

NAVAL POSTGRADUATE SCHOOL
Monterey, California



THESIS

**NEGOTIATING FOR CIVILIAN CONTROL: STRATEGY
AND TACTICS OF UMKHONTO WE SIZWE (MK) IN
THE DEMOCRATIC TRANSITION OF SOUTH AFRICA**

by

Lekoa Solomon Mollo
June 2000

Thesis Advisor:
Second Reader:

Paul Stockton
Letitia Lawson

Approved for public release; distribution is unlimited.

DTIC QUALITY INSPECTED 4

20000920 050

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.			
1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE June 2000	3. REPORT TYPE AND DATES COVERED Master's Thesis	
4. TITLE AND SUBTITLE: Negotiating for Civilian Control: Strategy and Tactics of Umkhonto we Sizwe (MK) in the Democratic Transition of South Africa.		5. FUNDING NUMBERS	
6. AUTHOR Lekoa S. Mollo			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000		8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A		10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.			
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.		12b. DISTRIBUTION CODE	
13. ABSTRACT (maximum 200 words) South Africa offers an important model of how nations can make the transition to democracy. The experience of South Africa reflects its own unique history and political circumstances, which differ from those of other nations. Nevertheless, the history of the establishment of democratic civilian control in South Africa offers potentially valuable lessons for other nations to adapt and apply to their own challenges. This thesis examines and analyzes how civilian control over the South African National Defense Force was established, especially over the functions of defense budgeting and policy. It seeks to describe how the leadership of the Umkhonto we Sizwe; meaning the "Spear of the Nation" (MK - the military wing of the African National Congress), pursued those negotiations with their counter parts in the South African Defense Force. I would argue that the military might of the apartheid regime, SADF, was still very powerful and the regime could have still exploited that power to overwhelm MK in the negotiations on the future of South Africa. The SADF also posed a major risk, as it possessed the potential to stage a coup in post-apartheid South Africa. To remedy this ostensible imbalance, ANC concluded that for the negotiations to be fruitful and successful, the political playing field had to be leveled. To do this, all parties participating in the negotiation needed to have equal status, especially the government and the ANC as the two major role-players. This, the ANC argued, would ensure that the apartheid government was not a referee and a player at the same time.			
14. SUBJECT TERMS African National Congress, Balance Model, Civilian Control, Civil-Military Relations, Defense Secretariat, Leveling the Political Playing Fields, Negotiations, Referee and Player, South Africa, South African National Defense Force, South African Defense Force, Umkhonto we Sizwe.			15. NUMBER OF PAGES 110
			16. PRICE CODE
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL

THIS PAGE INTENTIONALLY LEFT BLANK

Approved for public release; distribution is unlimited.

**“NEGOTIATING FOR CIVILIAN CONTROL: STRATEGY AND TACTICS OF
UMKHONTO WE SIZWE (MK) IN THE DEMOCRATIC TRANSITION OF
SOUTH AFRICA.”**

Lekoa S. Mollo
Colonel, South African Army
B.Iuris., University of Western Cape, 1993

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN INTERNATIONAL SECURITY AND CIVIL-MILITARY
RELATIONS**

from the

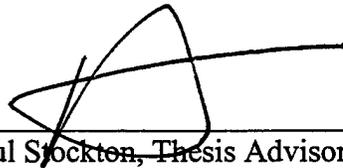
**NAVAL POSTGRADUATE SCHOOL
June 2000**

Author:



Lekoa S. Mollo

Approved by:



Paul Stockton, Thesis Advisor



Letitia Lawson, Second Reader



Dr. Robert Looney, Acting Chairman
National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

South Africa offers an important model of how nations can make the transition to democracy. The experience of South Africa reflects its own unique history and political circumstances, which differ from those of other nations. Nevertheless, the history of the establishment of democratic civilian control in South Africa offers potentially valuable lessons for other nations to adapt and apply to their own challenges.

This thesis examines and analyzes how civilian control over the South African National Defense Force was established, especially over the functions of defense budgeting and policy. It seeks to describe how the leadership of the Umkhonto we Sizwe: meaning the "Spear of the Nation" (MK – the military wing of the African National Congress), pursued those negotiations with their counter parts in the South African Defense Force. I would argue that the military might of the apartheid regime, SADF, was still very powerful and the regime could have still exploited that power to overwhelm MK in the negotiations on the future of South Africa. The SADF also posed a major risk, as it possessed the potential to stage a coup in post-apartheid South Africa. To remedy this ostensible imbalance, ANC concluded that for the negotiations to be fruitful and successful, the political playing field had to be leveled. To do this, all parties participating in the negotiation needed to have equal status, especially the government and the ANC as the two major role-players. This, the ANC argued, would ensure that the apartheid government was not a referee and a player at the same time.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	SUMMARY OF ARGUMENT	1
B.	IMPORTANCE OF THE TOPIC	11
C.	METHODOLOGY	13
II.	CIVIL-MILITARY RELATIONS IN BOTH THE MK AND THE SADF	15
A.	THE IMPACT OF SADF'S CIVIL-MILITARY RELATIONS DURING THE NEGOTIATIONS.....	15
B.	THE IMPACT OF MK'S CIVIL-MILITARY RELATIONS DURING THE NEGOTIATIONS.....	18
C.	CHALLENGES	21
D.	CONCLUSIONS.....	24
III.	SETTING THE STAGE FOR NEGOTIATIONS	27
A.	THE KEY ACTORS.....	29
B.	TRANSITIONAL CHALLENGES	30
C.	THE IMPACT OF THE INTERIM CONSTITUTION.....	35
D.	PRINCIPLES	37
E.	CONCLUSIONS.....	38
IV.	NEGOTIATION PRIOR TO DEMOCRATIC ELECTIONS	41
A.	DESIGNING THE MINISTRY OF DEFENSE	45
1.	CIVIL-MILITARY RELATIONSHIP	47
B.	DEFENSE SECRETARY/CHIEF OF SANDF RELATIONSHIP	51
C.	BROAD DEPARTMENT OF DEFENSE/MINISTRY OF DEFENSE DESIGN	52
D.	CONCLUSIONS.....	56
V.	NEGOTIATIONS AFTER THE DEMOCRATIC ELECTIONS	59
A.	MINISTRY OF DEFENSE IMPLEMENTATION.....	62
B.	MANNING POLICY FOR DEFENSE SECRETARIAT: FINANCE AND ACCOUNTABILITY FUNCTIONS	65
C.	MANNING SOLUTION	68
D.	IMPLICATIONS FOR STAFFING THE DEFENSE SECRETARIAT	70
E.	THE STRATEGY FOR STAFFING	72
F.	STRATEGIC CRITICAL ISSUES FOR STAFFING.....	74
G.	IMPLEMENTATION STRATEGY.....	79
H.	CONCLUSIONS.....	81
VI.	CONCLUSIONS.....	85
A.	IMPORTANCE OF POLITICAL ROLE	85
B.	VALUABLE LESSONS TO BE LEARNED.....	85
	INITIAL DISTRIBUTION LIST	91

THIS PAGE INTENTIONALLY LEFT BLANK

EXECUTIVE SUMMARY

South Africa offers an important model of how nations can successfully make the transition to democracy. The experience of South Africa reflects its own unique history and political circumstances, which differ from those of other nations. Nevertheless, the history of the establishment of democratic civilian control in South Africa offers potentially valuable lessons for other nations to adapt and apply to their own challenges. The following concepts are important to draw lessons from. A party negotiating with a powerful military like the SADF must have a well thought out strategy. An atmosphere conducive for negotiation must be created where all parties have an equal voice. To realize this objective, legal mechanisms like the adoption of the Interim Constitution in South Africa can be instituted. Transitional political institutions like the Transitional Executive Council help in leveling the political playing fields. They are the ones empowered to oversee the negotiations and the whole transitional process. This guarantees some limitations on certain parties from abusing state power, by virtue of being the government of the day, in order to overwhelm their counterparts in negotiation.

