



Privaatsak }
 Private Bag } x427
 Pretoria 0001
 Tel. 322-6573

Ministerie van Verdediging
 Ministry of Defense
 Pretoria
 0001

17 August 1989

Mr R Spoor
 Cheadle Thompson and Haysom Attorneys
 PO Box 30894
 BRAAMFONTEIN
 2017

Dear Mr Spoor

YOUR FAX, DATED 17 AUGUST 1989 CONCERNING ECC

As instructed by Defence Minister Gen Magnus Malan I wish to confirm the following:

1. Receipt of your fax concerning the above.
2. Notice has been taken of the contents thereof.
3. A written reply concerning the fax will be furnished to your office not later than 12 noon, Saturday, 19 August 1989.
4. Until such time the Minister undertakes to desist from making statements about ECC.

Yours faithfully

DAS Herbst

(DR) DAS HERBST
 CHIEF: COMMUNICATION

2069Y/mvv



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Private Bag } x427
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Ministerie van Verdediging
Ministry of Defence
Pretoria
0001

19 August 1989

Mr R Spoor
Cheadle Thompson and Haysom Attorneys
PO Box 30894
BRAAMFONTEIN
2017

Dear Mr Spoor

YOUR FAX, DATED 17 AUGUST 1989 CONCERNING ECC

By direction of the Minister of Defence I wish to inform you that the Minister will not react to your communication.

Yours faithfully

DAS Herbst

(DR) DAS HERBST
CHIEF: COMMUNICATION

2069Y/mvv

ATTENTION:

From: MANDY TAYLOR FAX NO: (011) 6481616

On the basis of the undertaking by Malan we have decided not to proceed with the interdict. However we must try to get as much mileage as possible out of his responses.

I enclose copies of the most important correspondence as well as the original article as it appeared in the Pretoria News.

Please get to your local press

Queries: Phone Mandy on Thursday between 10. - 11:30 am or between 9 pm. - 10 pm at (011) 648 7460.

Article will appear in the Star newspaper on Thursday. Will fax copy of article to you.

- 1 - Between Magnus' letters on ~~17~~ 19-21 Aug. interdict papers were drawn up but not served. Another letter was sent to him on 20th providing a final opportunity for negotiation. His undertaking followed this letter.

pf/DOC\110901

REPUBLIEK VAN SUID-AFRIKA



REPUBLIC OF SOUTH AFRICA

Verw. Nr./Ref. No. 5/2/2/3(DDQ)

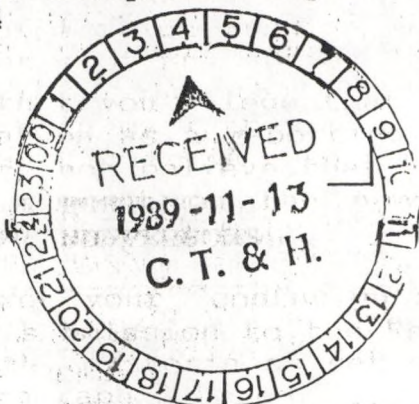
NAVRAE/INQUIRIES: J Scherman

Tel. No. 323-9302

KANTOOR VAN DIE-OFFICE OF THE

REGISTRAR OF REPORTING
ORGANIZATIONS AND PERSONS
PRIVATE BAG X81
PRETORIA
0001

Messrs Cheadle Thompson & Haysom
P O Box 30894
BRAAMFONTEIN
2017



1989-11-10

Gentlemen

END CONSCRIPTION CAMPAIGN: INVESTIGATION INTO THE RECEIPT AND EXPENDITURE OF FOREIGN FUNDS

1. Your letter CP/C7/88 dated 3 November 1989 has reference.

2. The reference to misappropriation, unauthorised spending and other irregularities in my letter dated 22 August 1989 was intended to convey some of the advantages to be derived from declaration as a reporting organization. As stated in paragraph 6 of my letter dated 5 October 1989 these do not form part of the criteria to be applied when considering whether or not an organization should be declared as a reporting organization.

3. It is, however, one of the consequences of being declared that such conduct will be curtailed in those instances where it does in fact exist. However, at the risk of being repetitious, it must be stressed that the occurrence of such conduct is not a criterium applied by the Registrar in considering whether or not to declare an organization. Your attention is directed to the Disclosure of Foreign Funding Act, 1989 (Act 26 of 1989), which forms the basis of any action taken by the Registrar. Should you be of the opinion that the Act discloses any criteria, other than those set out in my letter of 5 October 1989, you are at liberty to address such criteria when your submissions are filed.

