

## CIVIL SOCIETY AS DEFENCE POLICY FORMULATOR: FOR REAL OR TOKEN PARTNER?

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### INTRODUCTION

It is a truism that civil-military relations as a descriptive term or as a subdiscipline of sociology are often utilised only in already democratised states. Prior to transition to democracy the term in its conventional sense seems to have limited application.<sup>1</sup> In democracies a basic conception developed that the existence of military forces requires the necessary institutions for the political and democratic control of such armed forces. This is a serious implied obligation that rests on the shoulders of a democratic government and the society (citizenry) at large.

However, in the previously centralised political system of South Africa, as it tends to be in most authoritarian, one party state and dictatorship systems, one would be hard pressed to find a clear distinction between the civilian authorities and the security agencies, inclusive of the military. A variety of arrangements, structures and approaches within such states form a central part of the state and either govern or co-govern the polity. Hence the distinction between civilian and military authority becomes problematic and rather intertwined in centralised state systems.<sup>2</sup>

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<sup>1</sup> This does not mean that there is not a relationship between the military and civilian authorities in non-western states. The relationship and analysis thereof are however qualitatively different and have been under-researched. Only in recent years did civil-military relations as a discipline develop a broader focus. Earlier studies (then treated as historical case studies) are now only appreciated for their value in terms of civil-military relations. Two excellent examples of such case studies are: La Porte P 2004. Civil-military relations in the Spanish Protectorate in Morocco: The road to the Spanish Civil War, 1921-1936, *Armed Forces and Society* 30(2): 203-26 and Perez, L A 1976. *Army Politics in Cuba, 1898-1958*. Pittsburgh: University of Pittsburgh Press.

<sup>2</sup> See for example Rafael Bañon and Ernesto Carrillo on the relationship between the military and the Franco regime in authoritarian Spain (Bañon and Carrillo, 1995(a) and 1995(b)).

Examples abound in and outside Africa. Burkina Faso, after the coup by Thomas Sankara, for instance embarked on a military regime led by a revolutionary council that incorporated both military personnel and civilians in a military-styled government. For all practical purposes there was very little distinction between military personnel involved in civilian life and civilians involved in the military regime, which reflected strong tenets of the ideologically mobilised society (Orr 1980:142; Van Vuuren 1985:49-50; Shalhoub-Kevorkian 2004:171ff). In Burkina Faso the mobilised society had few negative consequences for the internal population and neighbouring states, except angering France, a previous colonial master irritated by Sankara's independent thinking and non-conforming attitude (which happened to lead to his death - ex-colonisers are seldom forgiving). In apartheid South Africa and Israel the militarisation of an ideologically mobilised society led to disastrous consequences for the internal populations and the neighbouring countries - in modern-day Israel perhaps more than ever in apartheid-South Africa (Shalhoub-Kevorkian 2004:170ff). Africa also reflects numerous cases where civilian governments and coups followed in quick (and many a time unpredictable) succession. Examples are Upper Volta - later called Burkina Faso - Egypt, Ethiopia, Somalia, and others.<sup>3</sup>

In the European context the Nazi and fascist regimes of respectively Adolf Hitler, Benito Mussolini and Francisco Franco reflected the same tendencies around civil-military relations. In such societies it becomes impossible to think about 'state' without the essential centrality of the security and military institutions.<sup>4</sup> Not that this applies only to the previously mentioned. In an interview with Lotringer the philosopher Paul Virilio argues: "France not so long ago was ruled by generals ... The closeness between the state, the French Nation and National Defence makes it very difficult to talk about the military and the civil society (*societe civile*) in the traditional sense" (Lotringer 1983:6, 7). For some the (seemingly) current global move away from the authoritarian state systems towards various models of multiparty democracy became known as 'the third wave of democracy'. In this contribution we will refer to 'democratisation' and subsequent 'attempts to establish sustainable democracy', thus going somewhat wider than the multiparty straitjacket.

However, this contribution will look mainly at civil-military relations in a rather conventional sense, namely the relations between elected civilian governments and civil society (mostly in multiparty systems). We will apply this to the case of South Africa in terms of the contribution of civil society to the broad process of defence

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<sup>3</sup> In Southern Europe Spain, Portugal and Greece were the first states to make the transition to democracy in what was to become widely known as 'the third wave of democracy'.

<sup>4</sup> See Chege (1994) and Malan (2000).

policy formulation.<sup>5</sup> The South African Defence Amended Act of 1995 provided a restructured Department of Defence (DoD), which comprises the SANDF and a civilian Defence Secretariat (DefSec). This entrenched to a certain degree 'conventional' democratic civil-military relations in the South African society. The new White Paper on Defence (1996:4) advocated a democratic transformation of defence policy, which focuses on the creation of a new democratic institution under civil control, which is professional, efficient, effective and broadly representative of the South African population.

The analyst and observer may wish to question whether civil society has become a partner in defence policy formulation after 1994 in South Africa or whether its involvement amounts to mere symbolic participation. This issue will be addressed here in some detail.

The following terms will be introduced into our discussion: *civil society*, *democracy*, *civil-military relations* and *civil control* and the recent controversial arms deal will be used as a case study in this regard.

#### **THEORETICAL ASSUMPTIONS**

In transition theory the transition from authoritarian rule to multiparty democracy usually takes place by an opening up of political space for civil society, invoking elections through a pioneering or founding election and the introduction of participatory elements in the new political structures. This in turn spawns the need for civil-military relations where civil society at least can influence security decision-making and at best has a meaningful input towards control over decision-making and policy in the security arena, whereas this did not exist previously. (See sketch 1 for 'the pathway to democracy'.) We assume that in both emerging as well as established democracies civil-military relations and civil control are of importance. We also assume that South Africa is an emerging, rather than an established democracy.

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<sup>5</sup> Our choice relates to the current South African context. South Africa followed the model of the Western liberal constitution-making path. There are others, not necessarily more right or wrong: Uganda opted for a non-party democracy with regular elections - in order to avoid destructive ethnic conflict. Cuba under threat of US subversion, recently had elections where limited democratic opposition is allowed. In Libya, regular meetings of congresses of the people discuss political processes and make policy decisions. But these are qualitatively different from what is traditionally advocated by western theorists as 'models of democracy'. Needless to say that it differs fundamentally from the glibly prescribed (imposed?) Western multi-party election politics mantra.

For the purposes of this article we make a distinction between members from various political parties elected to parliament (parliamentary control by political society) and civil society as defined below (Keulder 1996:70). We also assume a close interaction, yet social tension between what we call *political society* and *civil society*, which we believe form part of political interaction in every *polis* or body politic.

### **CIVIL SOCIETY**

Civil Society has been given a variety of names such as *société civile*, civil society or the civil community (which we prefer).