Military negotiations are very delicate and they should not be relegated to the realm of military negotiators only. There should be a political commitment and guidance to the process. The military officers negotiating should be agents for their political principals. Where the military fail to reach a consensus, the politicians should intervene. From the beginning of the negotiation, the chain of command must be clear, the politicians should be the bosses. A clear understanding of civil-military relations of both parties is an important factor because it gives a clear understanding of the arguments

made. Failure to understand the mental frame of the opposite side might lead to suspicions that are uncalled for, and this might lead to tensions that sabotage the whole process. Lastly, the institution of time lines for military negotiators, by the political leadership, creates a business or mission like approach. The negotiators are able to avoid overindulging in differences, because they want to fulfill their mission. Currently, the concept of civilian control over the military in South Africa is sacrosanct. The civilian Secretary of Defense is both the Head of the Department of Defense and the Accounting Officer. The South African Constitution clearly stipulates the supremacy of the civilian authorities over the military. The good thing is that the institution has been established and found acceptable by the uniformed personnel. The civilians are beginning to master their functions within the military environment. On the other hand, there are still constraints to the system. The Defense Secretariat is still understaffed and the uniformed personnel are still carrying out some of the functions albeit they are reporting to the civilian component. There is a glaring lack of civilians with the necessary knowledge and skills of the defense function and most of those appointed tend to spend most of the time out of their offices attending courses. This phenomenon creates an atmosphere where the uniformed personnel end up running the show and the threat is that they might usurp their power to try and reverse the gains already made.

This thesis examines and analyzes how civilian control over the South African National Defense Force (SANDF) was established, especially over the functions of defense budgeting and policy. It seeks to describe how the leadership of the Umkhonto we Sizwe: meaning the "Spear of the Nation" (MK - the military wing of the African National Congress), pursued those negotiations with their counterparts in the SADF.

Furthermore, it explores the consequences for the current structures of civilian control over defense budgeting and policy in South Africa.

THIS PAGE INTENTIONALLY LEFT BLANK

ACKNOWLEDGMENTS

I would like to recognize the cooperation of the individuals who kindly consented to interviews for this thesis. I owe special thanks to Professor Paul Stockton, who guided me through the whole process as my advisor. I really appreciate his support. I would also like to thank Professor Bruneau for making sure that I get started and for reading my thesis.

To Greta and Louri, thank you for taking your precious time to read this document. I appreciate all your efforts. To the Mahloko family in South Africa, thank you for being there for my family during my absence. You were a real source of strength.

Finally, and most important, I wish to express my sincere appreciation and respect to my family for granting me the opportunity to study. Although they were in South Africa, their patience, understanding, self-sacrifice, and support has been immeasurable.

I dedicate this work to my late grandmother, Beatrice Mollo.

THIS PAGE INTENTIONALLY LEFT BLANK

I. INTRODUCTION

A. SUMMARY OF ARGUMENT

The apartheid security forces posed a major threat to destabilize the democratic transition in South Africa. The military might of the apartheid regime, the South African Defense Force (SADF), was still very powerful and the regime could have still exploited that power to overwhelm their counterparts in negotiations on the future of South Africa. The apartheid military possessed the potential to stage a coup d'état in the case the anti-apartheid forces won the elections.

This thesis examines and analyzes how civilian control over the South African National Defense Force (SANDF) was established, especially over the functions of defense budgeting and policy. It seeks to describe how the leadership of the Umkhonto we Sizwe: meaning the "Spear of the Nation" (MK – the military wing of the African National Congress), pursued those negotiations with their counterparts in the SADF. Furthermore, it explores the consequences of these negotiations for the current structures of civilian control over defense budgeting and policy in South Africa.

The period prior to the negotiated settlement in 1994 was characterized by the failure of the Pretoria regime to rule in the same old way. The regime had reached a realization that the policy of apartheid did not have a future due to the changing world situation at the end of the cold war. On the other hand, due to the power the regime still held, the ANC was not in a position to deliver the kind of crushing blow, which would be necessary to bury the apartheid regime. South Africa was in a stalemate.

According to Cheryl Carolus, a South African Communist Party and ANC member, the country had arrived at a dual power situation where there were two chief contenders, the government led by the National Party and the ANC, and each had a broad range of supporters. These two key performers exclusively occupied different aspects of political power in South Africa. This made it "impossible for the government to implement its own policies; the ANC could effectively checkmate that. Both parties realized that they occupied strategic positions, they were very powerful, but also lacked key elements of being able to seize overall political power in the country. Because of this, they realized they had to enter into negotiations."¹

A similar view was raised by Joe Slovo² in a seminal document on negotiations entitled, "Negotiations: A Strategic Perspective," in which he states that

The conjuncture of the balance of forces (which continue to reflect current reality) provided a classical scenario which placed the possibility of negotiation on the agenda.... We are negotiating with the regime because an objective balance of forces makes this a feasible political strategy.... The immediate outcome of the negotiating process will inevitably be less than perfect when measured against our long-term liberation objectives.... And we must not fear to be up front on this reality with our mass constituency.³

¹ Timothy D. Sisk, Democratization in South Africa: The Elusive Social Contract, Princeton: Princeton University Press, 1995, p. 74.

² Joe Slovo is the former Chief of Staff of MK, a member of the National Executive Council of the ANC, and at the time the Chairman of the South African Communist Party.

³ Joe Slovo, Negotiations: A Strategic Perspective, Paper Reprinted in African Communist, Third Quarter, 1992, pp. 35-40.

This acceptability of further compromise in Slovo's assessment centered around two major considerations: "the security forces and state bureaucracy constituted a counterrevolutionary threat."⁴

I argue that while this balance of forces existed, the military might of the apartheid regime, SADF, was still very powerful and the regime could have still used it to overwhelm MK in the negotiation. SADF officers were more experienced in conventional military skills compared to MK, who mostly had experience as guerillas or unconventional soldiers. Undeniably, the regime hoped to use this apparent strength against the African National Congress (ANC) who enjoyed support and legitimacy from the anti-apartheid forces. First, because of the comparative advantage that the SADF enjoyed over MK, the regime intended to exploit it negatively as a leverage to overwhelm their counterparts in the negotiation. Second, the SADF posed a major coup risk in case the ANC won the democratic elections in 1994.⁵

To remedy this ostensible imbalance, ANC contended that for the negotiation to be fruitful and successful, the political playing fields must be leveled. To do this, all parties participating in the negotiation should have equal status, especially the government and the ANC as the two major role-players. This, the ANC argued, would ensure that the apartheid government was not a referee and a player at the same time. When we started the process of negotiation, our political leadership played a profound

⁴ Sisk, p. 221.

⁵ Lekoa S. Mollo, From Personal Experiences as a Member of the Army Sub-workgroup that took part in the Negotiations for the Establishment of the New South African Army, Unpublished Paper: Pretoria, February – April, 1994.

role as principals to the process and they intervened when the military negotiators could not reach a consensus.⁶

A turning point in the leveling of the political playing fields was when the negotiators adopted the Interim Constitution on 18 November 1993. The ANC had argued that the negotiations could not continue under the discriminatory laws of the apartheid Constitution. An Interim Constitution was necessary to give all parties equal standing before the law. This meant that the ANC leadership should, by law, have the same standing as their counterparts in the National Party, some of whom were cabinet members. For example, de Klerk as the President of South Africa, and Nelson Mandela as the President of the liberation movement (the ANC), had the same voice on issues pertaining to negotiation and transition. In the same breath, Joe Modise as the commander of MK, and Kobie Coetzee as the Minister of Defense were also equals. On the military level, the negotiators led by General Meiring then Chief of the SADF, and his counterpart Sipiwe Nyanda then Chief of Staff for MK also had the same voice.