4. Your remark that my previous correspondence only spells out broad considerations regarding the powers of the Registrar is noted. I have studied the correspondence in question and cannot agree with your observation, especially in view of the contents of paragraph 5 of the letter dated 5 October 1989.

other irregularities in my letter dated 22 August 1989 was intended to convey some of the advantages to be derived from declaration as a reporting organization. As stated in paragraph 6 of my letter dated 5 October 1989 these do not form part of the criteria to be applied when considering whether or not an organization should be declared as a reporting organization.

It is, however, one of the consequences of being declared that such conduct will be curtailed in those instances where it does in fact exist. However, at the risk of being repetitious, it must be stressed that the occurrence of such conduct is not a criterium applied by the Registrar in considering whether or not to declare an organization.

5. I note that you allege that your client has been singled out for consideration as a reporting organization. This allegation is rejected. I do not believe that either you or your client is in a position to comment on the number of organizations or persons presently being considered.

6. As regards your "confusion as to what areas must be addressed" in your submission to the Registrar, you are advised to concentrate on the criteria as set out in my previous communication, read with paragraph 3 hereof.

7. As far as your request for "sufficient information" is concerned, the considerations deemed relevant by the Registrar to the exercise of his functions are those already set out in my previous communication. The only relevant fact to be taken into account is that your client is in receipt of substantial amounts of money from abroad.

8. In conclusion you are afforded another week (until 20 November 1989) to file your submissions.

Yours faithfully

[Signature]
REGISTRAR OF REPORTING ORGANIZATIONS AND PERSONS

6. As regards your "confusion as to what areas must be addressed" in your submission to the Registrar, you are advised to concentrate on the criteria as set out in my previous communication, read with paragraph 3 hereof.

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CHEADLE THOMPSON & HAYSOM

Attorneys

8th Floor Geldenhuis
33 Jorissen Street
(cnr. De Beer Street)
2001 BRAAMFONTEIN
JOHANNESBURG
Docex: 50

Telephone: (011) 403-2765
Telex: 4-26717
Teletex: 450902
Telefax: 403-1764
P.O. Box 30894
2017 BRAAMFONTEIN

Your Ref:

Our Ref: **Richard Spoor**

17 August 1989

The Minister of Defence
General Magnus Malan
PRETORIA
ATT: DR. HERBST

PER FAX (012) 347-0234

Dear General Malan

1. We act for our client who is the End Conscription Campaign ("ECC").
2. The attention of our client has been drawn to a speech which you made at Voortrekkerhoogte on the evening of the 14th of August 1989.
3. That speech is reported on page 8 of the Star newspaper of Tuesday, August 15 1989 in an article "MDM appears to be ANC front - Magnus".
4. Paragraph 3 of the aforesaid article states: "General Malan said internal acts of terror were not only committed by the ANC but also by internal organisations such as 'the MDM, UDF, JODAC, IDASA and the ECC'."
5. We have made contact with the Star newspaper and have been informed that the notes of the reporter concerned correctly reflect the statement made by yourself at Voortrekkerhoogte on the 14th of August 1989.
6. We advise that our client is a voluntary organisation that is committed to non-violence and the peaceful resolution of the problems of this country. ECC is a single issue campaign addressing the issue of compulsory military service in South Africa. ECC has always been committed to campaign lawfully. As such, they deny that any "internal acts of terror" have been planned or committed by the Campaign.

7. Your statement that our client commits "internal acts of terror":
- (a) is false,
 - (b) prejudicially affects the image and interest on our client, which relies inter alia on public support for its lawful activities and for its opposition to conscription,
 - (c) is calculated to prejudice our client in the carrying out of the purposes for which it was established,
 - (d) brings our client, its office bearers and members in serious disrepute,
 - (e) has the likely effect of endangering the lives and property of our client's office bearers and members many of whom have been targets of right wing terror attacks in the past.
8. We are instructed in the light of the above to call upon you:
- (a) To desist from making any further statements to the effect that ECC has committed any "internal acts of terror".
 - (b) To give us an undertaking within twenty four hours of receipt of this letter that you will so desist from making any such statements.
 - (c) That you admit that at no time has ECC ever been responsible for any "internal acts of terror".
 - (d) That you apologise to ECC, its office bearers and its members for any inconvenience caused to them as a result of your incorrect statement.
9. This is a matter of great concern to our client and we advise that we have been instructed to seek urgent relief from the Supreme Court if the undertakings and statements requested are not received from you timeously.
10. We look forward to hearing from you in this regard.