Defining civil society can be a contestable activity. South African theorists gave different definitions to it, such as: (1) civil society can be identified with the economic sphere (private companies, labour) and is thus linked to individual property rights and capitalist prescriptions; (2) civil society includes the economy but is not restricted to economic relations and institutions; (3) civil society is separate from state and economy, and thus the immediate sphere between family and the state; and (4) civil society is a separate sphere between civil society, the public sphere, the state and the economy (Atkinson 1992:10-1; Shubane 1992:23; Keulder 1996:67-9; Zuern 2000:103).

Shils (1991:3) defines civil society as "a part of society with a life of its own, which is distinctly different from the state, and which is largely in autonomy from it. Civil society lies beyond the boundaries of the family and the clan and beyond the locality; it lies short of the state" (Keulder 1996:68). Camerer describes it as "(a)n inherently pluralistic realm, distinct from, yet interacting with the state and processes of production, consisting of numerous associations and organised around specific interests, with the following characteristics in common: communally organised, independent, voluntary, autonomous, able to form links with other interest groups and do not in any way seek to set themselves up as an alternative authority to the state" (Camerer 1992:3). These definitions lead us to a distinction between political society and civil society that will be deployed in this contribution. Zuern, following Stepan, writes: "Finally political society must be distinguished from civil society ... Political society as defined here is comprised of groups, primarily political parties and political organisations, which seek as their goal to take power in the state; civil society in contrast, are those which ... seek to influence the hegemonic political and social institutions" (Zuern 2000:103). The reader should keep the distinction between the elected 'political society' (through party-political activities) and civil society in mind in this contribution.

In a nominal sense civil society presupposes the existence of self-associated groups within the citizenry or broader populace that are free to act or lobby for their interests and to (attempt to) assert influence on political parties and leadership within a democratic polity. In contrast to political society which is (supposed) to act in accordance with the discipline of political parties - and eventually the caucuses of such parties - civil society in distinction from the state, but in interaction with political society, act in accordance with its multiple interests. Hence civil society is free to associate, lobby and participate through available channels to effect changes in (or even reverse or modify) policy, or delivery of service through appropriate non-violent measures. Where channels of civic participation are obstructed one would expect the civil society or civil community or significant sections of it to become quite vociferous or even militant (Liebenberg in Solomon and Liebenberg 2000:71, 72. See also Elke Zuern 2000:103-4, in the same work).

## DEMOCRACY

While there are a variety of definitions regarding what constitutes a democracy, we will provide a nominal and generic definition. This definition states that democracy implies a political system in which all adult people within a self-chosen community of citizens have the right to regularly choose a government of their preference. In this manner the civil community and political society influence economic and political decisions that impact on their daily lives. Traditionally western democracies express themselves as multiparty systems elected by the populace. Democracies may progress beyond 'election politics' (representative democracies) to assume the nature of participatory, deliberative and/or popular or even economic democracies. However, the latter state, namely economic democracy, is seldom achieved. Social democracies are for instance to be found in Scandinavian countries.<sup>6</sup>

The citizenry (or civil society) in democratic states are hence in a position that facilitates (in) direct influence on policy formulation and issues pertaining to governance. The degree of influence that the citizenry may have on policy conceptualisation and formulation may differ fairly widely from one democratic system to another.

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<sup>6</sup> The characteristic of regular elections, while a necessary condition of democracy, does not necessarily equal democracy. Perhaps for this reason terms like *participatory democracy*, (*radical*) *social democracy*, *popular* and/or *populist democracy* have entered the democracy discourse or democracy talk.

A democracy needs civil control of the military, since military forces have been and always will be manipulated by groupings that may want to use force internally or project it externally or replace parliament. Equally, individual military commanders could abuse their power and authority and turn their forces against the government and thus seize power. Civil control exemplifies the principle that military force is not an end in itself, but a means that the civil authority may use to bring about political objectives. In parliamentary democracies, the parliament as the supreme authority of the people decides (or rather should decide) on the allocation and control of resources for defence, for example armaments. Responsibility at the highest level for broad defence policy and the provision of resources for defence is typically assigned to civilian and administrative authorities as opposed to military bodies (Ferreira 2000:67). In turn civil society is - or at least should be - in a position to influence the elected political leadership. "Both state and civil society is locations of hegemony ... although given the state's monopoly of coercion, the relationship between state and civil society (usually) becomes asymmetrical (Keulder 1996:71). In practice this is many a time the case, while normatively the locations of hegemony between the states (inclusive of political society) should be in balance with, and accommodative/receptive towards civil society. The approach in this contribution leans towards symmetry between state and civil society and forms a crucial part of our argument here.

### **CIVIL-MILITARY RELATIONS**

In the simple sense this expression refers to the relations between the armed forces of a country and the civilian authorities. Needless to say, the notion of civil-military relations may differ in content from society to society. Hence the way in which this is structured may differ as well. Although Western democracies most aptly fit this description, it can also refer to some non-democratic societies such as China, Russia and Cuba. (See footnote 1.)

In the sense in which we will use the expression 'civil-military relations' it will relate to a newly emerging democracy and frequently refer to civil control over military (and security) institutions and the critical role that civil society can play at various levels with regard to policy formulation and the critique of opposition to and/or streamlining of policies within a democracy. (See again sketch 1.)

### **CIVIL CONTROL**

The concepts **civilian control** and **civil control** are debatable. While some prefer the term *civilian control*, we will use **civil control** in this contribution. According to Chuter (2000:26), "(c)ivil control means control over the military by the elected

civilians in parliament, as representatives of the state". Civil control is displayed when the military, as an instrument of state, shows obedience and loyalty towards *civis*, the state, to uphold order by advising on the formulation of defence policy and by helping to implement it. It is therefore preferable to use the concept **civil control** instead of civilian control, because the military takes orders from the state and if something is wrong with civil-military relations, it is because the military is not prepared to acknowledge this partnership and does not follow these orders (Chuter 2000:28). For the purpose of this paper we thus employ **civil control**, since this refers to democratic control by the elected parliament and hence implied control over government executives. We do imply, though, that civil control can be affected by civil society, as we will argue later.

The military should be allowed to execute its task according to its own doctrines or principles and specialised training, and under its own command system. It arguably is the expert in the application and managing of military force to support the national strategy as set out by parliament (the latter refers to the waging of war and/or peace-keeping or peace-enforcement operations). Professional soldiers must be allowed to wage war professionally (or to manage their deployment in peace-keeping and peace-enforcement operations according to their training and known doctrines). Civil control has legislative powers, approves the defence budget and reviews (in parliament) the president's decisions to deploy the SANDF in critical functions. Through public debate and lobbying, civil society should be able to influence political decision-making and policy. Here civil society and civic institutions (should) play a crucial role.

