The issue which people endure often debate is how the North Sea was divided up between Denmark and Norway. When the North Sea was divided people had little idea that there was oil under the North Sea and a few decades ago Norway was probably the, one of the poorest countries in Europe but with the formula which was used to divide the North Sea and the subsequent oil which was found out of there Norway today I believe is the fourth or fifth largest of exporter of oil in the world, she's probably one of the wealthiest countries in Europe and possibly one of the countries with of the highest GDP's in the world because they looked after and they were smart and they were checking what belonged to them at sea.

And who knows what the future is going to hold with regard to our stuff, but here for every 1km² we have got here (indistinct) we have got about three at sea and in that context if you take a look at it I think it is exceedingly modest of us to invest so, so modestly in what we have invested in for the defending and protecting of those resources with four frigates and three submarines, so I think it's exceedingly modest and comparing and looking at other international examples I don't think that we are in over the

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top, I don't think it is toys for boys, of course now I believe
toys for boys and girls, it is not that, I think we've got to look
at what we are, look at our interests and go and make sure
we capitalise on those interests and the reality is if we don't
5 patrol we don't control, we've got to be out there, we've got
to make sure that we fund our people and make sure we
retain sufficient expertise so that the frigates and submarines
can be out there the whole time.

And we must have not only them, we need stuff out
10 there to ensure that South Africa remains being a great
nation but in accordance with Mahan become a greater
nation, then I believe we would have done our duty Sir.

ADV LEBALA: Admiral Green at this stage I just want us to
look at the maritime defence and the importance of the ocean
15 to South Africa, that brings to the fore the significant role by
our Navy. Please look at paragraph 9 on page 2 of your
statement, I would like you to read it. Paragraph 9 page 2 of
your statement.

R/ADM HIGGS: Thank you very much indeed Sir.

20 *"South Africa's dominant position on a vital global
trade sea route, its dependence on sea trade and
its vast maritime area make maritime defence a
matter of great importance. The protection and
defence of maritime lines of commerce during*

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times of conflict and hostilities may prove crucial to the survival and wellbeing of our people”.

ADV LEBALA: Now the importance of South Africa in relation to the sea route and the oceans that we have, has it played a
5 role in as far as the deliberations from the White Paper to the Defence Review and to the acquisition of this equipment?

R/ADM HIGGS: Most definitely Sir. It’s been central to the discussions.

ADV LEBALA: Paragraph 10, please proceed reading
10 paragraph 10.

R/ADM HIGGS: Thank you Sir.

*“Following research undertaken in the mid-1990’s it once again became clear how dependent South Africa is on the sea. More than 55% of the GDP of our country is directly and indirectly based on the
15 use of the sea. More than 90% of our imports and exports by tonnage and more than 80% by value moves through our harbors. One of the South African Navy’s primary functions is to ensure that
20 our seaboard trade is not threatened in time of war or in time of tension. Human security ...”.*

The butter issues:

“... and the functioning of the economy ...”.

The butter issue:

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“... were a function of unhindered maritime trade”.

ADV LEBALA: Now during the discussions of the White Paper Defence Review leading to the acquisition of this four frigates and three submarines, was the issue of the threat to South Africa considered?
5

R/ADM HIGGS: Mr Chairman Sir, this is a fundamental question. When we were doing this there was no threat to South Africa, there was no defined threat and that was perhaps one of the biggest issues about how we would meet our constitutional mandate, our constitutional directive in the absence of a threat. If we had a threat it would have been very simple, we would have gone force against force, we would have looked at what the enemy had, what their capabilities were with regard to equipment, what their capabilities were with regard to people, how they were able to bring that, we would take it right the way through, war game it and then come up with a force design.
10
15

However, in the absence of this threat which is what the Defence Review speaks to we had to look at things differently, we are tasked, we're the professional military of South Africa, we're the war fighters of the nation, we've got to make sure your kids have got a future here and our kids and the reality is we had to think outside the line dots on how to do this and I'm very comfortable to start going into the
20

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rationale for that on how we did it because it is fundamental to everything and believe me, it was not worked out in smoke-filled rooms, we spent months and months seeing how we could do it and meet our constitutional mandate and imperatively, with honour.

ADV LEBALA: Admiral Higgs, we are going to get to that stage where you will inform the Commission what (indistinct) considered that which made the Navy to end up with four frigates and three submarines, at the moment I just want us to look at the history of the sea and that which was considered that influenced the decision makers to make it a point that we achieve and acquire these frigates and three submarines, four frigates and three submarines. Let's read on, we'll come back to this important subject but I see that Commissioners we are almost at lunch and I assure you that after lunch we'll be done with this historical part and will be going into the hearing process that led to the acquisition of these packages in as far as the Navy is concerned, and this historical aspect is very significant for you to appreciate the considerations that played a role because the acquisition process did not start in 1994, it was there even before that and historically this part of his testimony educates all and sundry that no one woke up in the morning and say we'll get four frigates and three submarines, that's the purpose what

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made those who participated at the White Paper Review stage to the Defence Review to decide that the Navy should be given preference to that extent to get this equipment, that's the basis upon which we would like you to appreciate the part
5 of this testimony and on this basis we are ready for adjournment.

CHAIRPERSON: We'll adjourn until 14h00.

(Commission adjourns)

(Commission resumes)

10 ADV LEBALA: We are still on page 2 and we are looking at the incumbency of South Africa [indistinct] defence and how significant the vast marital area of South Africa is in relation to laying the foundation why we maybe got these capabilities. We were on paragraph 10, page 2 of the
15 statement and you talk of the main length of South Africa, its exclusive economic zone and continental shelf.

I would like you to be specific about the square metres. Let us start with the main length, and the significance of the main length in relation to the
20 capabilities that we ultimately required from the SAPP, but start by talking about the extent of our main land.

ADM HIGGS: Thank you very much indeed chairman. So the information which the hydrographer of the South African Navy gives formally is that the main land of South

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Africa is 1.220 million square kilometres.

Our coast line is just short of 4 000 kilometres in length.

5 ADV LEBALA: Now to simplify it, in relation to the square kilometre of length and our ocean, in ratios how much would it say is [indistinct] and I would like you to simplify it for the commissions.

10 ADM HIGGS: Certainly. Thank you Chairman. So including the exclusive economic zone as well as the our submission with regards to the extended continental shelf, that is just short of 3.6 million square kilometres.

So in rough terms it is a three to one ratio, as was reflected by Admiral Green yesterday also. Just in broad speaking terms.

15 ADV LEBALA: What do you mean when you talk about the exclusive economic zone, if you had to simplify it?

20 ADM HIGGS: Sir, if I may read the actual definitions. The sea beyond the territorial waters but within a distance of 200 nautical miles from the base line is the exclusive economic zone of the Republic of South Africa.

Subject to any other law that the Republic shall have in respect of objects of all natural resources in the exclusive economic zone, the right and powers as it has in respect of its territorial waters.

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So it has the fish, a fish swimming in the sea out to 200 nautical miles which is roughly 320 kilometres from our coast line.