Yours faithfully
CHEADLE THOMPSON & HAYSOM



PRESS STATEMENT

The ECC views with concern the fact that two cabinet ministers have seen fit to attack organizations opposed to the government, on election platforms. Adriaan Vlok was forced to apologise for his false allegations about COSATU and now Magnus Malan has backed down after publically attacking various organizations, including the ECC.

Despite the apology by Mr Vlok and the undertaking by General Malan not to repeat defamatory statements about ECC and other organizations, we are nonetheless angry that these two ministers appear to have embarked on reckless vote catching exercises at the expense of organizations which they themselves have sought to silence.

The ECC has always organised and campaigned in an open and non-violent manner and was vindicated in 1986 when the Media Council found in favour of ECC after the Aida Parker newsletter made false allegations against us similar to those recently made by General Malan. Despite the Media Council finding and despite ECC's open functioning, the SADF saw fit to launch an unlawful campaign of harassment against it, which only court intervention curbed. In September 1988, after the restriction of ECC the Supreme Court granted a final interdict restraining General

Malan, in his capacity as Minister of Defence, from continuing with this unlawful campaign against ECC.

The ECC was not prepared to be silenced and then smeared. The public have a right to the truth. We saw it as necessary to unban ourselves on 22 August 1989. We are now prepared to debate openly with General Malan or any of his colleagues and to again be encouraging public debate about the issue of conscription.

ak/kagiso
Verw. Nr./Ref. No.

ALG/1

NAVRAE/INQUIRIES:

Tel. No. 2144 Mnr P Kleynhans

BY REGISTERED MAIL/~~HAND~~

The Manager
Kagiso Trust
2nd Floor
Darragh House
13 Wanderers Street
JOHANNESBURG
2000

KANTOOR VAN DIE-OFFICE OF THE

REGISTRAR OF REPORTING
ORGANISATIONS AND PERSONS
PRIVATE BAG X800
PRETORIA
0001

22-8-89

SIR

INVESTIGATION INTO THE RECEIPT AND EXPENDITURE OF FOREIGN FUNDS

According to information you are receiving funds from abroad for various projects/purposes.

As you would realise, it is in the interest of the donor and the persons or institutions who are supposed to benefit from these donations, as well as in your own and the national interest that such funds are not misappropriated or utilized for purposes other than that stipulated by the donor.


In order to *inter alia* prevent misappropriation, unauthorised spending or other irregularities, consideration is to be given to declaring you as a reporting organisation/person in terms of section 3 of the Disclosure of Foreign Funding Act, 1989 (Act 26 of 1989).

You are hereby invited to submit within 14 (fourteen) days of receipt of this letter such reasons and/or information as you may deem relevant and to be taken into consideration in considering whether or not to declare you as a reporting organisation/person. Such reasons and/or information should please be addressed to:

The Registrar of Reporting
Organisations and Persons
Private Bag X800
Pretoria
0001

Your attention is directed to the fact that, should you fail to submit any reasons and/or information, consideration will be given to declaring you as a reporting organisation/person in the absense thereof.

Yours sincerely



P. H. T. KLEYNHANS
REGISTRAR OF REPORTING
ORGANISATIONS AND PERSONS



ANNEXURE 3.

Verw. Nr./Ref. No.

NAVRAE/INQUIRIES:

Tel. No. 323-9302

KANTOOR VAN DIE-OFFICE OF THE

Cheadle Thompson and Haysom
P O Box 30894
BRAAMFONTEIN
2017

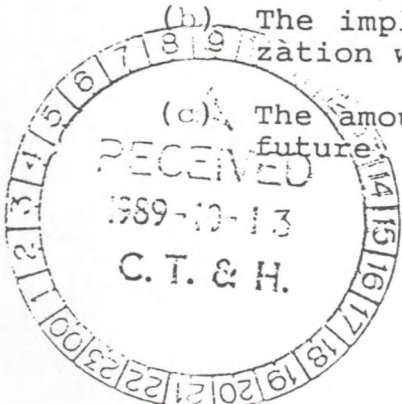
REGISTRAR OF REPORTING
ORGANIZATIONS AND PERSONS
PRIVATE BAG X81
PRETORIA
0001

1989-10-09

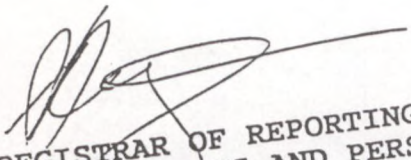
Dear Sirs

**KAGISO TRUST: INVESTIGATION INTO THE RECEIPT AND EXPENDITURE OF
FOREIGN FUNDS**

1. Your reference is P Harris/PH/K1/89
2. The telephonic discussion between the writer and your Mr Harris as well as your letter dated 28 August 1989 refers.
3. This is to confirm that your client will be allowed a further period of one month after receipt of this letter to submit information and reasons to be taken into account when it is considered whether they should be declared to be a reporting organization.
4. I am in receipt of information to the effect that your client has in the past received substantial amounts of money from donors in other countries and will in all probability continue to receive such donations in future. This appears to be common cause.
5. The criteria that will be applied when the matter is considered are the following:
 - (a) The right and need of the South African Parliament to be informed about the receipt of money from outside South Africa, the purpose for which the money is received and how the money is utilized.
 - (b) The implications which declaration to be a reporting organization will have for a particular organization.
 - (c) The amounts received and which will probably be received in future.



6. The reference in my letter dated 22 August 1989 to misappropriation, unauthorised spending and other irregularities should not be read to mean that your client is suspected of being guilty of such conduct. In fact, as appears from the contents of paragraph 5 above, such considerations would in any event be immaterial to the question whether or not an organization should be declared to be a reporting organization.
7. I trust that the above will enable your client to submit his submissions and look forward to hearing from you.



REGISTRAR OF REPORTING
ORGANIZATIONS AND PERSONS

KAGISO

TRUST

1st FLOOR DARRAGH HOUSE
13 WANDERERS STREET
JOHANNESBURG 2001

P. O. BOX 1878, JHB 2000
TEL: (011) 337-1810/1 FAX: (011) 236427
TELEX: 489265

faxed
23/10/89
TAM

25 October 1989

SANAM SECRETARIAT
BRUSSELS

Att: Roel von Meijenveldt

Dear Roel

RE: DISCLOSURE OF FOREIGN FUNDING ACT

The state seems either to have changed the rules or is seeking a graceful way out of having to implement this Act - it is difficult at this stage to judge which!

1: We, together with ECC, Wilgerspruit and IDASA, have received a letter saying that the principle criteria now is "Parliament's right and need to know" and contradicts the previous letter.
(see letter dated 1989-10-09 attached).

It also will examine "the implications for a particular organisation."

The above seems to infer that the state intends to implement its original political intention.

2: However, in its response to the Japanese Government's N.V. the South African Foreign department infers that it is NOT a foregone conclusion that the Trust will be declared a Reporting organisation.

A copy of this letter has just been received and we have not yet had an opportunity to analyse its contents in detail. We are sending it to our attorney now.

WE ARE TAKING THE FOLLOWING STEPS:

1: The organisations in question will meet next week to formulate a "discussion" paper which we will forward to you together with a request from the partners to the EC for intensified pressure. This takes place on Tuesday 7th November 1989.

2: A discussion will be held with the political officers of all embassies where we intend asserting that:

- 13th November*
- a) Parliament does not need additional means of knowing.
 - b) This law is very different from the laws in other western countries.
 - c) That the South African regime has now openly declared its political agenda, which is to subvert the activity of alternate organisations.

The above takes place on Monday 13 November 1989. Can you assist by ascertaining whether any western European country has such a law and more or less its essential intention. The powers of individuals/civil servants implementing such laws would be helpful as a means of comparing the "democratic" intentions of European laws vs the draconian powers of the law, and hence its intentions, in South Africa.

africa ...\

Wilgerspruit Fellowship Centre has been asked to obtain a summary of the USA law.

Very best regards

Admat

A DANGOR
(Executive Officer)

AD/ph

Enclosure

Ref: roel.ffa
sub-dir national
BRUSSELS

CC: S MOULDER SACC
F BILL
S DUNCAN

G ZABALA Wilgerspruit Fellowship Centre
I MAKHABELE

J PIETERSE SACBC

P HARRIS Cheadle Thompson & Hayson
Management Committee, Kagiso Trust

L Naude IDASA

CHEADLE THOMPSON & HAYSOM

Attorneys

8th Floor Geldenhuys
33 Jorissen Street
(cnr. De Beer Street)
2001 BRAAMFONTEIN
JOHANNESBURG
Docex: 50