I argue that the Interim Constitution laid an important foundation for civilian control of the military because it clearly outlined the military subordination to the political authority. In principle, it committed the political actors to the concept of civilian control of the military even before the members of the different constituent forces could meet for their first round of talks in 1994.⁷ Article 227 (1) of the Interim Constitution, defines the functions of the National Defense Force (NDF), including provisions on

⁶ Ibid.

⁷ Sisk, p. 242.

civilian control for example that, the President shall be the Commander-in-Chief of the NDF [Article 82(4)(a)].

The civil-military experiences of both the SADF and the MK were to have an immense influence on the military negotiators. Most of the generation of SADF negotiators had no experience in civilian control over the military. After 1966 the post of the civilian Secretary of Defense was done away with and the Chief of the SADF functioned as both the Accounting Officer⁸ and the Head of the Department⁹ of Defense. The SADF was henceforth established as the de facto and de jure Department of Defense.¹⁰

On the other hand, MK had emerged from a tradition where the military was subordinate to the political leadership. From the beginning, when Umkhonto we Sizwe was created on the 16th June 1961, its founding manifesto stated that it “fully supports the national liberation movement, and our members jointly and individually, place themselves under the overall political guidance of that movement”.¹¹

⁸ Chapter 1, Section 15 (3) of the Exchequer Act NO 66 of 1975 provides that any Department will have an accounting officer “... who shall be charged with the responsibility of accounting for all state moneys received (and) payments made by him” (1); that the accounting officer derives his powers from law, by regulation and Treasury Instructions (2); and (3); unless otherwise directed by the treasury, the accounting officer shall be the Head of the Department.

⁹ The function of the Head of Department is defined by Section 7 of the Public Service Act of 1994. Schedule one of the Act stipulates that the Chief of the National Defense Force is the Head of the Department. However, section 7 does not prohibit the appointment of a functionary at the same level as the Head of the Department.

¹⁰ Comparative Defense Ministry Organizations - Department of Defense: Establishment of a Ministry of Defense, (Lecture by Brig. Jack Grundling at Defense Management Institute, University of Witwatersrand, 20 September 1994).

¹¹ Manifesto of Umkhonto we Sizwe, (Leaflet issued by the Command of Umkhonto we Sizwe, 16th December 1961).

The ANC, which was banned as a political organization in South Africa in 1960, held its first Consultative Conference in Morogoro, Tanzania from 25 April to 1 May 1969. In explaining the relationship between the military and the political, the conference stated that the revolutionary armed struggle meant a political struggle by means which include the use of military force even though once force as a tactic is introduced it has far-reaching consequences on every aspect of the activities. In light of this, the conference stated that it "is important to emphasize this because our movement must reject all manifestations of militarism which separates armed people's struggle from its political context".¹²

Based on its manifesto, MK would therefore view any departure from the practice of having civil control over the military with suspicion. Such a move would be regarded as a ploy by the apartheid government to use the military to destabilize the new democratic order if the ANC won the elections.

The subordination of the military to civilian control, at an early stage of the negotiation process, was an important tactic by the ANC that ensured that the SADF remained under check from the political authorities thus alleviating threats for a conspiracy to stage a coup against the new order. The fears of a coup conspiracy were proved to be true in 1998 when General Meiring, as the Chief of the South African National Defense Force, submitted an intelligence report¹³ to President Nelson Mandela

¹² Intensify the Revolution, (The 'Morogoro Conference,' Morogoro, Tanzania, April 25-May 1 1969).

¹³ The Meiring Report was a military intelligence report handed to President Nelson Mandela on 5 February of 1998 by General Meiring personally alleging that there was a left wing plot to topple him. Among others the report implicated Meiring's successor General Nyanda with conspiracy against the government. When it was later found out that the report was a misinformation General Meiring was discharged from service.

alleging a coup plot orchestrated by former MK members, including Ronnie Kasrils and General Nyanda. This allegation was later proved to be a fabrication by the old apartheid guard who wanted to sabotage the new democratic order.¹⁴

The insistence by the ANC on the creation of the Transitional Executive Council (TEC), a body responsible to oversee the transitional process from apartheid to a democratic dispensation, was another milestone in ensuring that the regime was not a referee and a player at the same time.¹⁵ The Council had seven subcouncils which “were empowered to peer into government decision making and operation...”¹⁶ It was under the auspices of the Transitional Executive Council that the Sub-Council on Defense was established. The Sub-Council on Defense was entrusted with the task of the general oversight of the security forces during the transition period. The Transitional Executive Council placed some time limitations on the process of negotiation. These time constraints compelled the military negotiators to fulfill their mandate within the stipulated times, and could they not afford to overindulge in trivial issues. If there was a disagreement over an issue, it was referred to principals of both sides and a political solution obtained. The chain of command was clear, the political leaders were the bosses. No doubt, this was the embryonic stage of civilian control. Also, considering the fact that the military negotiators were accountable to their political principals, this proved to be the nascent stages of civil-military relations for the post apartheid South Africa.¹⁷

¹⁴ Mail and Guardian, Some Unfinished Business after Meiring, 9 April 1998.

¹⁵ Sisk, p. 230.

¹⁶ Sisk, p. 235.

¹⁷ Mollo, Personal Experiences.

The powers granted to the Sub-Council on Defense of the Transitional Executive Council to oversee the security forces during the transitional phase, was key to the establishment of civilian control over the military for two reasons. First, it became a mechanism to keep the SADF under close watch during the transition period. The apartheid regime could not unilaterally employ the SADF without prior consultation with the Transitional Executive Council. In this way an anti-coup mechanism was established. Second, a legacy for institutionalized civilian control structures was established. These structures formed a nucleus for the political leadership to exercise control over the military, thus enabling them to monitor threatening patterns of a conspiracy to stage a coup d'état.

On the contrary, many among the SADF members wanted the status quo to be maintained. General George Meiring, who represented the SADF in the Joint Military Coordinating Committee during the military negotiations,¹⁸ insisted that the new Minister of Defense would make the final decision about the establishment of the civilian secretariat after the democratic elections.¹⁹

Furthermore, during an interview, Ishmael²⁰ contended that, because the new democratic government was going to be based on power-sharing (with emphasis on proportional representation), General Meiring strongly believed that the National Party

¹⁸ The Joint Military Coordinating Committee was a military workgroup for the sub-council on Defense of the Transitional Executive Council. It was co-chaired by General George Meiring, representing the SADF and MK's Chief of Staff Mr. Sipiwe Nyanda – now General and Chief of the South African National Defense force after Gen. Meiring took early retirement.

¹⁹ Interview with Mr. Aboobaker Ishmael, former Chief Defense Policy in South Africa. (Ishmael was a leading participant representing MK in the negotiations for the establishment of civilian control over the military in the new democratic South Africa). He participated in the negotiation process prior to and after the election.

(the ruling apartheid party) would retain the portfolio of Defense Minister. He hoped that Kobie Cotzee would retain his post as Defense Minister and thus the status quo would be maintained.²¹ The maintenance of the status quo would make General Mereing (who was appointed as the new Chief of the South African National Defense Force by President Nelson Mandela after the elections), both the head of the department and the accounting officer. In this way he would have immense power and the interests of the white minority would thus be safeguarded against the ANC government.

In his endeavor to maintain the status quo, Vice Admiral P. van Zyl Leodolff, former Chief of Personnel, raised concerns about the establishment of civilian control. He stated that the establishment of the civilian Secretary of Defense as the accounting officer would negatively influence the responsibility of the Chief of SANDF with regard to his accountability including that of personnel management.²² The Admiral further pointed out that "by placing certain managerial functions outside the control of the CNDF may indicate that political functionaries wish to directly control personnel matters in the NDF"²³ (CNDF is Chief of National Defense Force, and NDF is National Defense Force). He further argued that the civilian section would lengthen the administrative process by adding another link in the chain of control resulting in the weakening of the personnel management process. "The personnel management and administrative processes and structures practiced today in the SADF are a result of a process of

²⁰ Ibid.