5 ADV LEBALA: And you mentioned the continental shelf, what does that mean?

10 ADM HIGGS: The continental shelf is a new development and I will read from the official hydrographical information. On 5 May 2009 the Republic of South Africa submitted to the commission on the limits of the continental shelf in accordance with Article 76 paragraph 8 of the United Nations convention of the law of the sea, that is [indistinct], information on the limits of the continental shelf beyond 200 nautical miles from the base line from which the breadth of the territorial sea is measured in respect of the main land of the territory of the RSA.

20 Upon completion of the considerations of the submission, the commission will make recommendations pursuant to Article 76 of the convention, and at this stage I believe that indications are that South Africa will be successful in this claim.

ADV LEBALA: Now I gather that when you talk about exclusive economic zone, you are referring to the fish in the water and the stuff in the ocean floor?

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ADM HIGGS: That is correct, chair.

ADV LEBALA: I gather that when you talk about the continental shelf, we talk about the diamonds, the oil and the gas below our ocean?

5 ADM HIGGS: That is my understanding chairman.

ADV LEBALA: How significant is this to have capabilities to protect the main land, the economic zone and the continental shelf?

ADM HIGGS: Chairman I think it is of great significance.
10 The reality is that 80 percent of our globe, or 70 percent of our globe, is covered by the sea, by water.

So it is very, very important that people who have interests at sea, are able to patrol what they have interest in and there is an average which says if
15 you do not patrol, you do not control.

And that is the broad rational that the Navy has a role to play there, in addition the other departments of [indistinct] also have varying roles which they play at sea.

20 ADV LEBALA: If for instance we did not have the capabilities and the competency to patrol this ocean, to look after our continental shelf, look after our exclusive economic zone, just imagine the consequences that would happen and please address the commission.

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sustained operations in sea conditions like those of the South African coast. Submarines also play a vital role. They can control their visibility and pose a threat to even the most sophisticated surface forces, thus providing great
5 deterrence and defence value.

ADV LEBALA: What comment would you like to make about the capabilities mentioned in the [indistinct] in as far as deterrence and value of the constitutional mandate of the SANDF is concerned?

10 ADM HIGGS: Chairman, sir, I believe that the frigates and the submarines are fundamental to the deterrence, to ensure that we meet our constitutional mandate.

The submarines and the frigates complement each other in capability.

15 ADV LEBALA: Please proceed to deal with paragraph 12, page 3 of your statement.

ADM HIGGS: Thank you chairman. Without submarines a Navy would have to have a considerably larger surface fleet with higher sophistication at significantly higher cost
20 to attempt to achieve the same deterrent and defence value.

Air craft provide area coverage and a rapid response capability that ships and submarines cannot equal. There is thus a complimentary relationship

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between these elements and the neglect of anyone has a disproportionate effect on the overall defence capability.

ADV LEBALA: You have to put your cap on as a member of the SANDF, because these three arms of services are mentioned in relation to the role that could be played by the submarines. Please comment.

ADM HIGGS: I think the reality is that in warfare at sea, you must have a sub-surface capability, where nobody knows that you are there. Under the sea, radar does not work.

Under the sea you cannot see or you cannot look and see clearly. You have to use solar, which is sound to try to detect something under the sea.

What makes it very special of South Africa, is that we have warm water coming down from Mozambique and cold water coming up from the Antarctic and they meet off our Cape coast.

Where they meet, there is confusion in the sea and that makes it very difficult for people to detect a sub marine. So it gives the advantage to a sub marine.

If the sub marine OC is well trained and knows his area. So it is that, together with the surface capability, the surface capability having a

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helicopter on board, a helicopter being able to be deployed to extend the visual and detection range of the surface elements, to transmit with sophisticated data, methodology back to the ship or the sub marine, to help
5 give it information with regard to potential hostile forces, and it can also play a role in helping target weapons onto hostile forces.

In addition to that, the issue with regard to fixed wing air craft over the sea is very
10 important, and at this stage it is not the subject of this discussion, but is something where we are [indistinct] and know the chief of the air force is looking into.

We need to have a balanced set of capabilities. So the air force plays a significant role in
15 the whole equation.

ADV LEBALA: When the helicopter is on the deck of the [indistinct], under whose control is it? Is it under the control of the air force or under the control of the Navy?

I would like you to deal with this
20 complimentary relationship at this stage.

ADM HIGGS: Once an air craft is given to a frigate, it is chopped to the frigate, it will be under the control of the officer commanding of that frigate. So it will perform a function as part of a sensor of a weapon system of that

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surface competent.

Therefore it is very, very important that the air force and the Navy work closely with each other and that the people are used to working with each other to ensure greatest [indistinct].

The organisations are slightly different in culture. That is why you cannot take anything for granted. But we, when we are at sea in our frigates, we welcome the air force crew very, very warmly.

It is the flight crew and also the support crew which are both very important, to make sure that they are comfortable in deploying with us, obviously for extended periods to optimise the use of the helicopter.

Something about that, and if I may just refer to the bottom across there for those who has not seen it, but there is a model of our frigate and a model of the sub marine on top of it.

On the flight deck of the frigate, you will see a helicopter, and things look reasonable ...
[intervene]

ADV LEBALA: The witness is referring the commission as to two contraptions, which are just below the desk of the commissioners. I am certain that the next witnesses might be talking to a flash disk that might be projected into a

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3, the next paragraph, paragraph 13, I would like you to deal with the brief history of the acquisition of the [indistinct] that were commissioned in 1971, 1972.

5 Of significance is to demonstrate how important this [indistinct] have always been to South Africa, not starting in 1994 leading to the [indistinct].

ADM HIGGS: Thank you chairman. Submarines provide highly credible threat to any potential [indistinct] and are extremely effective surveillance platforms.

10 The presence of submarines vastly complicates the freedom of operation as well as force composition of any aggressor regardless of his strength or potential.

15 Submarines is very subtle instruments for the projection of power over long ranges. Their presence needs not be known, but even so they are used across the full spectrum of activity from peace keeping through escalating tension and crisis to war.

20 Our Daphne submarines were built in France and commissioned in 1971 and 1972. They were becoming increasingly difficult and expensive to support and it envisaged that by the year 2005 they would no longer be cost effective or possible to maintain them and the required level of operational effectiveness and safety.

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The usual design life of submarines was about 30 years. What was also significant chairman, is that in the mid 1970's we had another two submarines which were on order.

5 They were two French built Augusta submarines, which also as a result of the arms embargo were not allowed to come to South Africa. So the force designed which was in the implementation phase in the seventies included five submarines, two Daphne coastal
10 submarines and two Augusta which were medium reign submarines.

The two Augusta submarines ended up being sold by the French to Pakistan later. If I may continue sir. The next paragraph. A project to acquire
15 four new submarines for delivery in the 1990's was approved, but was then later cancelled.

Due to the long lead time for submarine acquisition, it became necessary to initiate the Daphne submarine replacement.

20 ADV LEBALA: Now historically submarines has been [indistinct] for South Africa, even prior to 1994. Is that correct?

ADM HIGGS: That is correct chairman.

ADV LEBALA: Was this reality considered during the

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deliberations of the White Paper that you may know that you are well vest with, but you did not participate in leading to the Defence Review?

5 ADM HIGGS: Chairman, I would imagine that it would have been at the fore front of people's minds when talking a force designed an order of battle.

10 But of course the White Paper was setting up the scene. It did not really focus so much on the nuts and bolts and whether we were getting to go with which combination.