Telephone: (011) 403-2765
Telex: 4-26717
Teletex: 450902
Telefax: 403-1764
P.O. Box 30894
2017 BRAAMFONTEIN

Your Ref:

Our Ref: CP/C7/88

3 November 1989

Mr P Kleynhans
Registrar of Reporting
Organisations and Persons
PRETORIA

PER FAX (012)26-0991

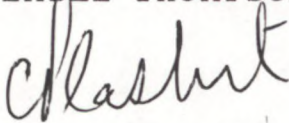
Dear Sir

re: END CONSCRIPTION CAMPAIGN

1. We refer to the above matter and to your letter to us dated 5 October 1989, which we received on 9 October 1989.
2. Your letter to our client dated 22 August 1989 stated 'in order to inter alia prevent misappropriation, unauthorised spending or other irregularities, consideration is to be given to declaring you as a reporting organisation/person in terms of section 3 of the Disclosure of Foreign Funding Act, 1989 (Act 26 of 1989)'. Your most recent communication to us however refers, inter alia, to the right of parliament to certain information and expresses concern at the amount of monies that our client may receive in the future. In this respect, your letter does not provide us with any meaningful information to which we can respond. Your letter dated 5 October 1989 does no more than spell out broad considerations regarding your powers and it gives no indication as to why our client has been singled out for consideration as a reporting organisation.
3. You will therefore understand our confusion as to what areas must be addressed in our submissions to you as to why the End Conscription Campaign should not be declared a reporting organisation.

4. We accordingly request that we be given sufficient information relating to the allegations against our client and a clear statement of the considerations which you believe are relevant to the exercise of your powers.
5. In addition, we would be grateful to receive your assurance that our client will not be declared a reporting organisation until we have received your response to this letter and been given sufficient time to submit our submissions to you.
6. We look forward to hearing from you.

Yours faithfully
CHEADLE THOMPSON & HAYSOM

A handwritten signature in cursive script, appearing to read 'Clive Plasket', written in dark ink.

CLIVE PLASKET



Verw. Nr./Ref. No. 5/2/2/3

NAVRAE/INQUIRIES: P H T Kleynhans

Tel. No. 323-9302

KANTOOR VAN DIE-OFFICE OF THE

Cheadle Thompson and Haysom
P O Box 30894
BRAAMFONTEIN
2017

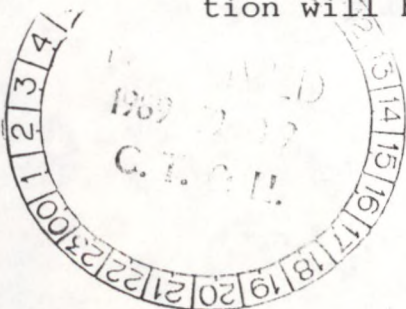
REGISTRAR OF REPORTING
ORGANIZATIONS AND PERSONS
PRIVATE BAG X81
PRETORIA
0001

1989 -10- 05

Sirs

**END CONSCRIPTION CAMPAIGN: INVESTIGATION INTO RECEIPT AND EXPEN-
DITURE OF FOREIGN FUNDS**

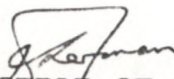
1. Your reference is C Plasket/CP/C7/88.
2. This is to confirm that your client will be allowed a further period of one month after receipt of this letter to submit information and reasons to be taken into account when it is considered whether they should be declared to be a reporting organization.
3. According to information in my possession your client has over the last three years received funds from sources in other countries and will probably continue to receive such funds in future. These funds were in some instances paid directly to your client and in other instances were paid to your client by local organizations who initially received the funds from abroad. At this point in time I am not prepared to state the source of my information or to furnish further details of these transactions.
4. The criteria that will be applied when the matter is considered are the following:
 - (a) The right and need of the South African parliament to be informed about the receipt of money from outside South Africa, the purpose for which the money is received and the manner in which the money is utilized.
 - (b) The implications which declaration as a reporting organization will have for a particular organization.



(c) The amounts received and which will probably be received in future.

5. The reference in my letter dated 22 August 1989 to misappropriation, unauthorised spending and other irregularities should not be read to mean that your client is suspected of being guilty of such conduct or that this will be taken into account when the matter is considered. In fact, as appears from the contents of paragraph 4 above, such considerations would be immaterial to the question whether or not an organization should be declared to be a reporting organization.