²¹ Ibid.

²² Feedback on the Proposals in respect of the Ministry of Defense, Memorandum by Vice Admiral P. van Zyl Leodolff: HSP/V/518/3/12, 2 May 1994.

²³ Ibid., p. 6.

evolution. It cannot be replaced by new processes and structures overnight. The process and structures including the shifting of powers and functions must be brought in line with the process of the restructuring and rationalization of the NDF."²⁴

The concerns raised by the Admiral pertained to the SADF's reluctance to institute change. Fierce negotiation lay ahead to resolve these problems; no one wanted to rock the boat. The political masters played a crucial role in giving direction to the establishment of new civil-military relations, which among many other milestones, resulted in civilian control over defense policy and budget functions.

The establishment of civilian control was achieved through the appointment of a Ministry of Defense workgroup, comprised of academics and policy-making institutions. The workgroup made recommendations of a so-called 'balance model' which was approved by the Sub-Council on Defense of the Transitional Executive Council and later implemented as a model for civilian control. This model stipulated that the President and the Minister must handle political affairs, the Chief of SANDF, military affairs and the administrative chiefs, administrative affairs. For this purpose a Defense Secretary responsible for administration was required. The scope of the power of the Chief of SANDF was restricted to the military domain. By keeping the administrative divisions and the level of his power subordinate to the Minister, the Chief of SANDF involvement in political decisions was prevented. The Minister under the authority of the President balanced administrative and military interests.

²⁴ Ibid., p.7.

B. IMPORTANCE OF THE TOPIC

The security forces posed a major destabilizing threat to South Africa during the negotiations and the post-elections period if the ANC became new government. The adoption of the Interim Constitution and the creation of Transitional Executive Council were an important milestone in leveling the political playing fields so that the military could be kept under constant check. These institutions helped in subordinating the military to the civilian authority thus minimizing the destabilizing threat that the SADF posed. Indeed, these institutions helped in avoiding a possible coup that the military could have staged and in this way a process of democratic consolidation commenced.

The important lessons that can be drawn from the South African experience is that while a conjuncture of the balance of forces between the warring parties might exist, the negotiating parties must acknowledge their potential strengths and weaknesses. The ANC had to acknowledge that the MK soldiers had mostly a guerilla or unconventional experience, while their counterparts in the SADF had a comparative advantage in terms of conventional warfare. This necessitated a comprehensive strategy that would level the playing fields so that the MK could enter the negotiations as an equal to the SADF. Therefore, it behooves a party negotiating with a powerful military like the SADF to have a well thought out strategy. An atmosphere conducive for negotiation must be created where all parties have an equal voice. To realize this objective, legal mechanisms like the adoption of the Interim Constitution in South Africa can be instituted. Transitional political institutions like the Transitional Executive Council help in leveling the political playing fields. They are the ones empowered to oversee the negotiations and the whole transitional process and they lay a good structural foundation for civilian control. This

guarantees some limitations on certain parties from abusing state power, by virtue of being the government of the day, in order to overwhelm their counterparts in negotiation.

Military negotiations are very delicate and they should not be relegated to the realm of military negotiators only. There should be a political commitment and guidance to the process. The military officers negotiating should be agents for their political principals. Where the military fail to reach a consensus, the politicians should intervene. From the beginning of the negotiation, the chain of command must be clear, the politicians should be the bosses.

A clear understanding of civil-military relations of both parties is an important factor because it gives a clear understanding of the arguments made. Failure to understand the mental frame of the opposite side might lead to suspicions that are uncalled for, and this might lead to tensions that sabotage the whole process.

Lastly, the institution of time lines for military negotiators, by the political leadership, creates a business or mission like approach. The negotiators are able to avoid overindulging in differences, because they want to fulfill their mission.

Currently, the concept of civilian control over the military in South Africa is sacrosanct. The civilian Secretary of Defense is both the Head of the Department of Defense and the Accounting Officer. The South African Constitution clearly stipulates the supremacy of the civilian authorities over the military. The good thing is that the institution has been established and found acceptable by the uniformed personnel. The civilians are beginning to master their functions within the military environment.

On the other hand, there are still constraints to the system. The Defense Secretariat is still understaffed and the uniformed personnel are still carrying out some of

the functions albeit they are reporting to the civilian component. There is a glaring lack of civilians with the necessary knowledge and skills of the defense function and most of those appointed tend to spend most of the time out of their offices attending courses. This phenomenon creates an atmosphere where the uniformed personnel end up running the show and the threat is that they might usurp their power to try and reverse the gains already made.

One can question the importance of this particular case. Why South Africa? The belligerents in the South African conflict emerged from a deeply divided society and managed to establish a democratic order with sound civil-military relations. The country offers an important model of how nations can make the transition to democracy. The experience of South Africa reflects its own unique history and political circumstances, which differ from those of other nations. Nevertheless, the history of the establishment of democratic civilian control in South Africa offers potentially valuable lessons for other nations to adapt and apply to their own challenges.

C. METHODOLOGY

This thesis is based on information obtained from formerly classified documents which recorded the process of establishing civilian control over the military prior to the first democratic elections and the post election period in South Africa. Interviews with some of the participants who played a profound role during these negotiations, and my personal experiences as a member of the Army sub-workgroup that was part of the negotiating team for the creation of the South African National Defense Force will be used to supplement this information.

Chapter II of this thesis will examine the evolution of civil-military relations in both MK and the SADF and how these challenges influenced the negotiators. Chapter III describes the setting of the negotiation stage and the transitional challenges faced by the new South Africa. It will also take the imperatives imposed by the Interim Constitution into account. Chapter IV will look into the process of negotiation prior to democratic elections. Chapter V considers the process of negotiations after the elections. Chapter VI will conclude by offering some lessons learned.

II. CIVIL-MILITARY RELATIONS IN BOTH THE MK AND THE SADF

This chapter will examine the evolution of civil-military relations in both the MK and the SADF and how these challenges influenced the negotiators. Indeed, there can be no doubt that negotiators from both camps had different agendas. Obviously, their experiences were different. On the one hand, SADF officers wanted to maintain the status quo.²⁵ Most of them had no experience of civilian supremacy over the military. They had emerged from a background where the Chief of the SADF was both the head of the department and the accounting officer. The SADF was de facto and de jure Department of Defense.²⁶ On the other hand, MK officers had emerged from a tradition where the military is subordinated to the political authority. This was their experience and they were not prepared to allow the contrary to happen.²⁷ These divergent views had to be taken into consideration before a consensus could be reached.

A. THE IMPACT OF SADF'S CIVIL-MILITARY RELATIONS DURING THE NEGOTIATIONS

Although most of the SADF officers were opposed to civilian control over the military and regarded it as a foreign concept, there were a very small number of them who had served under a civilian Secretary of Defense during the fifties and sixties.

It is important to note that after the Anglo-Boer war, when the Union of South Africa was established and Union Defense Force created under Britain, the concept of

²⁵ Mollo, Personal Experiences.

²⁶ Lecture by Brig. Jack Grundling.

²⁷ Mollo, Personal Experiences.

civilian control over the military was introduced. The Under-Secretary for Defense was appointed and he was described in the Defense Act and the Permanent Force regulations as the "Permanent Head of the Department."²⁸ He had control over functions pertaining to finance, expenditure, government policy regarding the administration of the Defense Act and regulations, orders and instructions issued by the Minister. Later this post was upgraded to Secretary of Defense.²⁹

It was not until 1966 that the Verster Commission (appointed to reorganize the DoD), recommended that the post of the Defense Secretary be done away with, and the Chief of the SADF be the head and accounting officer of the department. This established the SADF as the de facto and de jure Department of Defense.³⁰

The Commission further recommended that the Minister of Defense be removed from the military chain of command, although he was still responsible for the formulation of defense policy.³¹ These memories were to serve as benchmarks for most of the generation in the SADF. Even though most of these officers had not worked under civilian authority, they argued that the system could not work because of historical experiences. They made insinuations that the proposed concept of establishing civilian control over the military would fail like old the secretariat in the SADF had failed.³²

The arguments made for the absorption of the Defense Secretary into the SADF were; first, that there was a lack of suitably qualified personnel to advise the Minister and

²⁸ Lecture by Brig. Jack Grundling.

