

PERSONALITIES

MR JUSTICE MARGO



By any standard he has lived a full and eventful life, and a useful one too - aviator, military man, advocate, judge, commissioner - all with great distinction.

Cecil Stanley Margo was born in Johannesburg on 10 July 1915. He was the youngest son in a family of six children. His father was an architect who came to South Africa from England.

Cecil Margo attended the King Edward VII School in Johannesburg - first the prep school and then the high school. He matriculated at the age of 16 and enrolled at the University of the Witwatersrand to study law. His choice of a career was prompted by reading the biographies of the great barristers of the English bar such as Rufus Isaacs, Edward Carson, Edward Marshall Hall, Patrick Hastings, and others.

Judge's clerk

He completed his BA degree full-time and then enrolled for part-time study for the LLB degree, which he completed while he was a judge's clerk - the judge being Mr Justice Saul Solomon, a member of a great South African family. He was then 21 years old and had every intention of proceeding to Oxford to pursue his legal studies. However, fate intervened and he acted instead on the ("wrong" - he now says) advice of Norman Rosenberg KC, then a leader at the Johannesburg Bar, to commence practice at that bar immediately. It was a propitious time to do so, he was told.

Training as pilot

By now he had taken a step which was to make a great difference to his life. Not content with the demands of part-time study for an LLB (which are not inconsiderable) and the duties of a judge's clerk (which are less

considerable) he had enrolled in the University Air Training Squadron for training as a pilot in the South African Air Force. Flying was to be a lifelong passion and was to take him all over the world and bring him into contact with some of the most interesting personalities in the field. The oldest cadet on that same Air Force course was Oscar Galgut, then a practising attorney, later to become a leader at the Pretoria Bar, a judge in the Transvaal Provincial Division and a judge of appeal.

Joined Johannesburg Bar

When Margo joined the Johannesburg Bar in 1937 its senior ranks included some of the leading figures at the South African bar. Apart from Rosenberg there were Tilson Barry KC, J V Brink KC, P Millin KC (later a judge of the Transvaal Provincial Division), W H Ramsbottom KC (later a judge of the Transvaal Provincial Division and judge of appeal), Robin Stratford KC (son of the Chief Justice), Walter Pollak KC and Jack Clayden KC (later a judge of the Transvaal Provincial Division and, as Sir John Clayden, Chief Justice of the Federal Court of Appeal of Rhodesia and Nyasaland). Among the leading juniors were others destined to make

their mark, such as Williamson, Rathouse, Ettlinger, Maisels and Suzman.

Active service

The time was indeed propitious and Margo rapidly built up a practice with a strong commercial flavour. However, fate was again to intervene. War was declared in September 1939 and volunteers were required for the Union forces. Margo volunteered. He was then 24 years old and a lieutenant in the South African Air Force.

His active service, which lasted from 1940 to 1945, took him to East Africa, the Middle East, the Aegean Sea, the Western Desert, Malta, Sicily, Italy, the Balkans and Austria. He was a bomber pilot and flew 140 bomber strike missions (99 as mission leader) by night and by day, in three tours of operational duty. After starting the war as a lieutenant he ended it as a lieutenant-colonel commanding the famous (*per noctem per diem*) 24 Squadron of the South African Air Force. He was decorated for bravery too. In 1943 he was awarded the DFC (Distinguished Flying Cross) and in 1945 he received the DSO (Distinguished Service Order) as an immediate award. The citation to the DSO states that he invariably showed "outstanding courage, coolness and skill" and "proved himself a leader of very considerable ability". He was, it states, "the exemplification of courage and the model of leadership" and "completely devoted himself to his duty". It added that "his great ability has been an inspiration not only to all under his command but also to all with whom he has come into contact". At the end of the war in Europe he was chosen to lead all the bombers in the VE Day victory fly-past of 1 000 aircraft in Austria.

Returning to Johannesburg in 1946, he again commenced practice at the bar. Sentiment towards the

returning military men was extremely favourable and he was inundated with work. As before, his practice had a strong commercial flavour and it grew rapidly. However, once again it was to be interrupted.