15 ADV LEBALA: [indistinct] that is the specifics as to what type of submarine does the country need, what type of frigate does the country need, was not the subject of deliberation, but the issue was capabilities were on the minds of the participants.

20 ADM HIGGS: That is correct sir, and if you would like me, I could indicate the huge dynamics in the South African Navy when there was the budget cut in late 89 early 1990 where the Navy leadership had to decide, at that stage we had potential projects which would keep the Navy going.

The Navy was put in a position where it had to consider shutting down its projects or getting rid of people and the leadership of the Navy was so concerned about the future of the Navy that it said a Navy

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without ships and submarines is not a Navy.

Perhaps in the most pure fanatical sense then, because they were committed, the Navy leadership was committed to the Navy and South Africa, defending South Africa.

The Navy put on the table that we would have to retrench over 2 000 people. Hoping to keep projects alive. The reality is that the leadership of South Africa at that stage said you may go ahead and the Navy forcibly retrenched over 2 000 people, because it believed that was the only way it would keep it going as a Navy into the future.

I was a young commander at that stage and it was traumatic for the Navy. People who joined the Navy, joined the Navy expecting and hoping to serve its contracts, *et cetera*.

Our ability, we grew up in the Navy and we are strong in the Navy. But the reality is that there were people who gave their lives to the Navy as such.

But in the interest of the broader Navy, over 2 000 people were retrenched and there were a lot of people who adjusted very well. There were a number of people who did not adjust well.

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There were a number of people who lost actually ended up taking their lives. It was a very sad time. It was a very, very sad time, but the reality is it showed how important it was to make sure that the Navy had ships and submarines to do its duty.

ADV LEBALA: As we are gravitating towards the acquisition of these capabilities, please go to paragraph 15, page 3 of your statement [indistinct].

ADM HIGGS: Thank you sir. The SA Navy raised the requirement for new service combat vessels in 1980, and in fact Admiral Schoultz, when he testifies, he will testify to before that time which he experienced and was comfortable to, but I will speak from 1980.

Project [indistinct] was then registered. This is 10 years before 1990, 14 years before our new constitution. Project [indistinct] was then registered but due to financial reasons, again remained dormant until 1989 when a new project was launched.

This defined the requirement for four multipurpose which is an anti-surface, anti-submarine and anti-air vessels. This project was also cancelled because of lack of funds at the same time as I indicated with regard to the retrenchment *et cetera*. So the retrenchment came and after the retrenchment, the [indistinct] still fell

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on the Navy.

ADV LEBALA: What is significant about this process of acquisition before 1994, with regard to acquisition of these capabilities?

5 ADM HIGGS: I think what is significant is that a Navy is always maintained. You maintain a Navy. You are continuously renewing old equipment, making sure that you have those capabilities. And in our situation finance has always been an issue. Finance has caused projects to
10 be cancelled. Finance has caused the Navy to forcedly retrench over 2 000 people. So these are realities and we have got to understand that and we have got to work with it as best possible.

ADV LEBALA: Paragraph 16 on page 4?

15 ADM HIGGS: Thank you sir. In the mid 1990's the surface combat capability of the SA Navy was provided by mine strike draft. So a strike draft, to give you an idea, is about 60 metres long and is between 400 and 450 tons in broad terms. Why I mention that, is just to give you an
20 idea of the frigate which is 120 metres long and 3 500 tons. And a strike craft, if one looks at its displacement and if one took eight or nine strike crafts, they would have virtually the same displacement as one of our new frigates. Just as a bit of an idea of how things fit it. So

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the strike craft had the attributes of speed, low signatures, that is signatures, radar signatures, infrared signatures and visual signatures.

They are small low combat vessels
5 and they have very good offensive capabilities within their limited sensor horizons. Their limited sensor, because they were relatively low in the water, particularly compared to our frigates. But also the following deficiencies. Their small size severely limited their
10 mobility. Their weapons and the sensor performance and crew endurance in adverse sea conditions. They could not carry a helicopter to provide for over the horizon surveillance, for scouting, for targeting or for attack. They lack the space to provide for a nation command post
15 facility.

Their sea training capacity was very limited. The small size of the hull and the combat [indistinct] architecture severely limited the [indistinct] of the vessel in terms of operational configuration and the
20 growth or upgrade potential of on board systems. In addition, they had no anti-submarine capability, and their design life was coming to its end with the first of these vessels having been built in 1977, the first three in Israel and the last one being built in 1986. The last six of them

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were built in Durban.

ADV LEBALA: The significance of this testimony shows a process in as far as acquisition is concerned, even before 1994. Is that correct?

5 ADM HIGGS: That is correct Chairman.

ADV LEBALA: In as far as the strike craft is concerned, between it and the frigates, what came first to South Africa?

ADM HIGGS: Chairman, we had frigates, we had frigates
10 which were built for South Africa, British frigates which arrived here in the early sixties. Those were the president pass frigates which Admiral Green referred to yesterday and which Admiral Schoultz will also talk to. There were three of them. That was the President Kruger, the
15 President Steyn and the President Pretorius, and as Admiral Green also referred to yesterday, we tragically lost the SAS President Kruger in 1982 during exercised at night with the tragic loss also of 16 members of the SA Navy.

20 It is still something which we are very aware of. The dangers of operating at sea, everything associates with it. The sea is a very hostile place, and we are all continuously aware of that. And particularly in our seas here, which are very huge. The Cape of storms. The

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strike crafts which arrived, arrived much later than the President class frigates. President class frigates in the sixties and the first strike craft having arrived in the late seventies.

5 ADV LEBALA: Now we know that the frigates have always been important for South Africa. They have always been wanted, but why get the strike craft instead of getting new frigates?

10 ADM HIGGS: I think possibly chairman, I think possibly Admiral Schoultz might be able to give you a better idea of that, because he specialised in the surface warfare side. But my understanding is that that decision was imposed on the Navy and that the chief of the Navy did not have much say in it at that stage.

15 ADV LEBALA: Now we are at the stage where we have acquired strike crafts which shows the development of the acquisition process that was there even prior to 1994. I have got to take you back to the Defence Review. Now remove your cap as a Navy officer. Go back to being a
20 member of the SANDF. You are going to touch briefly on the Defence Review.

I would like you to take the commission to Project Optima, which is very significant because you are going to the injuries stage of your

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testimony now and the strategic utilisation of the equipment we have acquired. Now your role in the defence you have testified about it. Do you want to tell the commission about the conclusions from the Defence
5 Reviews that shows the type of options or capability that you would possess as South Africa in relation to the capabilities that you acquired? I see that you are frowning. I could repeat the question, but I am certain that you pick up the thing of what I am saying. Please
10 draw my attention if you think the question is too broad.

ADM HIGGS: Chair, so I am not sure if you would like me to actually kick off and go through and work through the Defence Review or focus specifically on option determining force design options.

15 ADV LEBALA: Yes, you have laid the foundation of the Defence Review. You have demonstrated to the commission from the White Paper that you did not participate, in that it was securely [indistinct]. The Defence Review was also a policy informed by the White
20 Paper, but the Defence Review have the operational lies as policy. Now we are at the stage where you want to conclude about the Defence Review to go into the Project Optimum that I would like to simplify to the commission what does it entail. We are at the stage where we want to

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part ways with that historical, and yet we are now going to ask the acquisition that makes this commission to be what it is. Am I making sense? Where you can start where ever you want to. Thank you.