²⁹ Ibid, p. 2.

³⁰ Ibid, p. 3.

³¹ Ibid.

³² Mollo, Personal Experiences.

Service Chiefs on political and economic policies. Second, the civilian secretaries were not able to understand the nature of modern war and the needs of the armed forces, especially as evidenced after the world advanced into a different environment in the post 1939 era. Third, there was a wasteful duplication in administration by using the civilian secretariat as the channel of communication for the defense force with other state departments.³³

These arguments are understandable if one appreciates the fact that those who were making them wanted the maintenance of the status quo. They had hoped that the MK would succumb to these sentiments especially because SADF officers had 'experience' in maintaining a conventional force. The realities of modern democracies show that civilians are capable of understanding and running the defense organizations. Civilians can be empowered through training programs so that they do their work properly, and dealing with financial or policy issues does not require any military training. In many democracies where there is civilian control over the military, the art of modern warfare has been executed effectively, e.g. U.S. and the U.K. The function of liaising with other state can be well carried out by the civilian authorities. To avoid duplication, both the military and civilians should have their functions streamlined.

The process of absorbing the secretariat into the SADF left the Minister of Defense as a national leader with limited capacity to manage the affairs of the department.³⁴ This state of affairs made the Chief of SADF very powerful. It required him to deal directly with the President; thus making him vulnerable to being involved in

³³ Lecture by Brig. Jack Grundling.

politics. In this organizational structure, military professionalism is likely to be compromised. Instead of serving the democratic government as a military professional, he was in a position to manipulate the system to get what he wanted. Huntington links “civilian control to the minimization of military power, which would allow civilian authorities effectively to make the military ‘the tool of the state’.”³⁵ Defense management in a democracy requires civilian/political control of the military.

B. THE IMPACT OF MK’S CIVIL-MILITARY RELATIONS DURING THE NEGOTIATIONS

Those of us from the MK saw the challenges of the new situation differently. We had been brought up in a tradition where the military was subordinated to the political leadership. In emphasizing the supremacy of politics over the military, the ANC referred to the period of the formation of MK and clearly stated that “from the very beginning our Movement has brooked no ambiguity concerning this. The primacy of the political leadership is unchallenged and supreme and all revolutionary formations and levels (whether armed or not) are subordinate to this leadership. To say this is not just to invoke tradition. This approach is rooted in the very nature of this type of revolutionary struggle and is borne out by the experience of the overwhelming majority of revolutionary movements which have engaged in such struggles”.³⁶ As MK, we were weary of an approach that gave the military absolute power. Our experience had taught us that the

³⁴ Ibid.

³⁵ Samuel P. Huntington, The Soldier and the State: The Theory and Politics of Civil-military Relations, Cambridge, MA: Belknap Press, 1957, p. 84.

³⁶ Strategy and Tactics of the ANC, Morogoro, (Tanzania, 25 April – 1 May 1969).

political supremacy gives the military a proper direction. The organizational structure of the ANC and MK reflected this relationship.³⁷

The supreme political organ of the ANC is the National Executive Council (NEC) headed by the President. During the Morogoro Conference in 1969, the ANC established a Revolutionary Council (RC) which was entrusted with the task of developing underground structures, creating publicity for the banned ANC, and waging the armed struggle, in South Africa. Oliver Tambo, as the president of the ANC, was the chairman of the Council. Council members included political leaders such as Joe Modise (the commander of MK) who was responsible for military operations.³⁸ This structure ensured that the political leadership made military policy. They were the ones who gave us orders and defined the enemy in South Africa as the apartheid system and not the Afrikaners.³⁹

Politico-Military Council (PMC) replaced the Revolutionary Council in 1979. It became the executive arm of the National Executive Committee of the ANC and dealt with matters pertaining to the conduct of the political and military struggle inside South Africa. The Politico-Military Council coordinated the activities of the Political Headquarters, the Military Headquarters, and the National Intelligence (NAT). It had a small secretariat to support its functions. The council met once a month to assess the overall strategic planning for internal ANC/MK work, and the state of the nation. Its

³⁷ Mollo, Personal Experiences.

³⁸ Ibid.

³⁹ Mollo, Personal Experiences.

secretariat met between full council meetings on a weekly basis.⁴⁰ The new structure further indicated the ANC's resolve that the military should be under the political leadership.

In a 1985 document outlining Umkhonto we Sizwe's Military Code, the ANC further clarified the relationship between the political and military struggle. The document stipulated that the MK was the fighting arm of the ANC and its allies. The code stated that "our armed struggle is a continuation of our political struggle by means that include armed force. The political leadership has primacy over the military. Our military line derives from our political line. Every commander, commissar, instructor, and combatant must therefore be clearly acquainted with the policy with regard to all-combat tasks and missions. All of us must know clearly who the enemy is, and for what we are fighting. Thus MK cadres are not only military units, they are also organizers of our people. That is the major distinction between our people's revolutionary army and the army and wholly militarized authoritarian armed forces of the racist, imperialists and reactionary regimes. Umkhonto cadres, with arms in hand, are political activists and leaders, as well as warriors. This combination of political and military functions is characteristic of all popular, revolutionary armies especially in the phase of guerrilla warfare."⁴¹

⁴⁰ African National Congress Statement to the Truth and Reconciliation Commission, August 1996.

⁴¹ Umkhonto we Siswe Military Code, (ANC Second National Consultative Conference, held in Kabwe, Zambia), 16 – 22 June 1985.

Ronnie Kasrils⁴² gave a clear picture when he stated in a discussion document that, since the formation of the MK "our positions on armed struggle have amounted to: 'Umkhonto we Sizwe is the instrument of the ANC and of our liberation movement, and takes its leadership, direction and command from the ANC. Political policy and strategy determines our military strategy; politics guides the gun.'"43

From the statement above, it is clear that at the policy level, the MK was subordinated to the political leadership, which was comprised mostly of civilians. Therefore the MK did not only want to implement the concept of civilian control because it is practiced by modern democracies; it was the system they had known.

The finances of the ANC were handled by the Treasurer General, who then allocated funds to the MK's Chief of Logistics and Ordinance. The Chief of Logistics and Ordinance then allocated funds to various sections of the MK according to their requirements. Later, when the functions of logistics and ordinance were separated, the Chief of Logistics became responsible for MK funds, which were still being allocated by the Treasurer General of the ANC.⁴⁴

C. CHALLENGES

Agüero contends that "civilian supremacy is reached through a process consisting, first, of the removal of the military from power positions outside the defense area and, second, of the appointment and acknowledgement of civilian political superiors in the

⁴² Ronnie Kasrils is the former Deputy-Minister of Defense in South Africa. Presently he is the Minister of Water Affairs. He is one of the founding members of MK and was the Chief of Military Intelligence for MK, a member of the National Executive Council of the ANC, and a member of the South African Communist Party.

⁴³ Ronnie Kasrils, The Revolutionary Army: A Discussion Article, Sechaba, September 1988.