Civil control is regarded "as the condition to be achieved which ensures that the military operates according to the constitution and parliament" (Cilliers and Sass 1994:4). Civil control thus refers to control of the military by the elected representatives of the people, as opposed to control by appointed officials (public sector). The way to manage defence now and in the future will have to abide by this principle of civil supremacy. Moreover, the elected representatives (political society) need to be influenced by civil society/civil community. For this reason the distinction civil community and political community is relevant here.

The South African Constitution (Act 108 of 1996) lays out the basic design for civil control by using a pluralist perspective that entails that many different political parties have an input to influence military decisions (Popenoe et al. 1997:363). The ability of civil society to influence the elected political parties also plays a role here. Constitutional checks and balances keep the legislative, the executive and the judiciary branches of government from gaining too much power. This encourages decentralisation of political control. Thus the mechanism used to bring about civil

control provides for the shared overseeing or control of the military by the legislative, the executive and the judiciary in order to assert democratic control over the armed forces and defence policy. Detailed defence planning to satisfy such defence policy requirements is usually characterised by close coordination between civilian and military authorities. Obvious aspects in this regard include the role and mission of the military, its human resource policies, force structure and armaments. Thus, civil control is wide-ranging and pervasive – or in a normative sense, should be pervasive.

### **THE ROLE OF CIVIL-MILITARY RELATIONS IN A DEMOCRACY**

Three approaches towards civil-military relations are here recognised by the authors. The expression 'civil-military relations' can be used to describe the relations between the armed forces and civilian authorities within a particular society (the *descriptive approach*).

Civil-military relations can be used in the *analytical sense* to problematise the contours of civil-military relations. This tradition is pertinent in western military sociology. However, civil-military relations can also be used in a *normative sense*. This implies using civil-military relations in a social philosophical approach to outline what sound civil-military relations should be in a democratic system and how that system should ideally work. While such an approach may come up with concrete proposals and guidelines about how civil-military relations work, it resides more in the realm of moral philosophy than in that of empirical studies.

In this contribution we will focus on civil-military relations in South Africa and the appropriate elements of the above. (We contend that a clear-cut distinction between the three is not necessarily viable, nor consistently useful.)

### **THE PROBLEMS OF TRANSITION**

South Africa, like many other countries, recently went through a transition from authoritarian to democratic rule. The unbanning of the liberation movements in 1990 after decades of white minority rule brought about the liberalisation of politics and opened up space for a previously suppressed civil community.

In an era of transition-through-negotiation South Africans jointly established a constitutional state. The interim constitution and eventually Act 108 of 1996 introduced a variety of civil reforms and guaranteed freedom of speech and consciousness. Moreover, the role of the military, police and intelligence services has been curtailed and thoroughly described/prescribed in the new constitution. The



provisions regarding the future role of the security services as well as the governing principles are well described in Chapter 2 of the constitution. These governing principles and provisions are prescribed for defence (the military as embodied in the South African National Defence Force (SANDF), the South African Police Service (SAPS) and the intelligence community (the National Intelligence Agency (NIA) and South African Secret Service (SASS)). In Chapter 11 of the new constitution it is clearly stated that "National Security should reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life". The establishment, structuring and conduct of security services are described in Article 199 (1-8). Defence and its political responsibilities follow in Articles 200-204 of the new constitution.

In the cases of defence and the police, civilian secretariats are constitutionally entrenched to ascertain proper monitoring and civilian oversight (Articles 204 and 208). We will return to this.

Various countries that made the transition from authoritarian and/or military rule to democracy are faced with the challenge of transforming, restructuring and re-aligning former bureaucratic and secretive structures to those of structures that are constitutionally well prescribed, institutionalised and open to civil (and public) scrutiny. After transition to democracy these challenges were faced by amongst others the southern European states Spain, Portugal and Greece and the Latin American states of Argentina, Chile, Paraguay and Uruguay. African countries that democratised, i.e. Ghana, Nigeria and South Africa, faced or are facing the same challenges.

One of the main challenges in the context of transition is to 'roll back' the influence of the military and an authoritarian cult, while opening up space for civil society in its manifold manifestations to play a contributory role in democratic practices.

This is no easy task - the more so because old habits seldom die overnight. Authoritarian systems may decline or even democratise and eventually regress back to authoritarian practices (see sketch 1). Challenges related to transition in South Africa were the integration of the seven previously contending armed forces, the institutionalisation of civil control, the transformation process (the Defence White Paper and the Defence Review Process), the implementation of affirmative action and equal opportunity programs, the needed rationalisation of the peace-time defence force, persistent allegations of corruption and developing sound structures and processes for arms acquisition.

The matter is further complicated in a case such as South Africa's because resistance against a repressive, centralised, undemocratic system could not always take place along the lines of democratic consultation and the 'discipline of resistance' is itself enforced from above.<sup>7</sup> (Pallo Jordan, a cabinet minister, referred to this as *liberatory intolerance*.) Thus, although the end vision may be inclusive and democratic, the net result of a struggle can frequently be the inculcation of intolerance and non-accommodative leadership practices among the new incumbents. South Africa is no exception to the tendency, which may undermine a lasting democracy and public accountability. Greece, as an example, suffered various problems after its regime change to a democracy and may hold lessons for South Africa. (Compare Alifantis and Kollias in Singh 2000:39ff.) Some observers may wish to argue that *liberatory intolerance* is belatedly evolving in Zimbabwe (and perhaps Zambia and Kenya also) at the moment and testifies to this (Mwalulu 2001:19).

## OUR CASE STUDY: SOUTH AFRICA

### Civil-military relations before and during apartheid

In many respects South Africa reflects a tradition or rather traditions of civil-military relations before the advent of apartheid. However, these traditions developed differently. While some indigenous societies only embarked on war after public meetings or war council (*khotla* such as the mountain kingdom of Moshoeshoe (Moshjesh)), others were structured along military lines with a severe authoritarian and militaristic approach. The Zulu kingdom under Shaka Zulu is one example.

In his description of white South Africa's evolving experience of defence policy formulation, Fourie remarked that apart from parliament, the usual decisions were not always presented to the South African general staff in Pretoria and occasionally also not to cabinet (Fourie 1980:98). This was even more so during the First and Second World Wars where "Smuts tended to leave the defence force very much to Van Ryneveld and to concentrate on his own task as Prime Minister" (Fourie 1980:9).

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<sup>7</sup> Right through (post) colonial and white oppression since 1913-1990 in South Africa civil society and communities remained politically active - to the point of violent resistance although many groupings have chosen a non-violent approach at various times (compare the Liberal Party, Institute for Democracy in South Africa (IDASA) and the Christian Institute (CI) for example with the Pan Africanist Congress of Azania (PAC), the African National Congress (ANC) and the South African Communist Party [SACP]) [see Van der Westhuizen, Boraine, Naude, Meyer, Liebenberg, Lodge and Kotze in Liebenberg et al. (1994)].

