

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**REGULATION OF FOREIGN
MILITARY ASSISTANCE BILL**

[B 54—97]

(As agreed to by the Portfolio Committee on Defence (National Assembly))

[B 54A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP**

**WETSONTWERP OP DIE
REGULERING VAN
BUITELANDSE MILITÊRE
BYSTAND**

[W 54—97]

(Soos goedgekeur deur die Portefeuljekomitee oor Verdediging (Nasionale Vergadering))

[W 54A—97]

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AMENDMENTS AGREED TO

REGULATION OF FOREIGN MILITARY ASSISTANCE BILL
[B 54—97]

CLAUSE 1

1. On page 2, in line 15, to omit paragraph *(a)*.
2. On page 2, after line 23, to insert the following paragraph:

(d) any action aimed at overthrowing a government or undermining the constitutional order, sovereignty or territorial integrity of a state;
3. On page 2, after line 25, to insert:

but not humanitarian or civilian activities aimed at relieving the plight of civilians in an area of armed conflict
4. On page 2, after line 25, to insert the following definition:

(iv) “mercenary activity” means direct participation as a combatant in armed conflict for private gain;

NEW CLAUSE

1. That the following be a new Clause to follow Clause 1:

Prohibition on mercenary activity

- 2.** No person may within the Republic or elsewhere recruit, use or train persons for or finance or engage in mercenary activity.

CLAUSE 3

1. On page 4, from line 18, to omit subsection (3) and to substitute:

(3) The Minister, in consultation with the Committee, may refuse an application for authorisation referred to in subsection (2), or may grant the application subject to such conditions as they may determine, and may at any time withdraw or amend an authorisation so granted.

CLAUSE 4

1. On page 4, in line 27, to omit “2(a)” and to substitute “3(b)”.
2. On page 4, from line 32, to omit subsection (3) and to substitute:

(3) The Minister, in consultation with the Committee, may refuse an application for approval referred to in subsection (2), or grant the application subject to such conditions as they may determine, and may at any time withdraw or amend an approval so granted.

CLAUSE 5

1. On page 4, in line 41, to omit all the words after “Executive” up to and including “Assembly” in line 42 and to substitute:

 , Parliament and the Parliamentary Committees on Defence

CLAUSE 6

1. On page 6, after line 9, to add the following subsection:

 (3) The Minister shall furnish the reasons referred to in subsection (2) within a reasonable time.

CLAUSE 7

1. On page 6, in line 11, after “2” to insert “or 3”.
2. On page 6, in line 12, to omit “laid down by the Minister”.
3. On page 6, in line 13, to omit all the words after “fine” up to and including “years,” in line 14 and to substitute “or to imprisonment”.
4. On page 6, after line 15, to add the following subsection:

 (2) The court convicting any person of an offence under this Act may declare any armament, weapon, vehicle, uniform, equipment or other property or object in respect of which the offence was committed or which was used for, in or in connection with the commission of the offence, to be forfeited to the State.

CLAUSE 9

1. On page 6, in line 21, to omit “acting on the recommendation of” and to substitute “in consultation with”.

CLAUSE 10

1. On page 6, in line 29, to omit all the words after “Minister,” up to and including “persons” in line 30 and to substitute:

 in consultation with the Committee, may exempt any person