5 ADM HIGGS: Thank you very much indeed Chairman. So what I would like to do is to set the scene first and then link into Optimum as well as the rationale which was used behind this. I mentioned earlier on that one of the fundamental challenges we had, in the South Africa, in the
10 strategic environment, how do we meet our constitutional responsibilities in the absence of a clearly defined threat. And this was of great significance and great importance to actually get to the bottom of this. And what I would like to do sir, is that I would like to refer you to "RWH7" on page
15 755.

ADV LEBALA: Commissioners, we are going to the second volume of [indistinct] bundle, on page 755 up to 760. The witness would like to start on page?

ADM HIGGS: I would like to start on page 756 if I may.

20 ADV LEBALA: 756 commissioners. Let us see that the commissioners are on the same page. Starting on 755, the witness would like to start on 756. I see the commissioners are nodding. Let us lay a background. I would like you to identify this important writing by starting

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on 755. Acknowledge it at the top. What is it about?

ADM HIGGS: Sir, this is about an award which was won by the SANDF in handling the exact situation which I have defined to you and this is the award and I think the
5 significance of this is that I am going to lead the abstract, I am going to read a very short abstract which sums it up very nicely. This was called the Frans Edelman award for achievement in operations research and the management sciences, and that heading ... [intervene]

10 ADV LEBALA: The significance of your testimony at this stage probably it would assist the commission if you made the following background. You have come from the White Paper. You have gone into the history demonstrating that acquisition does not start in 1994, after 1994. You have
15 demonstrated the importance of your [indistinct] to South Africa. You have demonstrated the Defence Review that was very significant in order to change the outlook of the SANDF. Its outlook, what it needs, where it needs to go into the 21st Century. That has been done. Now you are
20 laying the foundation to demonstrate that after the Defence Review, the country still needed to fulfil the mandate of being safe and the defence force in line with its constitutional mandate would have to fulfil that. Now there was no threat. South Africa was not under attack.

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Now what South Africa is at that stage? Is it President Mbeki's or is it still President Mandela's South Africa?

ADM HIGGS: Chairman, at that stage and this is 1996 we are talking about now, the president was still president
5 Mandela and the focus of the discussion in the department, was guns or butter, decision support for determining the size and shape of the SANDF. And Chairman, so if I could take you through to page 757. At the top of page 757. So the abstract, it says in January of
10 1994, the chief of the SANDF asked the question.

In the absence of a conventional military threat, what should the size and the shape of the SANDF be? A joint SANDF and Deloitte and Touche team supported the joint strategic management model with
15 operations research and management sciences based decision support models. I just want to comment. This is a decision support model. It is not a model, which is imposed a decision on one, but it is something which is used to inform a decision. The team created the following
20 models. A risk model of the probability and potential impact of various defence contingencies. A growth model of growth potential of force structure elements. As a cost model, a zero based cost model from start, a mixed [indistinct] programming model of all the relationships and

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a manual model allowing the user to select different tasks and strategies.

The project resulted in a saving on the approved force designed, size and shape they say of more than 22 percent. The results indicate clear opportunities for major additional funding. So Sir, what this was and what this boils down to, was using probably some of the top reigns in the SANDF, informed by the secretariat and also outsourcing to use people from Deloitte and Touche which is a bunch of South African specialists in operations research to go and work out how we could go and do things. So that we could never be accused and our logic would never be that the force design, the order of battle of South Africa was worked out by a few people in the smoke full room. We had to go and do things in the spirit of the new South Africa, to open up and to look at everything. Sir, at this stage what I would like to do if I may, if I could lead you to RWH6, Project Optimum, which goes from page 211 to 754. If I could refer you to page 633 of that.

ADV LEBALA: Commissioners, let us see whether the commissioners are with you? It will be volume 2 of Higgs bundle. The witness would like to refer you to page 633. Let us look whether the commissioners are with us on that

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page? I see that the commissioners are with us. Before you even start, let me ask this question. The thing that you are [indistinct] is that there was no conventional military threat.

5 ADM HIGGS: Yes.

ADV LEBALA: Would you like to simplify it as to what does it mean, in relation to the period in which the country found itself, President Mandela was the president then.

10 ADM HIGGS: Thank you chairman. In 1994 South Africa was the flavour of the month. Our region was very warm to South Africa. If one looks at South Africa's defence, what had happened in the last few years, was undreamt of. So obviously South Africa had to re-appreciate everything. The reality is a country which have been at war with itself,
15 was no longer at war with itself, and we had to now chart our new course into the future. And it was with that in mind, and also bearing in mind the imperatives of the constitution and the White Paper, which said designed for your primary mission, which is to defence and protect
20 South Africa. That a number of contingencies were worked out. These were generic contingencies having studied conflict in the world over a many a year.

These were generic contingencies across here in this table sir. We have about 80 of these

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contingencies. My recollection when I was involved in this, is that this is the first iteration and there were a number more, but it gives you the principal of what was looked at.

5 The reality is that we sat and worked out for role 1, defending and protecting South Africa and I am going to read through a number just to give people an indication of how [indistinct] and intense this was.

10 Role 1 was invasion or a major composite attack. The attack one would be invasion with a main thrust over the land wood boarder. The next one invasion from any or all directions. The next one composite raids, neutralising raids. The next one air raids or attacks. Neutralising crippling air raids or attacks from Southern Africa. Punitive, cohesive air raids or attacks from Southern Africa. Ground to ground missile or raids attacks from Southern Africa. Air raids or attacks from long distance air bases. Then moving into the landward raids. Neutralising landward raids or attacks from Southern Africa. Landward raids attacks from Southern Africa, neutralising crippling special operations raids over landward borders. Punitive cohesive special operations or raids over landward borders. Then on the seaward side. Seaward raids and attacks. Maritime long range air and missile raids and attacks. Maritime medium range air

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and missile raids and attacks. Maritime short range gun
and missile raids or attacks. Special operations raids
from sea. Then with regard to isolation or blockades, a
threat or disruption to South Africa's sea lines of
5 communication at two major local maritime defence areas.

Threats or disruption of sea lines of
communication at one local maritime defence area.
Disruption of sea lines of communications beyond 200
nautical miles. Threats to or disruption of sea lines of
10 communication involving piracy. Just our comment on
that. What happened recently with our deployment, as
part of our anti-piracy responsibilities of SADEC, there
were one of the issues which was war gamed then, and
because we looked at it generically we were not surprised.

15 The next one. [indistinct] blockades
and or threats to common water sources. Air blockades
and enforcement of no fly zones. Attacks on or threats to
off shore assets. Which would include our islands, our
rigs of Mosselbay, the release of capture embassies or
20 captures ships or captured air craft, and as we were
referring yesterday the scenario would be a burning
embassy in central Africa. How would we go and get our
embassy staff of that in a very realistic scenario today.
Threats to our islands. Maritime resource and maritime

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zone threats. Then just looking further down the page sir,
about role 2, which refers to peace support operations.
There were a number of various peace support operations
in the area of strategic interest, where the influence is
5 high, right the way down. Another task on page 735, the
following page sir. In task 6. Task 6 the first one, defend
against internal military threats to the constitution.