When the National Party (NP) took power in 1948, South Africa slowly evolved from a 'whites only' democracy (excluding and discriminating against black and so-called coloured people and people of Asian origin) towards a police-like state under President BJ Vorster (Frankel 1980.) In 1972 the State Security Council (SCC) was established. A transition took place towards a rather secretive state with praetorian elements (Frankel 1984; see also Seegers 1996; Liebenberg 1990). Subsequently the role of parliament and eventually the cabinet dwindled to that of a rubber-stamping mechanism.<sup>8</sup> In many cases, especially the latter part of the 1980s, very little or no consultation took place.<sup>9</sup>

While the tri-cameral parliament that involved people of colour and Asian origin in political deliberations (1983 onwards) was hailed as 'a step in the right direction' by government spokespeople and leading members of the Afrikaner-Broederbond (an exclusive, secretive, male, protestant Afrikaner organisation aimed at maintaining Afrikaner power and wealth), others argued that it was divisive and aimed at centralising power. By 1987 it became clear that the 'new deal' was indeed a modernised version of racial domination and centralised power that facilitated executive rule and led to a garrison/secretive state. Civilians (the citizenry) indeed had little or no influence and even less say, over defence policy-making and execution.

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<sup>8</sup> It was said at various occasions that during the South African bombing raids on Botswana, Zambia and Zimbabwe in the mid 1980s following the visit of the Eminent Persons Group (EPG), that neither the cabinet nor all the members of the State Security Council (SCC) were consulted about the immanent attacks. The changing locus of decision-making under President PW Botha away from parliament and cabinet to the State Security Council (SSC) made such executive actions without consultation possible.

<sup>9</sup> For more background see Seegers (1996), Geldenhuys (1994), Seegers (1990), and Cock (1990). See Act 108 of 1996 and various departmental White Papers. While the Defence Review Process aimed at broad consultation, it took little notice of perceptions amongst the broad South African populace on matters such as downscaling the defence industry or South Africa's military capacity. It also tended to take little note of objections levelled by the military themselves (see Cilliers et al. 1999: 177-85). Another shortcoming was the lack of research on the long-term downscaling of the military ('down-sizing'/'right-sizing') in terms of the negative economical impact. Unless it can be redressed in the future, this is potentially problematic. Preceding the weekend of 25 August 2001, Andrew Feinstein, a high profile ANC member of the Parliamentary Committee regarding the arms deal, resigned because of his deep uneasiness of the breach of due procedure around the arms deal. While remaining a member of the ANC, he expressed his deep concern about growing centralism and an attitude of self-enrichment. His unhappiness did not make any impact as the current witch-hunt against those officials who investigated corruption is proving. This reminds one strongly of the strong-handed Broederbond tactics under apartheid against critics of the system and those who pointed out corruption. But then, given that prominent *Broederbonders* (now *Afrikanerbonders*) are advisors of the new government, this is hardly surprising ...

### **Negotiated transition and new security debates**

The transition-through-negotiation that South Africa underwent between 1992 and 1996 resulted in a new polity and system of government. We have alluded to the adoption of the new constitution (Act 108 of 1996) that together with the Founding Provisions and the Bill of Rights are well described in the constitution. The same attention was given to the public administration, the president and the executive and finance in the constitution (chapters 10, 5, 13) and defence (chapter 11). The challenge then was to inculcate this ethos and to make the constitution work to provide democracy in action on all levels.

As part of the transition the Ministry of Defence embarked on an important experiment. That was the establishment of a Defence Review Process (DRP) that was based on the Defence White Paper and was meant to take the new defence debates to the people of South Africa. The Defence Review Process, run by the newly created (civilian) Defence Secretariat, became an important part of a policy-making, drafting and consultation process involving the public as widely as possible.

For the first time in South Africa's history the citizenry at large were consulted during the White Paper Process about the restructuring, rightsizing and use of the new Defence Force. While mistakes were made, and complaints from both the military and civilian groups about insufficient consultation were put forward, the process remained a unique and useful experiment in enhancing public participation in defence policy debates and (in)directly in defence policy formulation. The one complaint was related to the issue of the Defence Review Process and the Ministry of Defence (MoD) trying to advocate less military spending and placating smaller anti-military groups and academics. To put it somewhat crudely, an attempt was made to be 'politically correct' without taking into account the perception of the South African public at large, which tended to be more orthodox in their views on national defence than their progressive political leadership (Cilliers *et al.*, 1999:177, 184, 185). Hence some observers would argue that the process was merely consultative and not participative while the agenda was set to some degree by the African National Congress (ANC) political leadership. We will return to this.

The arms deal came in the wake of an extended negotiated settlement. Through a process of negotiation South Africa changed from an authoritarian minority state to an emerging democracy. During free elections (universal suffrage) held in 1994 the African National Congress came to power as the first post-apartheid government. The interim constitution (1993) as negotiated and accepted at the World Trade Centre in Kempton Park, between the incumbent National Party and smaller incum-

bents such as the Tri-cameral parties, 'homeland parties' (inclusive of Buthelezi's Inkatha Freedom Party or IFP) and the contenders, namely the liberation movements (ANC/SACP, PAC and Azapo) was superseded by the new constitution (Act 108 of 1996) which embodied openness, accountability and transparency.

Transition and the attempted restructuring of political and socio-economic structures (*transformation* in South African *political lingua*) are seldom simple. The same applies to the security and defence debate. The military structures had to be changed from servants of the National Party and minority rule to a defence force suitable for a democracy and a 'constitutional servant of all the people'. Civil monitoring was eroding since the National Party came to power in 1948 and had to be re-instituted. Moreover, the period of *Total Onslaught* ideology brought into being the parallel security structures such as the State Security Council and the executive presidency that evolved under PW Botha. All of this diminished the role that public input could play in defence policy.

### **Some ponderables**

South Africa has taken great strides in re-aligning the potential and capacities of civil society to form part of the 'process of politics'. The Defence Review Process mentioned here is one example of the creation of a consultative forum.<sup>10</sup> To consider labour legislation, economic policy and economic development a more permanent forum embodied in the National Economic, Development and Labour Council (NEDLAC) was created. NEDLAC was a step towards accommodating participative decision-making (Houston, Liebenberg and Dichaba 2001:17,18). While some argued that NEDLAC was indeed a form of indirect co-optation (or less than democratic-styled corporatism) it did succeed in creating in the early phases of post-1994 a forum of governance in which labour, the state and the business sector could debate, discuss and consult on policy matters in order to attain a minimum consensus on policy-planning, making and implementation. The potential value of an official ('permanent') body such as NEDLAC was that it facilitated consultation to enact suitable economic policies. The Defence Review Process that was initiated by the MoD in a similar role (even if not as a permanent forum), provided that consultation with civil society is seen as essentially contributing to policy and not as rubber-stamping policy. (Perhaps, by implication the Defence Review Process should be a recurrent process.) Some may argue that the Defence Review Process was created around a specific objective, namely discussing the suitable concepts for a new defence force. In other words, consultation was merely a means to an end. We suggest that the Defence Review Process could/should have seen wider application: It should have been part of the ends to the means of reformulating defence policy, defence posture and the public role therein.