6. I trust that the above will enable your client to submit his submissions and look forward to hearing from you.


REGISTRAR OF REPORTING
ORGANIZATIONS AND PERSONS

CHEADLE THOMPSON & HAYSOM

Attorneys

8th Floor Geldenhuis
33 Jorissen Street
(cnr. De Beer Street)
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Telefax: 403-1764
P.O. Box 30894
2017 BRAAMFONTEIN

Your Ref:

Our Ref: CP/C7/88

4 September 1989

Mr P Kleynhans
Registrar of Reporting Organizations
and Persons
Private Bag X800
Pretoria
0001

Registered and Express Mail

Dear Sir

re: END CONSCRIPTION CAMPAIGN: INVESTIGATION INTO THE RECEIPT
AND EXPENDITURE OF FOREIGN FUNDS

We refer to the above and advise that we act for the End
Conscription Campaign. We are in receipt of your letter dated
22 August 1989 which was addressed to the manager of the End
Conscription Campaign. It has been referred to us for our
attention and reply. Our client received the letter on 29
August 1989.

Our client intends to make submissions to you because it is of
the view that it is entirely inappropriate that it should be
declared a 'reporting organization or person'. Our client finds
it almost impossible, however, to make any meaningful
submissions without knowing on what grounds or for what reasons
you are contemplating declaring it a reporting organization or
person. Could you please, without delay, enlighten us in this
regard so as to enable our client meaningfully to address the
issue.

Our client is also puzzled by your reference to the need to 'prevent misappropriation, unauthorized spending or other irregularities'. Do you have any basis whatsoever to suggest that our client has or might have been guilty of such 'misappropriation, unauthorized spending or other irregularities'? If so, could you please furnish us with full particulars so as to enable our client to deal with the matter. Could you please also, to the same end, inform us what 'other irregularities' you have in mind.

In the opening sentence of your letter, you say that you have information that our client is 'receiving funds from abroad for various projects/purposes'. Please supply us with particulars of this information so that we can respond to this allegation properly.

We do not know what factors you consider to be relevant and/or important to your decision making process. Please inform us of this so that our client's representations to you can be meaningful.

Finally we advise that, once having received the aforementioned particulars, our client will need more time to properly prepare their proposed submissions. Will you please grant them an extension of time for one month after receipt of your response to this request. An added difficulty for our client is that the person who held the position of treasurer at the time of its restriction in terms of the security emergency regulations is not in the country at present but will be returning soon.

We look forward to receiving your reply at your earliest convenience.

Yours faithfully
CHEADLE THOMPSON AND HAYSOM

CLIVE PLASKET



REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

Verw. Nr./Ref. No. ak/egg

ALG/1

NAVRAE/INQUIRIES:

Tel. No. 2144 Mnr P Kleynhans

BY REGISTERED MAIL/~~HAND~~

The Manager
End Conscription Campaign
P O Box 537
KENGRAY
2100

KANTOOR VAN DIE-OFFICE OF THE

REGISTRAR OF REPORTING
ORGANISATIONS AND PERSONS
PRIVATE BAG X800
PRETORIA
0001

22-8-89

SIR

INVESTIGATION INTO THE RECEIPT AND EXPENDITURE OF FOREIGN FUNDS

According to information you are receiving funds from abroad for various projects/purposes.

As you would realise, it is in the interest of the donor and the persons or institutions who are supposed to benefit from these donations, as well as in your own and the national interest that such funds are not misappropriated or utilized for purposes other than that stipulated by the donor.

In order to *inter alia* prevent misappropriation, unauthorised spending or other irregularities, consideration is to be given to declaring you as a reporting organisation/person in terms of section 3 of the Disclosure of Foreign Funding Act, 1989 (Act 26 of 1989).

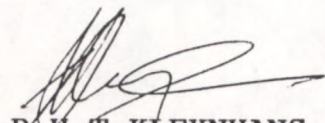
You are hereby invited to submit within 14 (fourteen) days of receipt of this letter such reasons and/or information as you may deem relevant and to be taken into consideration in considering whether or not to declare you as a reporting organisation/person. Such reasons and/or information should please be addressed to:

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Organisations and Persons
Private Bag X800
Pretoria
0001

Your attention is directed to the fact that, should you fail to submit any reasons and/or information, consideration will be given

to declaring you as a reporting organisation/person in the absence thereof.

Yours sincerely



P. H. T. KLEYNHANS
REGISTRAR OF REPORTING
ORGANISATIONS AND PERSONS

Collection Number: AG1977

END CONSCRIPTION CAMPAIGN (ECC)

PUBLISHER:

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

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