This, in those days this was a very
sensitive thing because we were not sure how we would
10 continue, but we had to do these things in those days.
Then moving further down on role 4, task 9, maintenance
of law and order. [indistinct] against non-military threats
and right the way through. So I would like to leave that
documentation there. The purpose of reading that is just
15 to give you an indication sir that we have applied our
minds to this. For each of those contingencies what we
did is we drew up various strategies which allow us to
have a look at how we would neutralise that contingency
or that generic threat. So we have different
20 strategies and then we would war gain those strategies to
go and see how effective they were and I would give you
an example. One of the classic examples is the Anglo
Boer War of 450 000 people, let us put it into modern
terms. So you have a major force, a maritime force which

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wants to come and achieve a strategic regime change objective here.

The probability of that happening is exceedingly low. But the reality is that if it happened, the impact is exceedingly high, and what we did is we would have a look to say if you have got this big maritime force, let us work out how we are going to counter it. We could use land based fighter air craft, only use land based fighter air craft together with a surface fleet component or use fighter air craft no surface fleet, but a sub-surface fleet with submarines. Or one of them was to say let us actually allow them to come close to land and use shore artillery, shore based artillery to try to encounter that, and one of the other strategies which was used, is let them come and invade South Africa, take Pretoria and then we roll them back with guerrilla warfare. Of course the reality is the impact of that and the damage and destruction to South Africa would be immense, but that is the type of thing which we applied our mind to. And it was in scenarios like that when we had this carrying on for a large number of months and there were a number of people from under the control of General le Roux, from the air force.

He was a major play in the Defence

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Review and we went and got people from the army, from the air force and from SAMS and we used to sit for days on end, war gaming these. So it is a war gaming thing and going in putting it through and war gaming is not something which is unique to South Africa. If one looks at war gaming, the United States Navy and war college, they war gamed all their scenarios.

They have war gamed all their wars, and something which they say they never planned for or surprised them, and this was just prior to the Pearl Harbour. They said that they predicted virtually everything and they have war gamed all the scenarios, but they did not war game, they did not comprehend kamikaze pilots. They did not with their American mind, every believe that somebody would do kamikaze tactics to actually tackle the US Navy. So that is just a parallel side, but the reality is that all Navies war game. That is how you test things, because the reality is if you have got to fight, you have got to have fought before so that you can actually go and see and realise and comprehend things. Because when you are fighting everything changes, and your plans that you have worked out, do not necessarily follow what you have expected.

But getting back to our scenario here,

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a major force potentially coming to attack South Africa sir,
the reality is that we sat and we played and we war gamed
these. And one of the things which we also did to get
beyond the service interest, is we got a lot of our offices
5 to make sure that they did not refer to their [indistinct].
From a Navy's side we would say the example that you use
when you are making a point, you must make an army in
an air force example and the army offices were told you do
not make army examples, you make air force and Navy
10 examples.

And for the air force it was the other
way around. So it helped us overcome the service
prejudices to actually get on top of things, and I would say
one of the major spin offs apart from the actual options
15 which came out, one of the major spin offs was from that,
was it helped people to understand what the other
services were about. It was the setting in place, the
concept of jointness where all the services together
actually achieve the same objective and you do not end up
20 with services and service rivalry against each other.

But you everybody is integrating in a
very, very smart way and I think that that was brilliant and
one of the interesting things, from the Navy's side after
this sir, is that some of the strongest proponents for a

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balancing [indistinct] between frigates and submarines were army and air force offices. They were the people saying listen, if you have got to do this, there is only one way. The reality is that we have exercised, we have war
5 gamed these things. From scenarios as referred to earlier, it had a huge number of frigates and no submarines or no frigates and a huge number of submarines.

We ended up deciding and working
10 out that your best defence value for the Navy was a modest number of surface competent and a modest number of submarines. That gave South Africa in my mind the optimum defence value and in the options at which we will come to just now, made it very clear that you could go and
15 have a look and in fact in three of the four options there were frigates and submarines in very modest numbers.

So I think that that is fundamental to the understanding of things. We can talk this through and I will be delighted to talk it further, but the reality is these
20 options were not [indistinct] by a little black box which used to [indistinct] irrelevant figures of numbers of kilometres of the coast line *et cetera*. The [indistinct] available at the time, applied their mind to it in a significant way.

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ADV LEBALA: Admiral Higgs, we have come to a stage, we have come to a stage where you have demonstrated that South Africa was under no threat. President Mandela was the president. The world loved us. But we had to do something about the capability and to fulfil our constitutional mandate, particularly the SANDF.

To protect and defend the people of South Africa and its territorial integrity. There was no war, you [indistinct]. This contingencies that you are talking about, explain to the commissioners how many were they and how they unfolded.

ADM HIGGS: For the generic contingencies sir, I can recall there being beyond a 115 generic contingencies, and from my recollection and also speaking with Admiral Christian, because this is 17 years ago, we estimate there were or it was in the vicinity of six months that we spent actively involved in this, together with lots of other people.

ADV LEBALA: Now this war gaming, as we are not at war, but you played games in order to satisfy yourself as to what would we need to defend South Africa, please go back to page 633. If you look at item 122, you will see that punitive coercive air raids attacks from South Africa. That is where the air force plays a role, not so?

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ADM HIGGS: Yes. Sir that would be a significant air force thing. It will be air force and probably the army using their ground based anti-air artillery together with the air force and their combinations. Whoever was looking after
5 which either guns or missile systems.

ADV LEBALA: If you look at item 130 at the top of it [indistinct]. You are talking about the army on the ground.

ADM HIGGS: Those are [indistinct] attacks raised from Southern Africa which would include the army and the air
10 force fighting there were certain scenarios or certain strategies where depending on which country it came across from the Navy would potentially get involved in going around in landing forces which would help put pressure on the potential enemies.

ADV LEBALA: I see item 141, sea ward raids attacks. This relates to the Navy, not so?

ADM HIGGS: Correct sir. That would be raid into the Navy and to the air force.

ADV LEBALA: So all arms of services in as far as this war
20 gaming is concerned or were considered and they played a role.

ADM HIGGS: Yes, that is correct Chairman.

ADV LEBALA: Now explain to the commissioners from here what has been laid as a basis, where did that lead to

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in as far as the [indistinct] concern?

ADM HIGGS: Sir, from here various figures were used. I refer to the costing. So each of the strategies were coasted and in taking it through the war games you would
5 then end up with a certain amount of defence value.

The defence value and the costing were fed into this computer system which won the award which then generated options. If you would say this is our budget limitation, we want to go and have a look at these
10 various things and it would then generate a number of potential options which you could consider.

ADV LEBALA: You mentioned a computer system that won an award. Explain that.

ADM HIGGS: Sir, that is exactly the abstract which I read
15 just now. So the war gaming was the actual applying of the minds, the expertise in the national defence force and then that was put together to actually develop various options for the decision makers to actually use that to put some, to put tangible options on the line. It would
20 indicate the balance of forces in particular and I think in as I have mentioned from the Navy's side, it certainly indicated that your best defence value was in a modest number with that combination.

ADV LEBALA: Now in the military we work with project.

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What was this project called?

ADM HIGGS: Sir, this was called Project Optimum.