The South African democracy is in its infancy - or is what democratic theorists refer to as 'an emerging democracy'. Much more will have to be done, but opportunities exist for civil society to participate in - or at least influence - policy debates. The Defence Review Process allowed for public participation and general consultation and was therefore a more than useful beginning.<sup>11</sup>

More recent examples are the valuable input that research organisations and communal bodies make (and can make in future) through submissions, petitions and presentations to parliamentary committees. Needless to say, the media and individuals can play an important complementary role here.

In the area of arms export control and import of arms (acquisition) more could be done to include the public, opposition parties and human rights organisations - in general civil society. Perhaps a thorough media debate would be a valuable starting point here. In broader public debates more openness is necessary.

The recent legislation on gun control is an example. Civilian debates were vociferous and deeply challenging on both sides. The process did allow for open/public debate before the bills were enacted. There were criticisms that the time to make submissions was limited and not widely enough communicated before the policy and the bill were drafted. However, debate remained more open, input by civil society organisations consistent and still continues to influence the process.

This was not the first time that this criticism came to the fore during the submissions. These criticisms were heard at the Defence Review meetings. Research on NEDLAC, that was meant to be a broadly participative process, has shown that these criticisms were also levelled by participants (Houston, Liebenberg and Dichaba 1999:17ff). Later research by Roefs and Liebenberg also reflected some dissatisfaction with the distance between government and the 'person in the street' (Roefs and Liebenberg 2000:279ff). In short, while people appreciated various attempts by government to 'reach' out to them, there remained a feeling of distance between the beneficiaries of policies (the populace) and government in the interface people/government.

**CASE STUDY: THE RECENT ARMS DEALS**

Given South Africa's past of secretive, non-consultative and authoritarian deals, the Defence Review, while an important process, lacked the depth of consultation at the time, not to speak about public participation that was for example evident in the National Economic Development and Labour Council (NEDLAC) process. It also lacked the continuation of the process and was perhaps inadvertently seen as a 'once-off' consultation rather than a thorough and ongoing process of public consultation between the public (civil society) - and thus not only the media - with its own interests and agenda, the government and the SANDF. Given the immaturity of our democracy at that stage it is perhaps understandable. Looking at the evidence one is led to believe that an arms deal was covertly/snugly added on to the Defence Review Process without many people realising it. A second occurrence of this magnitude (with or without corruption) under the current or a next government will have to be prevented. Current structures, processes and consensus jointly arrived at, as well as monitoring of such a process, urgently need to be put in place. This issue will be addressed here.

Given the immaturity/novelty of the new democracy and the lack of experience amongst rank and file party-loyal appointments the possibility of soft and hard corruption was also relatively large in the run-up to the first arms deal. First: much space was allowed for would-be tenderers in being pro-active in marketing their deals. Previously the South African state survived on import substitution while covert procurement took place. Before the United Nations arms embargo of 1977 the main clients or providers were the French for submarines (Daphnes), armoured cars (Panhards), helicopters (Super Frelon, Puma and Alouette) as well as Mirage aircraft (Mk IIIs and F-1s); the British for military vehicles (Bedfords, APC's - Saracens, Light Armoured Vehicles - Ferrets), navy equipment (inclusive of helicopters), tanks (Comet and Centurion) and some aircraft (Buccaneers, Shackletons and Canberras) and, to a lesser extent, the Italians provided the Aeromacchi 326 B (Impala Mk 1 and 2) under license. The latter was also to be produced here presumably for training but later for ground attack purposes. South Africa covertly imported aircraft, naval equipment and components as well as the missiles through a variety of pariah states with the help of front companies and individuals during the embargo period. Among these were Chile, Morocco, Israel and many others. For example, Transall, Hercules and Casa troop-carrying aircraft and components for the President class (the Israeli *Reshef*) naval craft were obtained during sanction years. The same apply to components for the South African upgraded Centurion tanks (the Elephant) and troop carrying vehicles. The new democracy now saw the end of sanctions and South Africa returning to the

fold of the international community and the techno-industrial and arms markets with all the attached implications.

One would therefore expect the new providers (tenderers) to be able and prepared to cut a deal, even at the cost of some 'affirmative techniques'. The German dealers benefited, not least of all by capitalising on the notion that the new government would have similar tendencies as many other African countries, namely an ill-experienced élite and some potential to be bought off through *success fees* (which one may choose to term corruption or not). Tony Yengeni, former chairman of the Joint Standing Committee on Defence in parliament (JSCD) for example cheaply acquired a Mercedes Benz for cutting the arms deal with the Germans. Michael Woerfel, the managing director of the German company, was suspended for his part in facilitating the acquisition of the luxury vehicle. In the final analysis the negative reflection would be on the buyers and not the sellers. For exactly these reasons the Russians and the Spanish were less successful and did not even count as preferred suppliers. The Italian tender for training/attack aircraft was jettisoned for the British Hawk trainer. These states (perhaps) rather naively hoped for a 'fair deal' and an honest business transaction which, given the process and how far it had been developed by 1996/97, were no longer on the cards.

#### **The context of the original arms deal**

Arms acquisition and procurement changed substantially over time. During World Wars 1 and 2 South Africa depended mostly on Britain for military imports (procurements). During WW2 South Africa started as a relatively young industrial state to produce its own arms and armaments (acquisition). This capacity was scaled down following demobilisation at the end of World War 2. However, after 1963 (Sharpeville), increased military pressures on neighbouring states under colonial rule (Angola and Mozambique) and the minority regime of Ian Smith in Rhodesia, caused the National Party to speed up arms acquisition as well as procurement. The Soweto Revolt (1976) may have further worsened this persecution syndrome in government circles. Not only was an attempt made to develop a (renewed) arms industry, but imports procured from the UK, France, Belgium and other intermediates also escalated. The UN arms embargo triggered a further attempt to covertly procure arms and enhanced procurement capabilities through Armscor. The method of procurement and acquisition remained rather exclusive and secretive (covert), hence observers of South Africa spoke of the country being a garrison or a secretive state. The defence industry expanded during the era of sanctions and subsequently also suffered extreme rationalisation when budget cuts were implemented from 1990 onwards.



Within this context the ANC won the elections and came into power. The Defence Review Process, a rather inclusive consultative exercise, accepted the need to upgrade obsolete equipment as a result of years of the arms embargo and the wear-and-tear of equipment during the war in Angola. Especially naval equipment was neglected during the 'bush war' and was seen as obsolete and in need of replacement. Thus in the early part of the arms procurement debate the discussions focussed mainly on the need for and possible choices around acquiring corvettes and somewhat later, submarines.