⁴⁴ Interview with Ishmael.

defense and military areas. As the military withdraws from non-defense-related policy areas, civilian officials gain authoritative capacity in all policy areas, including defense.”⁴⁵

Taking this statement into account, the challenge that faced the negotiators in South Africa was to level the political playing fields. The National Party was the government of the day, albeit it was voted and maintained by a minority in power. The ANC had to elevate itself to the level of the regime so they could negotiate as equals. It also had to overcome the might of the SADF by making MK negotiators equal to their counterparts. Such a process entailed prolonged strategies geared towards creating a clear chain of command where the politicians could be in charge of the negotiation process.⁴⁶

Once the structures were in place, the ANC had to confront the resistance to civilian control over the military by SADF officers. Some of these officers genuinely believed that the introduction of the civilian secretariat would impact negatively on the managerial functions of the defense force.⁴⁷ They argued that the secretariat would be an additional link that would prolong, complicate, and duplicate the personnel management and administrative functions. Such processes, they contended, evolved over a long period of time and could not be changed overnight.⁴⁸ A strong argument posed was that the aim of introducing civilian control was “to limit the use of military power for

⁴⁵ Felipe Agüero, Soldiers, Civilians, and Democracy: Post-Franco Spain in Comparative Perspective, Baltimore and London: The John Hopkins University Press, 1995, p. 19.

⁴⁶ Mollo, Personal Experiences.

⁴⁷ Ibid.

⁴⁸ Leodolff, p. 6.

unconstitutional purposes.” However, in so doing “it is not advisable to limit the administrative effectiveness of the NDF.”⁴⁹ It was further argued by the SADF that by taking away the accounting function from the Chief of the South African National Defense Force would impact negatively on his accounting responsibilities and that of personnel management.⁵⁰

The importance of the process of negotiating for the establishment of harmonious civil-military relation is well captured in the following words. “Democratization of civil-military relations needs to rely on processes of bargaining, dialogue, cooperation, and consensus-building that generally diminish military prerogatives and redefine and professionalize the military’s mission through a series of incremental steps.”⁵¹ If not much attention is paid to the process of negotiation, the outcome might result in a discord between those in uniform and civilians.

These were some of the challenges that confronted the makers of modern South Africa. The experience of the old apartheid officers was also very valuable because most of the MK officers had unconventional experiences. There was a need to strike a balance between alleviating the fears of the SADF officers and the imperatives of civilian control dictated to by a democratic dispensation.

Even though the ANC won the democratic elections in South Africa, there were pockets of resistance among some of the old SADF members who felt threatened by the new order. They wanted to cling to the power they enjoyed from their influence and

⁴⁹ Ibid., p.6.

⁵⁰ Ibid.

positions. They saw the new dispensation as a threat to their jobs that had once been protected. Some had genuine reservations about civilians with no military backgrounds working within the defense environment. Their concerns were that these civilians would be empowered to make decision on policy matters that would involve the life and well being of soldiers, an experience they do not have nor could they comprehend. On the other hand, the ANC could not afford to antagonize their counterparts. Understandably, there was fear that the security forces posed a counterrevolutionary force for the new democratic order.⁵² It took immense persuasion to convince skeptics that civilian control is healthy for democracy. The mechanisms employed by the negotiators to broker solutions in establishing sound civil-military relations were very important, especially in deeply divided societies, because all participating parties needed to begin to feel that they were part of the outcome. No party could suspect the others were imposing their will on them because of the political leverage they enjoyed. If such suspicions arose, conflict would be inevitable.

D. CONCLUSIONS

Arguably, both sides had baggage. On the one hand most of the generation of SADF negotiators had not experienced civil control. However, the fact that the practice could be traced in the history of the SADF made negotiators receptive to the idea of civil control. They could not see this as a deceptive ploy by MK. It is clear that there were those who genuinely believed that the concept would not work. On the other hand, the

⁵¹ Civil-Military Relations and Democracy, edited by Larry Diamond and Marc F. Plattner, Baltimore: The John Hopkins University Press, 1996, p. xxx.

⁵² Mollo, Personal Experiences.

experience of MK leaders has always been that of political supremacy of the military. Any departure from this practice would have been viewed as a ploy by the National Party government to use the military against the new democratic order. They were not going to resolve this problem without referring it to the political authorities.

THIS PAGE INTENTIONALLY LEFT BLANK

III. SETTING THE STAGE FOR NEGOTIATIONS

The security forces and the state bureaucracy constituted a counterrevolutionary threat to the democratization of South Africa. The SADF had the potential to derail the negotiation process by destabilizing the country. On the other hand, they posed a major threat of staging a coup against a democratically elected government in case the National Party lost the elections. The state was likely to use the state resources such as broadcasting and finances to overwhelm the anti-apartheid forces during the negotiations and the democratic elections. Therefore, it was important for the ANC that mechanisms that could keep these security forces and state bureaucrats under check be established.

The process of political negotiations for a democratic transition in South Africa was preceded by numerous meetings among stakeholders, some secret and others public, in an endeavor to reach a consensus for a post-apartheid country. One such meeting was held in Cape Town on 10 - 12 February 1993 between the apartheid government and the ANC. Some of the milestones reached in this meeting were:⁵³

1. The enactment of an Interim Constitution and provisional bill of rights that would be drafted by a reconstituted multiparty conference (this act was to be passed by the apartheid Tricameral Parliament).

2. A Transitional Executive Council (comprised of a multiparty cabinet committee), would oversee the government during the election campaign and would exercise multiparty control over broadcasting, finance, and the security forces.

⁵³ Sisk, pp. 223-224.

The Interim Constitution laid the foundation for the creation of a new order in South Africa. The apartheid constitutional laws were set aside, making way for the transition to democracy to be governed by rules acceptable to the role-players. The agreement to adopt an Interim Constitution was an important milestone because it laid the basis for the leveling of the political playing fields. This step clearly indicated that the ordinary laws of the country, as promulgated by the apartheid government, would not interfere or hamper the process of negotiation, as the new laws would apply. The government would become an equal player before the law with other stakeholders in the negotiation process.

On the other hand, the creation of the Transitional Executive Council with its multiparty cabinet committee laid a concrete foundation in making the process legitimate because it would oversee the government during transition. Hence the government could not become a referee and a player at the same time. The power to exercise multiparty control over the broadcasting, finance, and the security forces was an important step in the leveling process. The government could not have monopoly over these state assets in order to use them for its own ends. It was important to keep the security forces under close observation, as they possessed the means of force to sabotage the negotiations. The same can be said about broadcasting. If the apartheid government enjoyed the monopoly of this machinery, it could use it effectively in disseminating propaganda that could discredit other role-players in the negotiation. Control of the finances was very important because resources play a crucial role during transition. Had the government enjoyed the monopoly of controlling the purse, then it would have been able to use the immense resources at its disposal against the opposition who had unmatched capabilities.

A. THE KEY ACTORS

The Transitional Executive Council was the supreme body that was created by the political role-players to level the political playing fields. All participating parties were represented. This was the body to oversee the transitional process. The rationale behind the creation of this body was to give everyone equal status. The apartheid government had to enjoy equal standing with other stakeholders. As stated earlier, it was not supposed to be the referee and player at the same time. Under the Transitional Executive Council, the Sub-Council on Defense was created to deal with security matters. This body also enjoyed equal representation among stakeholders.