5 ADV LEBALA: Explain to the commissioners the significance of this project and how it projected South Africa?

ADM HIGGS: Sir, I think the significance of this is that it won that international award, the Frans Edelman award for achievement in operations research and the management sciences, because there, I think the it in people
10 discussing it, they indicated that perhaps similar systems had been used by other countries, the British, *et cetera* to try to get those things. We have just taken the principles to a new level to win this international award.

ADV LEBALA: I would like you to take the commission
15 from where you start to manifest this project optimum into reality, in relation to the options as to what do we achieve as capabilities?

Remember, it is a foundation that started with White Paper, the Defence Review, the consultations that were
20 there, the discussions, the pacifist were considered. Whether are we going to make South Africa to have weaponry or are we going to be a defensive state. Are we going to have strong ammunition. Now at this stage where there was no war, we come with a [indistinct] war. The air

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force is involved, the Navy is involved, the army is involved. We satisfy yourself that we have war gamed everything. We fit it into computers, we reduce it having cost and budget. We reduce it into concrete. Then now
5 tell the commission where it led to regard to the options of helping us to decide what we achieve as capabilities. We are already [indistinct] of your testimony now.

ADM HIGGS: Thank you Chairman. At this stage, I would also like to comment that whilst the Defence Review was
10 running, and Optimum was running parallel to it. There was regular communication between the war gaming teams and the Defence Review work group, and what was used was a lot of the stuff which we were learning from the war gaming and the Optimum stuff, was discussed openly in
15 the Defence Review. So it was not kept out just for the department of defence in an area marked top secret. It was sat and we explained it to everybody as we went through the Defence Review, but sir if I may, I would like to take you back to Dr Rocky William's paper which he
20 wrote.

He spells out the four different options which were presented. And he puts together probably 16 pages of chapter 8 in the Defence Review. He puts it into very smart words and indicates a little bit of

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background and in fact I did not have those insights until I read this document recently. So if we could do that Sir.

5 ADV LEBALA: Before you do that, before you do that I would not like you to lose the commissioners. Inform them what Chapter 8 refers to before you go to Dr Williams's writing.

ADM HIGGS: Sir, chapter 8 if I could refer you to the Defence Review for page 96, that sir is ... [intervene]

10 ADV LEBALA: That is volume 1.

ADM HIGGS: Sir, it is "RW85", South African Defence Review 1998. Page 63 to 210.

ADV LEBALA: Admiral Higgs, you are referring specifically to [indistinct], is that correct?

15 ADM HIGGS: Yes.

ADV LEBALA: Now remember, you explained the concept force design. Now we have force design. Please simplify it in such a manner that the commission appreciates.

20 ADM HIGGS: Thank you. Sir, on page 96 of the Defence Review, our paginated page 96, it is chapter 8 of the Defence Review, and it is headed Force Design Options. It starts off with an introduction and I would just like to read from the first paragraph before we move to tasks. It says during peace time the SANDF must maintain, develop

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and prepare forces that form the basis of its conventional defence capabilities.

It must also employ such forces in the execution of secondary functions as described in the White Paper and proceeding chapters of this report. At all times the SANDF must be ready to act in the defence of South Africa in response to various defence contingencies. Then sir, if I could take you down to tasks, which is in paragraph 3 on page 96.

It says to plan and prepare for the execution of the above mission, the tasks associated with the defence needs of South Africa, need to be defined. The following tasks are derived from previous chapters of the review. The first one in paragraph 3, it is providing core defence capabilities for defence of South Africa against external military threats and the execution of military operations in the defence of South Africa.

Its interests and its citizens when so ordered by the president. The second task is [indistinct], providing defence capabilities against internal threats to the constitutional order and the execution of such operations in a state of emergency when so ordered by the president.

3.3, promoting regional security

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which have been temporarily disrupted and where the capacity of the relevant civil authorities is exceeded.

In 3.12 providing medical and health services in support of relevant authorities in accordance with approved policies. In 3.13 providing search and rescue support to the relevant authorities in accordance with domestic agreements and the SA's international obligations.

Just a comment on that, we were referring to maritime zones, the area, the search and rescue area off the sea which we are responsible for, includes 16 million square kilometres. In 3.14 providing an air transport service for VIP's and other officials in accordance with approved policy. And in any democracy there is always contention in that one. 3.15 providing support to other state departments for missions to the Antarctic and southern ocean. 3.16 providing hydrographical services to South African mariners and in compliance with the international obligations of the Republic of South Africa.

In 3.17 providing an infrastructure for the management of the service core. And in 3.18 providing a communication security service to other state departments. With regard to the national key points, that

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is obviously discussed and described at various points depending on who owns that. The next issue sir, was the force design logic.

Said notwithstanding this extensive
5 list of tasks, the White Paper provides that the defence force should resolve chiefly around the SANDF's primary function of defence against military aggression. While the process of forced design involves considerable military technical detail, the design is determined largely by
10 decisions regarding three parameters.

The level of defence required, the approved defence posture and the defence budget. Those three are key to it. The level of defence is reflected in the definition, sir I cannot read this, I have actually lost a
15 print here. I must just check this. It is going to be original.

ADV LEBALA: My copy has the same problem. I suppose the commissioners, [indistinct]

ADM HIGGS: Thank you, I have got it on the original. Sir,
20 if I could state that start that paragraph again. The level of defence is reflected in the definition scale and intensity of military operations associated with the defence contingencies, and tasks discussed in chapter 3 of this report. The size and the configuration of the defence

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capabilities are in terms strongly influenced by the choice of defence posture as elaborated in chapter 2 of the Defence Review. The process is further constrained by budgetary guidelines and the costs associated with particular capabilities. In summary the force design of the SANDF is needs driven but cost constrained as I mentioned earlier.

ADV LEBALA: We are arguing that democracy does not attack democracy.

10 ADM HIGGS: Thank you Chairman. That was the very interesting postulation and I can recall in one consultative conference, and in fact if you do not mind I will use names. Terry Crawford-Brown, as a full participatory member, as the pacifist, he came and he said sir, 15 democracies do not tackle democracies. And what was very interesting at that stage there was a conflict between Spain and Canada over fishing rights. In fishing waters. The Spanish deployed war ships to protect their fishing vessels off Canada. It happened at the same time as the 20 Defence Review. So the realities, these things were being discussed and we were so fortunate also to have the insight then of deputy President Mbeki and he entered into the discussion with regard to democracies, fighting democracies with the brilliance which he has actually to

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be able to explain those things.

And everybody participated from deputy President Mbeki then to Terry Crawford-Brown and everybody could hear the arguments. Everybody heard the arguments and the reality is democracies have interests and when the democracies interests clash with another democracy, the first level is negotiation, but when the things get down, it depends on who is actually prepared to go and put force on the table or to have a threat of force on the table. Then of course, two equal threats measure up. If you have got two strong powers, then they find something else, but if you have got a strong power and you have got a democracy with no military capability whatsoever, then the chances are that that other democracy is not really going to do so well. This is the subject of many a discussions and over late nights and drinking lots of coffee, this was heavily discussed.

ADV LEBALA: As at that stage, the reality of acquitting capabilities as South Africa facing an external military threat was on the ground.

ADM HIGGS: Sorry, just repeat the question?