The media debates at the time were rather subdued with the non-militarists and pacifists arguing their point about abolishing a defence posture (and even the notion of an army). The militarists argued their point for a downsized (smaller) military with the capacity for conventional defence should a future threat arise. This was also the position of many who would consider themselves anti-militarists but not pacifist. The notion most actively used was the idea of a modern conventional core force with rapid deployment capability for defence purposes only and the corollary use of the military in times of disasters or emergencies. The latter was referred to as the so-called 'secondary roles' of the SANDF.

For some years since 1989 the defence budget decreased in real terms by more than 66%. This followed the end of the war in Angola in April 1989 and the dissipation of the perceived 'Cold War' as a result of the Soviet Union breaking up. Massive budget cuts now slashed defence spending from 4,3% of the GDP to 2,2% in 1995. Then civil control and accountability were instituted over the SANDF and by 1999 the defence budget dropped to 1,6% of the GDP.

South African military equipment became aged and obsolete by 1990, especially for the navy and the air force. By 1997 the arms deal re-entered civil and parliamentary debates after two years of silence. (The issue of corvette procurement was taken off the parliamentary agenda in early 1995 after some criticism from civil society.) The Defence Review did allow space for the procurement issue to be re-entered into the debate without the parameters and extent of such deals being discussed publicly.

According to the Defence Review the technology employed by the core force should be appropriate and affordable. South Africa's regional obligations require the maintenance of a relatively high level of technological sophistication and this is one of the reasons why a decision was made by Parliament in 1998 to modernise defence equipment and to substitute obsolete equipment. Eventually the arms deal was agreed upon, based on elements of counter trade that were seen as favourable for future investment and job creation in South Africa. The government invited bids

from a number of countries for the supply of a range of major equipment. The subcommittee on the Procurement Programme for the SANDF made recommendations on the six core defence procurement programmes and the preferred suppliers (**Salut** 1999). Contracts were awarded to companies in Germany (corvettes), Italy (helicopters), Britain (naval vessels/submarines) and Sweden (fighter aircraft). It was communicated to the South African public through Parliament that the deal would in monetary terms amount to approximately R30,3 billion (ZAR). The total industrial participation programmes in which investments would be made in South Africa by foreign tenderers to boost the economy were set out for Cabinet and detailed contractual negotiations started.

**Summary of the preferred suppliers, equipment and indicative figures:**

Product	Preferred supplier	Quantity	Value
Corvettes	German corvette consortium	4	R6 001m
Submarines	German subconsortium	3	R5 212m
Maritime helicopters	GKN Westland, UK	4	R787m
Light utility helicopters	Augusta, Italy	40	R2 168m
Light fighter aircraft	SAAB, Sweden	28	R10 875m
Lead in fighter trainer aircraft	BAC, UK	24	R4 728m

(**Salut** 1999).

A total of R300 m was saved through price reductions in the course of contractual bargaining between suppliers and the Department of Defence (DoD). Low risk bank loans also saved millions and eliminated the need for South Africa to borrow any hard currency, which was unprecedented, but there were flaws in cost escalation estimates. Inflation and Rand depreciation were not taken into account (**Pretoria News**, 17 July 2001).

The R30,3 billion investment was approved by Parliament in 1999 and the contracts with overseas suppliers were signed on 3 December 1999. Defence spending was now to increase by R2,8 billion above the baseline in 2001 and R3,9 billion in 2002 (**Bulletin**, 15/2000). The procurement would cost approximately R5 billion in 2002/03 and after 2003/04 it was expected to stabilise in real terms and then fall (this was the projection in February 2000 before the exchange rate of the Rand decreased) (**Bulletin** 15/2000). Initially, it was envisaged that payment of most of the equipment would be spread over an eight year period, with some payments extending over as much as 14 years. This calculation now seems no longer to be correct. Since the decrease of the Rand value it is said that payments will have to be made over a period of 18 years.

Since government and the supplier companies realised that the arms contracts were import intensive, they agreed to industrial participation programmes, or counter trade, that would boost investment and exports for South Africa. Financing these procurements is part of the "planned foreign borrowing requirements of the budget deficit" (**Bulletin** 15/2000). Supplier countries gave guarantees of exports and where possible investments that would generate jobs. Financing has granted South Africa favourable terms and conditions. This made the procurements affordable and contained the financial risks involved, as argued by the DoD.

It was envisaged that these defence procurements would draw foreign investments to the amount of R70 billion over a period of 11 years from companies associated with the equipment suppliers. Industrial participation projects linked to these procurements would yield significant economic benefits for many people in South Africa as much needed jobs would be created in sectors where the new investments took place. This having been said, it has to be mentioned that the 'downsizing', 'rightsizing', 'restructuring', 'new niche orientation' or 'realignment' of Armscor and Denel resulted in 15 000 or more job losses during the previous four years, not to speak of thousands of SANDF employees who lost their jobs as a result of continued rationalisation to comply with the smaller core force structure. During the arms deal hearings of the commission of inquiry Mr Alec Erwin, Minister of Trade and Industry, suggested that 1 358 jobs had already been created through counter-trade agreements. It was expected that between 40 000 and 65 000 jobs would ultimately be created in the next twenty years through the industrial participation programme that formed part of counter-trade deals (**Pretoria News**, 20 June:1). These relative gains by the counter-trade deals could perhaps at best be compared with the creation of 266 288 new jobs throughout the South African economy between 1995 and 1999 (mostly in the skilled and semi-skilled occupational categories) and the loss of 567 504 unskilled jobs. Unskilled people were the real 'losers' of the structural shifts in employment changes (Hall and Roodt 1999:39ff; Liebenberg and Roefs 2001:78).

### **The debacle opens up**

As the deal took time to be concluded, fixed dates for payment lapsed while the Rand weakened seriously against the US dollar. Eventually the deal was said to be closer to R43 billion. Apart from various individuals, some newspapers and members of the opposition started to speculate about real or perceived white-collar corruption ('kick-backs' or 'incentives') for members involved in the arms deal. Other observers referred to 'success fees' and a public debate mounted around whether 'success fees' to pull off the deal could be seen as soft corruption or unjust benefits for individuals and companies involved. Moreover some argued that the

equipment bought for current and future use was excessively expensive as high-technology equipment from Sweden and Germany was decided upon. Questions such as why the cheaper options in terms of a structured multiproject package were not duly investigated and communicated to the public were raised. The Spanish and Italians for example tendered for corvettes and similar naval vessels at a cheaper price; Russia was prepared to supply submarines cheaper than the United Kingdom). Other would be tenderers within the non-aligned movement (i.e. India, Pakistan and Brazil) were neither approached, nor considered, or very superficially considered.