Honorary adviser to Israel

The partition of Palestine (November 1947) and the constitution of the State of Israel (May 1948) created an explosive situation in the Middle East. All the Arab states surrounding the new-born state were dedicated to its destruction. Each had its own organised army (in particular Jordan's Arab Legion was a crack fighting force), and some, such as Egypt, had a large and well-equipped air force as well. Israel had neither, for up till the departure of the British Mandatory Authority in May 1948, military training and the possession of weapons by the inhabitants of what was to become Israel were prohibited. But the people of the tiny new state had the will to survive. In a cable from the Prime Minister of Israel, Ben Gurion, Margo was asked to come to Israel to organise its air force. Not yet 33 years of age, he was offered command of the new air force with General rank, but declined and remained a civilian adviser on an honorary basis, with direct access to Ben Gurion. The knowledge of air warfare acquired in the Desert and in Europe in World War 2, and the experience of high level command gained while he was seconded to the RAF as Operations Staff Officer, Advanced Air HQ, Desert Air Force, enabled him to lay down the establishment and organisation of what was to become a small and economical but powerful and highly efficient air force.

He reminisces that the difficulties and confusion in the early stages produced some strange (even amusing) situations. The Israeli Air Force had to use whatever equipment it could get, and ironically in one encounter a Jewish Israeli pilot in a Messerschmitt engaged an Arab flying a Spitfire.

Back to Bar

The assignment completed, Margo returned to the Johannesburg Bar and rapidly built up a large commercial practice. His interests included aviation law, in which field he developed extensive contacts with experts in the US, the UK and France. His practice flourished and in 1959, to-

gether with the other two leading juniors at the Johannesburg Bar, George Colman (later a distinguished judge in the TPD) and Rex Welsh, he took silk and became a QC. He appeared in a number of leading cases. His expertise and stature in aviation and aviation law led to his being appointed chairman of the commission of inquiry into the disappearance off East London of the Viscount airliner *Rietbok* (1967), and of the commission of inquiry into the crash near Windhoek of the Boeing 707 airliner *Pretoria* (1969).

Appointment to Bench

In 1971 he was appointed to the bench in the Transvaal. His contribution to the law included decisions on patent law, tax, company law and trade marks. However, his activities did not end there. Since 1973 he has been the chairman of the Standing Advisory Committee on Company Law. From 1979 to 1982 he was the chairman of the Margo Commission on Civil Aviation in Southern Africa and from 1984 to 1987 he was the chairman of the commission on the tax structure of South Africa. In 1984 he chaired the commission of inquiry into the crash at Waterkloof Air Base of a United States Lear jet. In 1987 he was the chairman of the commission of inquiry into the crash in South African territory of the Tupolev aircraft in which President Machel of Mozambique and others lost their lives, and in the same year he was appointed to head the commission of inquiry into the crash of the Boeing 747 airliner *Helderberg* near Mauritius.

Contributions in other spheres

These activities have not prevented him from contributing in other spheres. He has delivered numerous lectures and papers on air law and air safety at international symposia, universities and technical bodies. He is co-author of the title *Aviation and Air Transport* in LAWSA. Since 1965 he has been one of the trustees for South Africa of Cheshire Homes (a world-wide organisation of over three hundred homes of which six are in South Africa) for the chronically sick and disabled. He is a patron of the South African Air Force Museum and he is a member of the Council for the South African Division of the Royal Aeronautical Society. And he still finds time to fly - although not as often as he would like.

Honours and awards

In recognition of his services, particularly in the field of aviation, he has been the recipient of numerous honours and awards. Since 1976 he has been Honorary Colonel of 24 Squadron of the South African Air Force. In 1977 he was made a Fellow of the Aeronautical Society of South Africa. In 1979 he was awarded the Gold Wings of the Aero Club of South Africa and in 1980 he received the first Gold Medal Award of the Aeronautical Society of South Africa. In 1981 he was awarded the Paul Tissandier Award of the Fédération Aéronautique Internationale, Paris, for distinguished service to aviation. In 1982 he was elected a Fellow of the Royal Aeronautical Society, London, and in 1985 was elected Southern Africa's "Aviation Man of the Year". In that year the degree LLD *Honoris Causa* was conferred on him by the University of the Witwatersrand.

Tax Structure Commission

On reaching the mandatory retirement age of 70 in 1985, he retired from the bench. However, he was appointed an acting judge and has continued to serve in that capacity and also as the chairman of the Standing Advisory Committee on Company Law and the Commission of Inquiry into the Tax Structure of the Republic of South Africa.

Order of Meritorious Service

In October 1987 he was awarded the Order of Meritorious Service (Class I, Gold).

Relaxations

A man of erudition, eloquence and charm, he has withal a great appreciation of the manly virtues. In addition to the law, he has a special interest in matters military, particularly those relating to aviation. Besides English and Afrikaans, he is fluent in French, and greatly enjoys Afrikaans poetry. He relaxes by reading, flying, playing golf and bridge and watching cricket. He shows no signs of wanting to slow down. As he puts it - "Once you let yourself go it is very difficult to get yourself back." ■

B R Southwood SC
Pretoria Bar.