ADV LEBALA: As at that stage at the Defence Review, when these debates were taking place, there was reality that capabilities have to be acquired in the defence of

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South Africa against an external military threat.

ADM HIGGS: That is correct. That is correct, and that is what filtered through all the huge debates which were held.

5 ADV LEBALA: Now is there anything that you still want to deal with at this stage? Because I thought that you had taken us to the right thing of Mr Williams. Unless you want to elaborate on the Defence Review and that we have fully dealt with at this stage.

10 ADM HIGGS: Chair, if you are happy sir, I am very comfortable to go to Dr Williams's description of the four force design options. This is RWH8, and in particular sir, if I could refer you to ... [intervene]

ADV LEBALA: The commissioners would like us to
15 identify the page first. It is page 8 commissioners, on page 761 volume 2, to page 778. The witness is just going to go to the relevant pages. That will be volume 2 of his bundle commissioners.

It starts on page 761. I see the
20 chairperson is nodding. At this stage a number of things have come out clearly. The force design, the order of battle, the posture, the fundamentals pertaining to the change in South Africa. We do not want to scare our neighbours and flex our muscles. [indistinct]. Now we

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have to decide what options are we weighing, what type of equipment we will get, yes. You may proceed sir.

ADM HIGGS: Thank you very much chairman. Sir, I would like to refer you to page 765. Paginated 765. I would like to start with the unnumbered paragraph at the bottom of the page. Starting with the focus on the primary military function. Sir, it says the focus on the primary military function was reflected in a final force design which both parliament and cabinet approved. Initially four force design options were proposed. The basic difference between these options are as outlined below.

ADV LEBALA: We are at the stage where everything is ready now. We have to make a choice of this capabilities, what are we going to choose, how are we going to fund them. And I have got to be certain that the commissioners are with us I see that they are nodding. Yes, you may proceed sir.

ADM HIGGS: Thank you chairman. Option one. This option was the recommended option of both the department of defence and the joint standing committee on defence, and was the option finally approved by the South African Cabinet. It argued for the maintenance of a minimum growth core which could meet a wide range of contingencies. Bar invasion by major powers. The thing

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to bear in mind is that national defence force today, as we stand, we have just under 80 000 people who are in the regular force and we have approximately 14 000 people who are active in our reserves. So we are sitting with a total of just below 95 000. Option two was calling day facto for an additional 40 000 people in the mix. I think that is one of the fundamental differences. It is good to keep that in the back of one's mind as we go further down the line. Then moving into option 3 and option 3 was a very, very different option.

Option 3 was strongly resisted by defence planners during the Defence Review process. It was introduced into the debate by members of a civil society strategic think take who had been co-opted onto the Defence Review working group by the minister of defence. It was retained as an option, because it was felt that it realistically reflected the lightly roles and tasks that the defence force was currently executing. It was likely to execute in the future. This option advocated a shift from conventional to non-conventional operational concepts in its force design logic. Argued strongly for a consideration of secondary functions in the force design and budgetary process. As such it reduced the army's conventional capabilities, replacing them with increased

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counter insurgency and landward peace operations capabilities. It limited the Navy's conventional capabilities through the removal of the Corvettes or frigates so there is no frigates or submarines in this mix.

5 It placed a greater emphasis on the air force transport capabilities. So the reality is this option it was put to the decision makers that this option would not have satisfied the constitutional imperatives I would argue. But it is very, and as such it had helped
10 inform the decision makers, because the option was put on the table to the elected civil authority decision makers. Sorry Sir. Option 4. Initially there was some reluctance to consider option 4 premised as it was, on theories of non-offensive defence. Which cut back or made our
15 posture even more extreme to be so defensive. This had been introduced into the defence debate during the post 1994 period and it was premised on the same level of defence's option 1, but did this within a frame work of a defensive posture.

20 ADV LEBALA: The defence force, the SANDF, do they play any significant role in the decision to get these options?

ADM HIGGS: I am not aware of any additional briefings which I am sure we discussed at the highest level. I did not participate in any of those potential very close

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discussions chairman.

ADV LEBALA: But what do you make out that the chief of the SANDF might come and educate us at the right time. What do you make out of the fact that it is [indistinct] in parliament that prevailed?

ADM HIGGS: I think that is very good chairman, because [indistinct] a democracy. They are the decision makers. We, the military, provide options to them. These were four, very broad, very rational options. The third one I do not believe met our constitutional mandate, but I think that option 1, option 2, and option 4 would potentially have met the mandate.

ADV LEBALA: Now we are gravitating towards where this capabilities are coming. [indistinct] has decided that the Navy will have four [indistinct] and four submarines. Now not to confuse issues, for the benefit of all, what is the difference between a [indistinct] and a frigate?

ADM HIGGS: Sir, the background to this is a little bit, it generally is a slightly smaller vessel than a frigate. A frigate is a slightly bigger vessel. And the issue with regards to Corvettes where taking to the [indistinct] there is a certain stage in our history when the Navy said we needed frigates. The army said forget frigates you guys are going to get the Corvettes and I think that is ultimately

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where the thing started from, but the reality is what we looked for, we want a vessel which could operate autonomously. It could go on its own. If we would end up with 1500 ton vessels, we not have gone to achieve all the things which I will reflect on later in my testimony. The reality is that as people say steal is cheap, the weapon systems inside the ships, those capabilities, that is where the money, lots of money lies.

The reality is for our huge seas and I hope that the commission will be able to observe some of those seas in our video clippings which we intend showing. Our seas are miserable and you want big ships. A 3 500 frigate is perfectly able to operate and to achieve and to help us overcome the problems we have had in the past. The last time we had proper frigates sir, was up till 1985, as Admiral Green testified yesterday and the reality is this has allowed us to replace the frigate capability.

ADV LEBALA: Is that the interest that made us to get the strike craft, because as one time because of the embargo and the sanctions, we could not update our frigates?

ADM HIGGS: Sir, we got the strike craft, and I think Admiral Schoultz might be able to add more to that logic. When we got the strike craft, that was 1977. At that stage we still had three frigates. We had three British built

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president frigates which were operating and then of course on top of that we ended up getting the strike craft 3 from Israel. So we started that process and I think it was the function of the historic context where that came through.

5 As I alluded to earlier on, the chief of the Navy at that stage I believe was not in favour of the strike craft. He was told to accept that.

ADV LEBALA: Yes. You have mentioned the importance of Britain and its influence on our Navy. And that we
10 acquired frigates from them. I just want you to explain, because you demonstrated the history of acquisition that it is a process and it was governed by policies and projects. You did not go deeper into it. There is a witness who would come and do that. I think Admiral Schoultz will deal
15 with those projects, explaining the historical link of the acquisitions, how we always wanted to have frigates. How we always wanted to have submarines, but of significance is and I would like you to tell the commission whether we eventually got frigates or [indistinct]. Hence I wanted you
20 to draw the difference.

ADM HIGGS: Thank you sir. So if you Google Corvettes or frigates, you will see there is a fine line. Today we have got crossovers and we have got SUV's and we have got all these various things and there is a bit of a fine

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line. Generally a Corvette, you are probably looking at something in the vicinity of up to 2 000 tons. Our frigates there are 3 500. So as part, if you look at the Defence Review, you will see it was Corvettes part frigates for a number of the actual documentation which came through.