By November/December 2000 and during January 2001 the debate reached its peak, with members of the public asking that the Heath Commission as a corruption investigating body should be included in a thorough enquiry. The disbanding of the Heath Commission raised suspicion that a potential whitewash was on the cards (**Rapport**, 21 January 2001). When the Parliamentary Committee on Public Accounts started asking questions the composition of the committee was changed with Gavin Woods, an opposition member, being relieved of his duties (**Rapport**, 21 January 2001). Another report suggests that the then Minister of Defence, the late Joe Modise, intervened halfway through the tender process and that these interventions led to the change of tender specifications (**Mail & Guardian**, 16-28 November 2001:2).

The allegations of irregularities in the defence procurement deal were passed on to the Auditor-General's office where a forensic audit was done. The report was referred to the Standing Committee on Public Accounts (SCOPA) in Parliament for comments. They suggested a thorough review and investigation, amongst others by the Heath Unit. Part of the seemingly widespread public dissatisfaction is to be found in the fact that the deal was approximately R30,3 billion and since September 1999 it rose through delay/uncalculated costs (*hidden costs*) to R43,8 billion (ZAR). The removal of Heath probably fuelled the smoking embers. Even after the report of the Auditor-General, Shauket Fakie, had been released and submitted to Parliament it was revealed "that the report was shown in advance to President Thabo Mbeki" and that "Shaik managed to convince Fakie to amend a section where Shaik had a conflict of interest" (**Mail & Guardian**, 23-29 November 2001:2).

In the ongoing investigations by investigative media a rather persistent pattern of irregularities is reported, such as the serious irregularities regarding the proceedings of the Project Control Board where the acquisition of the four Corvettes were discussed. Chippy Shaik, the defence secretariat's chief of acquisitions, was "involved in decisions and discussions over subcontracts that benefited companies

associated with his brother, Shabir". This breach is one of the "most explosive issues" in the whole arms deal (**Mail & Guardian**, 10-16 August, 2001). Chippy Shaik, however, told SCOPA that he recused himself from all discussions and decision-making, because of a possible conflict of interest. The minutes of this meeting, however, contradicted this allegation. He was reported to be actively participating, and even chairing, the discussions regarding the firm Detexis, of which his brother, Shabir Shaik, is a shareholder and director (**Mail & Guardian**, 10-16 August, 2001). The subcontract was awarded to Detexis, displaying personal interest and nepotism to the disadvantage of other parties who had also tendered. This is evidence of a serious lack of civil control,<sup>12</sup> because civilians like ANC member Chippy Schaik, Head of Acquisition at the DefSec who was specifically brought into the DoD to ensure civil control over such processes, did not exert civil control.

During recent hearings the military administrators of the multiproject approach amounting to millions of Rands have concurred that they had not been prepared for the scope of such an extensive acquisitions program. Government argued that the deal creates jobs. Minister Erwin (Minister of Trade and Industry) said that the arms deal trade-off had already created roughly 3000 jobs (**Pretoria News**, 20 June 2001). Erwin also stated that MPs were in no position to influence the deal (**Pretoria News**, 20 June 2001). However, the pattern that some people close to the deal were at least 'recognised' through small favours is disputed. The **Sunday Times** of 24 June 2001 reported that at least seven, but possibly 30, luxury German vehicles were earmarked for VIPs and facilitation of ownership took place through the company European Aeronautical Defence Systems (EADS) which later became DaimlerChrysler Aerospace in SA (DASA), both beneficiaries of the arms procurement deal (**Sunday Times**, 24 June 2001). This included 'staff' cars for the head of the South African Army, Gen. Sipiwe Nyanda, and the head of the South African Air Force, Gen. Roelf Beukes, as well as the widely discussed Mercedes-Benz ML of Tony Yengeni, ANC Chief whip and former chairman of the Joint Standing Committee on Defence (JSCD). The question was asked why an armaments supplier like Daimler Chrysler Aerospace in SA (DASA), which excels in weaponry, would supply motor vehicles cheaply to high-ranking officials involved in the arms deal (**Beeld**, 17 July 2001). The suggestion is made that the discount had to be related to the weapons deal. Reports in the media state that discounts ranging from 7,5% to 50% were given to high-ranking officials, like Llew Swan, former chief of Armscor and Vanan Pillay, director in the department of commerce and industry (**Rapport**, 8 July 2001). A few other high-ranking officials involved in the procurement deal were also mentioned for buying cars via such deals facilitated through EADS and DaimlerChrysler Aerospace (**Sunday Times**, 24 June 2001). The Managing Director of EADS (which became the

company DASA during 1998), Michael Woerfel, had handled the arms procurement deal but was since suspended.

Another issue that brought public scrutiny to bear on the probe was the seemingly unnecessary concern of the government to forbid live coverage of the hearings (**The Citizen**, 20 June 2001). Government remains insistent that the deal is valid. Defence Minister Mosiuoa Lekota, speaking in Parliament, welcomed the debate but did not refer to any allegations of irregularities (**The Citizen**, 20 June 2001). Other issues reported in the media were: "(ANC) party officials were rushed to take control of parliamentary committees investigating the scandal" (**Mail & Guardian**, 2-8 February 2001); and 'Claims of African Defence Systems (ADS) defrauding Armscor were mentioned' (**Mail & Guardian**, 2-8 February 2001). In the same newspaper it is reported that Minister Lekota had admitted that there is in any arms deal a 'possibility of corruption' while stressing the need for clean government (**Mail & Guardian**, 2-8 February 2001).

A week earlier the **Mail and Guardian** reported that the Auditor-General's report ('probe') was to go ahead. Since then two central officials from the Auditor-General's office were withdrawn from the task. The use of deceased members of a Union Training College to obtain registration certificates for companies was also mentioned (**Mail & Guardian**, 26 January to 1 February 2001).

### **Retrospective implications**

Entering the picture with or without corruption, the following is clear:

- The debate before embarking on the deal, as well as public participation/public input, was sub-optimum if not insufficient during the Defence Review Process and follow-up.
- The deals were not communicated clearly and the public/citizenry was not informed as to the contents and extensiveness of the various packages and counter-trade deals and possible time-related (implementation) weaknesses. There was notwithstanding the good intentions of the Defence Review Process, a lack of input from civil society. Instead, the intended civil control was mostly in the hands of persons who were in close contact with political society (and the ruling party) rather than civil society.
- Somehow the administrative implementation of the deals was not timeously done, resulting in a more expensive deal than initially bargained for.
- Not enough critical thought was given to what type of armaments was needed within South African context, and for what conceivable purposes, assuming our limitation of funding. The new composition, weaponry needed and posture of a future defence force for a developing Southern African country were sub-

optimally reflected upon. A critical rethink of the roles, content and core force structure of a new defence institution within a post-war Southern African context, did not receive enough attention. Rather than considering a cost-effective force within the African context, the decision-makers had a 'northbound gaze' which was informed by comparisons (and perhaps aspirations) with western defence systems. A thorough rethink about equipments, roles, etc. might have influenced the choice of packages and resulted in more cost-effective deals, saving tax-payers money.