The members of the Sub-Council on Defense were politicians who had to oversee the process of establishing the South African National Defense Force, and above all the Ministry of Defense. Under the Sub-Council on Defense, a Joint Military Coordinating Committee was established which was comprised of the military chiefs of the constituent forces taking part in the strategic planning process for the integration and creation of the new defense force. The Joint Military Coordinating Committee was co-chaired by General G.L. Meiring (Chief of the SADF) and Mr. S. Nyanda (Chief of Staff of MK - now a General). Under the Joint Military Coordinating Committee, various sub-workgroups were formed, and they dealt with the various debates that had to be ironed out for integration to be successful. These workgroups reported to the Joint Military Coordinating Committee, and the latter reported to the Sub-Council on Defense, who then reported to the Transitional Executive Council. One such sub-workgroup created by

the Joint Military Coordinating Committee was the Ministry of Defense sub-workgroup.⁵⁴

B. TRANSITIONAL CHALLENGES

During the early '90s there was an increase in the level of violence especially against the political opponents of the government. The ANC, concerned with the escalating violence within the black communities, alleged that there was a "third force"⁵⁵ that was orchestrating the escalating violence. In July 1991, through a number of security leaks, evidence emerged that members of the Five-Reconnaissance Regiment of the SADF Special Forces (known as "the 5th Recces") had taken part in numerous, indiscriminate black township massacres. The evidence pointed out that SADF military intelligence were "orchestrating" the so-called "black on black" violence in the townships "with the Special Forces doing the killings."⁵⁶

The ANC knew the role the SADF played in trying to sabotage the democratic transition in neighboring Namibia.⁵⁷ A former SADF consultant, Nico Basson, and Sue Dobson, an ANC "mole" who had infiltrated the SADF's public affairs unit, both having served in Namibia, claimed that the Directorate of Military Intelligence of the SADF, including some of the South African security forces, conducted a concerted campaign of

⁵⁴ Mollo, Personal Experiences.

⁵⁵ "Third Force" is a term coined by the ANC referring to unidentified forces or gunmen who were perpetrating the violence in South Africa. It alleged that such a force was a creation of the regime security forces. This allegation was later proven to be true.

⁵⁶ The Independent (London), 9 July 1991.

⁵⁷ Namibia was under the apartheid South African rule and the latter was defying calls by the international community that the UN resolution 435 be implemented so that it can gain independence. South Africa tried hard to discredit the Namibian liberation movement, SWAPO, so that its puppet sponsored government could come to power.

“dirty tricks” operations against the Namibian liberation movement during the country’s constituent elections.⁵⁸

The July 1991 security leaks revealed ongoing secret funding by the apartheid regime of de Klerk of the Zulu Inkatha movement and its affiliate, the United Workers Union who opposed the ANC. In what became known as the “Inkathagate” slush fund scandal, six government special accounts for secret funding and covert operations were exposed.⁵⁹

The immense public outcry concerning the escalating violence, and the Inkathagate scandal, resulted in the government and opposition parties agreeing on a National Peace Accord in September 1991. It was under this accord that the de Klerk government established a judicial commission of inquiry under Justice Richard Goldstone to investigate the political violence.⁶⁰ This commission found evidence of the “Third Force” which was composed of serving and former security force members and contract operatives who were responsible for the political violence.⁶¹ With all these events, the ANC could not trust the good faith of the government commitment to negotiation. Hence, it insisted on the creation of a body that would have the institutional capacity to oversee the transition. Overwhelmed by the evidence against it, the government had to submit.

⁵⁸ Sechaba, A Journal of the ANC, December 1989, pp. 18-20, and The Namibian Newspaper, (Windhoek), 3 May 1991.

⁵⁹ Ruth Elizabeht Tomaselli, “Inkathagate: Covert Funding – Overt Violence,” Covert Action, New York, Number 38, Fall 1991, pp. 39-43.

⁶⁰ Sisk, p. 213.

⁶¹ Robert D’A. Henderson, “South African Intelligence Under De Klerk”: International Journal of Intelligence and Counterintelligence Volume 8, Number 1, 1995, p. 76.

The first report of the technical committee of the Transitional Executive Council was put before the Negotiating Council for debate on 13 May 1993. In these talks, the implicit agreement between government and the ANC was that the security forces would not be subjected to direct multiparty operational control in the run-up to the elections. This has been a long-standing demand by the ANC. It agreed however, that the Sub-Council of the Transitional Executive Council would exercise general oversight.⁶²

The reluctance to grant operational control of the security forces to the Transitional Executive Council was indicative of the regime's sinister motives toward the process. It can be argued the motive was to have the armed forces held in reserve as a tool of last resort in case the negotiations were to emerge in favor of the ANC. However, the fact that both the ANC and the regime compromised their positions and conceded that the Transitional Executive Council would only exercise a general oversight function was a major milestone. I contend that these were the nascent stages of civil-military relations, because the civilian political authority had the power to oversee the military.

It was agreed that the legislation enabling the Transitional Executive Council and the independent electoral commission had to be in place in time to organize the elections by 27 April 1994. This legislation had to be passed by the Tricameral Parliament in a special sitting scheduled for September 1993. It was in light of this that the Multiparty Negotiating Process, after seventeen drafts, finalized the details of the Transitional Executive Council, the creation of the independent electoral commission, and the media

⁶² Sisk, p. 230.

and broadcasting legislation on 8 September 1993.⁶³ Each of the nineteen parties and organizations in the Multiparty Negotiating Process that agreed to the Transitional Executive Council would have one representative, and provision was made for those who were not part of the process to be able to join. The Transitional Executive Council had seven subcouncils who were “empowered to peer into government decision making and operation; in effect, the changes signaled nascent, institutionalized power sharing in South Africa’s transition as opposed to the less formal influence the ANC had on government policy since the onset of transition.”⁶⁴

Indeed, the conditions necessary for the leveling of the political playing fields were being achieved. The fact the door was left open for stragglers to join the process made the process more credible and legitimate. The provision allowing each party and organization one member each was a giant step in leveling the playing fields. No party was to feel overwhelmed by numbers, and all had an equal say. This process was very important as it laid the foundation for the composition and representation of later teams that would undertake military negotiations.⁶⁵

It was after midnight on the 18th of November 1993, that the Negotiating Council of the Multiparty Negotiating Process approved the Interim Constitution and the Electoral Act, 1993. The chairman of the negotiating forum, Judge Mohamed, summarized this occasion in the following words: “The dawn has finally begun to break for a nation which

⁶³ Ibid, p. 235.

⁶⁴ Ibid.

⁶⁵ Mollo, Personal Experiences.

has for so long so painfully and tortuously wrestled with its own soul. No force can now stop or even delay our emancipation from the pain and shame of our racist past.”⁶⁶

This Constitution unequivocally stated the “need to create a new order” and the establishment of “a single National Defense Force.”⁶⁷ The Sub-Council of Defense of the Transitional Executive Council was entrusted with the task of creating this force by overseeing the integration of various armed forces. It was composed of political leaders representing the different role-players. To fulfill its task, the Sub-Council created a workgroup, the Joint Military Coordinating Committee. This workgroup was comprised of military leaders and it was co-chaired by SADF and MK. The Joint Military Coordinating Committee formed a number of sub-workgroups which dealt with various issues that had to be resolved before a new integrated defense force could be formed (e.g. Army sub-workgroup, Personnel sub-workgroup, Navy sub-workgroup etc.). Like the Joint Military Coordinating Committee, the sub-workgroups were comprised of the members of forces participating in the negotiations.⁶⁸

From the beginning, it was clear that the military negotiators were subordinated to the political authorities. Politicians were principals and the military negotiators were just agents. The latter could only make recommendations, which had to be approved by their political masters. In this way, the seeds for the establishment of civil-military relations were planted.

⁶⁶ New York Times, 18 November 1993.

⁶⁷ Interim Constitution Act of 1993.

⁶⁸ Mollo, Personal Experiences.

C. THE IMPACT OF THE INTERIM CONSTITUTION

The interim constitution provided the legal and constitutional basis for the SANDF and the framework for civil-military relations under the Transitional Government of National Unity. Article 227 (1) of the Interim Constitution, 1993 defines the functions of the National Defense Force, and includes provisions on civilian control, such as, the President shall be the Commander-in-Chief of the NDF [Article 82(4)(a)].