The reality is that we had to get something which would allow us to achieve certain things. So the technicality we start or they were called initially Corvettes because of where we are, but according to international norm, a vessel with that capability is in fact a frigate. So we say it is a patrol Corvette, in other words it is a frigate size vessel, but with very moderate Corvette type armour inside it, because it is certainly not a very high arm vessel. I think it is a modestly armed vessel.

ADV LEBALA: The option one gave us four or gave the Navy four frigates and four submarines. In actual reality how many submarines and how many frigates and I know that I could be repeating this question.

How many did the Navy get?

ADM HIGGS: So the Navy got four frigates and we got three submarines. With regard to the submarines, there were three submarines. I believe I was not involved in the acquisition.

I think perhaps Captain Jordaan will

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be able to give better testimony to that, but my understanding was with the option of the fourth one, so think that that is how that was handled with regards to the submarines in particular.

5 ADV LEBALA: We are at the stage where we have to deal with the utilisation of the frigates and submarines and I see that the time is 15:55. I would like us to utilise this five minutes.

10 You remember in the initial stage of your testimony when you went through your sworn statement, where you mentioned that you mean to testify about strategic utilisation of these capabilities.

15 Now [indistinct], but let us start here. Explain to the commission the sentiment about acquiring these frigates and submarines by detailing their names.

Let us start with the submarines. Give the historical perspective where their names come from. And how they relate to South Africa. Let us start with the submarines.

20 ADM HIGGS: Thank you very much chair and the first of our submarines is S101 which is the SOS [indistinct]. It was a queen warrior who achieved great military success in the early 19th century. The decision to give [indistinct] as with all the frigates and the submarines and that has

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come down I think at [indistinct] as I will testify to later on, played a significant role in putting us on the map with [indistinct] which I will speak to tomorrow.

5 She was the first submarine. It is a legal name for a war fighting lady queen. The second submarine is SOS Charlotte Matleke and she is named after the great social and political activist in our history. Of which hospitals, streets and numerous things are named after her. So she is very much more a modern
10 activist in South Africa. Then the third of our submarines is Queen Modjadji 1st. She is named after the rain queen. So each of them were named after heroines. They were named after women who have made their mark in history.

The reality is that our submarines
15 when I served at sea in submarines, there were no women at sea in submarines, and in fact so if you allow me a little bit of humour, my wife she said to me when I was at sea in a submarine she said what if the women had [indistinct]. But the reality is that is that it just shows how everything
20 has changed. We have got women serving at sea in submarines and there is no issue. The reality is in a submarine there is no privacy.

You have zero privacy. In our Daphne submarines you did not show up. You would go to

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sea for 28 days without showering. *Et cetera*. The new submarines are a lot better. We can make our own fresh water in them so it is reasonable. But the reality is that you need tough professionals to go to see. We have got
5 them and they are wonderful. So those are the submarines I want to mention the woman.

The issue of women in submarines because that is new. The United States is now only starting to introduce women into their submarines. There
10 are a very few submarine services in the world with women at sea in submarines. But we are right at the forefront and in fact on a number of our defence magazines and label magazine you will see pictures of our women submarines and we are very proud of them. You will see
15 pictures of our women submarines and we are very proud of them.

ADV LEBALA: The last part of your testimony today before we go to start with the utilisation of the capabilities is for you to tell the commission about the frigates and
20 their names, sentiments and how they also link to South Africa.

ADM HIGGS: Thank you very much indeed chairman. So the first of our frigates is the SOS Amatole. She is named after the mountain range in the Eastern Cape, in fact that

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is just near where I was born.

She is named after the battles between the Xhosa and the British around 18:52. The second of our frigates is the SOS Sondwana which is named after the battle between the Zulus and the British. 5 The third of our frigates is SOS Spioenkop and she is named after the battle between the Boers and the British. What is interesting to note, also a little bit of humour, that in all of those battles the British lost. So whenever we 10 exercise with the royal Navy they say you guys always rub it in. But then the third one, it is the fourth one is the SOS Mendy. She is named after SS Mendy which was a troop ship which was taking a number of South Africans to fight in the first world war. She sunk.

15 She was sunk at sea in a collision funny enough just off Britain. And there was tragic loss of life. The reverent Isaac Joba is recorded as having got everybody to stand on the deck of Mendy as she went down. Heroically those people went down and there is 20 poems written about it. It is very touching and so if you do not mind, if I can just touch perhaps on the deployment of Mendy.

When our frigates were delivered sir, they were built but not fitted out in Germany. The holes,

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they were put together in Germany and they were brought to Simonstown and we fitted the combat sheets, their weapon systems *et cetera* in Simonstown. Mendy arrived at the end of 2004, and at that stage the chief of the Navy
5 agreed that we could take Mendy to show her to the people of South Africa and we took Mendy up to East London. I remember a member of the naval reserves, he got the premier of the Eastern Cape, premier Balendela. She came on board Mendy and there were a number of
10 people who came on board Mendy.

She came on board in her traditional outfit with her circles on her face with the painting and the beautiful dresses, barefoot, and she said Admiral, she said this is the spiritual return of the people who lost their
15 lives in Mendy. She said when somebody is born the umbilical is buried in that kraal, and when you come back or the spirit comes back there is major linkage with regard to that. She was so impressed by that ship. She asked the chief of the Navy if she could take her cabinet to sea
20 in Mendy. And we were going out to sea and we took her cabinet and she recited the poem of Mendy.

The heroism of the people who lost their lives. The South Africans who lost their lives in Mendy in 1917. That she is a tough lady. She got her

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cabinet to go and interpret it. She was there in the boardroom and it was on national TV, and she said that Mendy and that frigate symbolise to her the new transformed South Africa. She said this ship is the most modern ship in the world which it is, and I will talk about that tomorrow. There is nothing, there is not a frigate in the world which looks more modern than that. She said here we have got men and women of all races and all religions making this beautiful ship work. She said this is the new transformed South Africa and she said that on national TV. This is actually quite amazing, because obviously there was controversy about acquisition *et cetera*, there always is, but the reality is that message went home and I was just, I just felt so privileged to be there.

That was possibly the first time we took one of these beautiful vessels and introduced it to the people of South Africa. Chair, so that was actually a very touching moment and I just wanted to end off today, if we are not going to continue further, just with regard to that for people to reflect on. The reality is, I believe, I am taking off my uniform now. I am putting on my clothes as a patriot.

Just a civilian. I am so proud of what

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we have. Those frigates and you will hear tomorrow that what Mendy did, people virtually were crying. We went out onto the flight desk and it was amazing. It was almost a spiritual thing. All of a sudden there were dolphins and there was fish and there were birds.

It was the most bizarre experience and I remember her talking to her people and saying what is the colour of the sea. It was the most perfect day. And when that ship came alongside and that footage was on TV through South Africa. In my mind it was the turning point. That was a major turning point. I think that that is the beginning of the internal strategic utilisation which I will never forget.

ADV LEBALA: Even with the Amatola there is [indistinct] that some of us recited at school. I hope when the Amatola went for its voyage, there was a citation too. That is where we part ways for the day. Thank you Admiral. Commissioners, over to you.

CHAIRPERSON: Thank you. We will adjourn until 09:30 tomorrow morning.

(COMMISSION ADJOURNS)