- The roles or rather clarification of clear-cut roles of various committees and their interaction with the executive were not in place resulting in time delays and opening up avenues for potential white-collar corruption, self-enrichment and nepotism in awarding and tendering for the deals. The same apply to the roles of parliamentary committees and their interaction with the executive (see the APPENDIX for specific role descriptions of the important role players in civil-military relations in South Africa).
  - The technical specifications of deals were not investigated in advance, compared, simulated and communicated extensively enough. The end result was a deal much more complex and expensive than was needed.
- \* The multiproject nature of the complex deal could have led to problems in administering the deal and even confusion. During the recent hearings before the commission it was indeed argued by a DoD official (Scout-Admiral Keg Verster) that the multiproject deal was difficult to manage and could have led to confusion and that clashes of interest could have been present (**Beeld**, 13 June 2001).

## RECOMMENDATIONS

The roles of committees and relationships between legislature, executive providers/sellers and clients (SANDEF) should be clarified. There is a need for codes of conduct and detailed protocols with regards to arms acquisition - but also seemingly with regard to interaction between the government and civil society in defence matters in general.

Efforts should be made to simplify the process of arms acquisition that seemed to be multi-layered, leading to confusion. As a result the administration and processing of a multiproject procurement deal allowed for grey areas that had to be 'felt through' (muddled through) and consequently the potential for administrative disorder and soft and/or hard corruption escalated.

Parliamentary and civil protocols to deal with soft and hard corruption should be strengthened. For example, sanctions should be instituted against public servants who are found guilty of corruption. Such sanctions may include loss of cabinet posts or in the case of officials, their posts, with loss of benefits. Arguably, civil proceedings should be instituted where necessary. In this regard amendments to the South African Constitution may need discussion..

The current processes of public participation and the first Defence Review Process should be reviewed to ensure more informed participation and vetoes by civil society and other stakeholders such as opposition parties. The lack of civil society input and control should be minimised. "Civil controllers themselves were the problem, not the lack of them", some may argue. We are arguing along different lines, namely that civil society input was sub-optimum and that in the final analysis there was an asymmetrical relationship between civil society input and the control from civilians involved in the decision-making process who were mainly from the governing party (political society). We are suggesting that opposition parties (and perhaps civil society organisations with demonstrable support) should be able to veto government policy with regard to defence, but specifically concerning arms acquisition.

Security needs should be reviewed with a view to making them context bound for South/Southern African purposes and to involve all departments, civil society interests and other conceivable stakeholders. This may require reconsideration of the western-modelled core force idea rather than an army/defence establishment for a developing African country suited to Southern African needs.

## **CONCLUSION**

This research has revealed that despite new innovations regarding civil control, serious weaknesses and a lack of control remain in the prevailing structures. We pointed out some (tentative) recommendations towards the end of the paper that could be implemented with success. We argued that unless these recommendations are taken seriously the new emerging democracy in South Africa is bound to fail to institute effective civil control within the ambit of future arms procurement deals. No emerging or institutionalised democracy can afford this.

While South Africa has gone through a remarkable transition towards democracy, much remains to be done in facilitating better public participation in policy formulation in general but particularly in defence policy formulation. South Africa also has a long way to go to inculcate that practice. The same applies to the police and intelligence services. The carefully described limiting principles embodied in



the Constitution are to be given more body. Transparency and accountability, which are constitutional imperatives, not mere prerogatives (see chapters 9 and 10 of the Constitution), at various levels in the interface between the executive and the citizenry as well as in policy-formulation processes, are to be taken much more seriously.

For this civil society (individuals, networks, religious organisations, business and workers) is also responsible. However, political leadership should be open to hear and to act on these voices. Where defence policy formulation is concerned, civil society is not and should not be there merely for window-dressing. But a real partnership that seeks to gravitate towards symmetrical relationships between civil and political society still lies ahead.

A significant start may have been made with the Defence Review process, but attaining a partnership without tokenism will remain a challenge that should be engaged into immediately and effectively. The arms deal proved that the debate has just begun...

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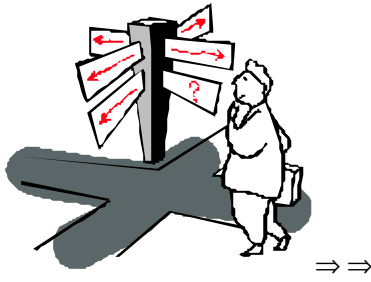
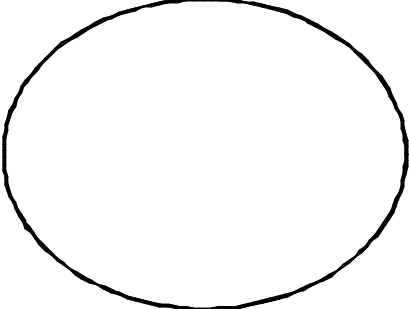

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#### **Appendix:**

##### **Sketch 1**

##### **Pathway towards democracy**

<p><b>Authoritarian Government</b></p> <p><b>Security &amp; Military playing A central role</b></p> <p>Pressures causing Transition to democracy:</p> <p>⇒ Outside Pressures (International relations, Pressure by neighbouring states, etc.)</p> <p>⇒ Internal pressures:</p> <ul style="list-style-type: none"> <li>✧ Infighting by hard-liners (hawks) and soft-liners (reformers)</li> <li>✧ Internal dissent</li> <li>✧ Civil unrest</li> <li>✧ Armed resistance</li> </ul> <p>Opening of political space; invoking "public space" for politics, civil demonstrations, invoking political parties - also referred to as the <i>liberalisation of politics</i></p>  <p style="text-align: right;">⇒ ⇒</p>	  <p>Civilian Government inclusive of civil control over security institutions</p> <p><b><i>Sustainable democracy</i></b></p> <p>"Emerging" democracy followed by sustainable democracy</p> <p>Acceptance of a new Constitution Founding Elections Negotiated Transition (Transition-through-negotiation) Establishment of civil control Role of Parliament (elected) Role of civil society</p>
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**NOTE:** Political transition is underpinned by profound uncertainty. At any moment regression to authoritarianism can take place. This also remains true for emerging/young or evolving democracies. Sound civil-military relations and civil control over security institutions should be inculcated, nurtured and strengthened from the transition stage and expanded through the phases "emerging democracy" towards sustainable or "mature" democracy. The state and political society are valuable actors. Political society can play an important role in the enactment of civil control. However, civil society/the citizenry/the public (should) play an essential/even relentless role throughout in terms of civil control over the military in emerging and/or established democracies. A symmetrical, rather than asymmetrical relationship between the State and Civil Society as loci of hegemonies is at stake here.