The Constitution established a Joint Standing Committee on Defense in Parliament, which consist of members of all political parties with more than ten seats in the National Assembly and were willing to participate.⁶⁹ This committee was empowered to investigate and make recommendations on the budget, functioning, organization, armaments, policy, morale, and state of preparedness of the defense force. They also perform other functions related to parliamentary supervision of the force as was prescribed by law.⁷⁰

Because of the imperatives for Parliamentary control over the armed forces as derived from the Interim Constitution, the Joint Military Coordinating Committee's strategic planning process identified the development of civilian control and the related structure of the Ministry of Defense as a strategic issue. This issue concerned the Department of Defense structure that was outside the Joint Military Coordinating Committee strategic planning brief. This question was thus referred to the Sub-Council of Defense of the Transitional Executive Council for its attention.⁷¹

⁶⁹ Interim Constitution Act of 1993 Article 228 (3)(a).

⁷⁰ Ibid., Article 228 (3)(d).

⁷¹ Mollo, Personal Experiences.

The Joint Military Coordinating Committee also requested the Sub-Council of Defense approval for the invitation of academics and policymaking institutions to give input regarding the structure of the new Ministry of Defense. The resolution of the civilian control and Ministry of Defense structure was essential for the finalization of the SANDF implementation planning.⁷²

The third Joint Military Coordinating Committee meeting held on 11 February 1994 reported that the Sub-Council of Defense had approved the request to invite academics and policymaking institutions to give input. The Joint Military Coordinating Committee invited various institutions to submit suggestions regarding these issues. A three-stage process to integrate the proposals (papers delivered) from the invited actors was suggested and facilitated by SADF Directorate Strategic Management. In light of this, a Ministry of Defense Workgroup was established, and it was comprised of civilian and defense experts.⁷³

The approval for the invitation of these 'experts' granted credibility and legitimacy to the spirit of the negotiations. Indeed, it leveled the playing fields because the input by these civilian and defense experts was to be seen as non-partisan. The workgroup was able to make comparative studies of other ministries of defense in democratic countries and made recommendations for South Africa. This process was another milestone in providing a consensus for the establishment of a civilian secretariat in the Department of Defense.

⁷² Ibid.

⁷³ Post Election Civilian Control and Ministry of Defense Structure, JMCC/DSM/501/6, 20 April 1994.

D. PRINCIPLES

When the Ministry of Defense workgroup started its work, it explored the concept of civilian control in terms of four principles, namely: the separation of military and civilian powers; legality; accountability; and transparency.⁷⁴ The following were the formulations expounded by the workgroup:⁷⁵

1. Separation of powers: The essence of this division was that armed forces should refrain from involvement in politics. This was to ensure that the military participated in the development of defense policy without undermining or usurping the authority of civilian decision-makers, whilst civilian authority refrained from interference with the military chain of command.

2. Legality: Law determines the powers and functions of the armed forces. The military is expected to uphold the Constitution.

3. Accountability: The public and parliament require an assurance that the military is performing its duties according to democratically agreed policy decisions. The Minister and the government are themselves answerable to parliament and the public for defense spending and for the formulation and execution of defense policy.

4. Transparency: Accountability requires a sufficient degree of transparency with regard to defense matters.

These principles became the terms of reference that the workgroup based its work on. The participants in the negotiations paid much attention to the contributions made by

⁷⁴ Ibid, p. B-3.

⁷⁵ Ibid.

the workgroup, and this was to serve as a major breakthrough in the establishment of a civilian secretariat in the Department of Defense.

E. CONCLUSIONS

The creation of the Transitional Executive Council with its multiparty cabinet committee, and its institutional capacity to exercise multiparty control over the broadcasting, finance, and the security forces was an important step in leveling the political playing fields. The government was not to have monopoly over state assets which it could use for its own ends and the demand by the ANC that government could not be a referee and a player at the same time was met.

It was important that the security forces be kept under close watch; this way the negotiations were able to proceed in good spirit. The control of the broadcasting function by the Transitional Executive Council was also very important as it ensured the apartheid government could not enjoy a monopoly over this machinery. This also contributed to the leveling of the political playing fields, because both the ANC and the government had access to use the South African Broadcasting Cooperation. Another milestone was the control of the finances because the government was denied the opportunity of controlling the purse.

The adoption of the Interim Constitution signaled that the ordinary laws of the country, as promulgated by the apartheid government, would not interfere or hamper the process of negotiations, since the new laws would take precedence. The government and its counterparts would become equal players before the law during the negotiation process.

The invitation of academics and policymaking institutions, when creating the Ministry of Defense workgroup, made the process more credible and legitimate because they were seen as non-partisan members. The role these civilian and defense experts played was a critical part of the process.

THIS PAGE INTENTIONALLY LEFT BLANK

IV. NEGOTIATION PRIOR TO DEMOCRATIC ELECTIONS

The Ministry of Defense sub-workgroup was appointed to study the impact of the Interim Constitution on defense management. The sub-workgroup did this study for the Sub-Council on Defense of the Transitional Executive Council. It was formed by multiparty officers and various civilian research institutes. It studied civilian and political control of the military in established democracies and made proposals for the establishment of a Ministry of Defense.

The research was done inductively on three levels of abstraction, first civilian/political control; second, Ministry of Defense design; and third Ministry of Defense structure. This proposal was termed the 'balance model' and was accepted by the Sub-Council on Defense on 6 May 1994, after the first democratic elections.⁷⁶

The creation of the Ministry of Defense workgroup to pursue the study for the establishment of civilian control over the military was another milestone in the leveling process. The workgroup became a forum where participants in the negotiations discussed issues as equals. Due to the fact that it was comprised of multiparty officers and various civilian research institutes, the workgroup enjoyed legitimacy as no one was seen to be a referee and a player at the same time. Because of this legitimacy, its recommendations of a balanced model between the civilian and military functionaries were acceptable to the negotiators without pointing fingers of bias towards the ANC or the apartheid regime. The balanced model recommended by the workgroup made a clear separation of defense

⁷⁶ Post Election Civilian Control and Ministry of Defense Structure, JMCC/DSM/501/6, 20 April 1994.

and military functions. Furthermore, it recommended that there must be a collaborative relationship between the civilians and the military because some of the functions under the civilians required military collaboration and vice versa. In this way the workgroup was able to chart a way forward for the establishment of harmonious civil-military relations.

This chapter focuses on the work of the Ministry of Defense workgroup during the negotiations prior to democratic elections. When the workgroup started its work, it initially focused on the impact of the Interim Constitution on defense management. It made a study of civilian and political control of the military in democracies and then made proposals for the establishment of a Ministry of Defense for the Department of Defense.⁷⁷

The workgroup conceded that the Interim Constitution provided a legal basis for the establishment of the SANDF, because it defined the functions of the SANDF and the nature of civilian control over the military. Furthermore, it stipulated that the SANDF should perform its functions and exercise its powers in accordance with the Constitution, under the directions of government and under the supervision of Parliament.⁷⁸

The workgroup acknowledged that all countries take steps to control their armed forces. However, in a democracy, the governing concept is civilian control over the armed forces. In other words, the military is subordinate and accountable to the elected and duly appointed civilian authority. In principle, the concept of civilian control was a

⁷⁷ Ibid.

⁷⁸ Post Election Civilian Control and Ministry of Defense Structure, JMCC/DSM/501/6, 20 April 1994.

constitutional imperative that left no choice for the negotiators. They had to comply because the rule of law is one of the tenets of democracy.

While the work of the Ministry of Defense workgroup continued, the major focus in the country was the coming democratic elections scheduled for 21st April 1994. It was upon General Meiring's insistence that the Joint Military Coordinating Committee decided that the new structure of both the Department of Defense and the Ministry of Defense would be completed under the direction of the new Minister of Defense that was to be appointed by the new President. The general hoped that the National Party would retain the portfolio of defense and that the proposed civilian structure will make no substantial changes to the status quo. He believed that Kobie Cotzee would retain his position as Minister of Defense in the Government of National Unity because he was a key actor in the negotiations for democratic transition.⁷⁹ It was after the elections that major progress was made towards establishing structures for civilian control over the military.

The Ministry of Defense workgroup became a catalyst during the negotiations because it was seen as a group of specialists and professionals who were 'impartial' and honestly interested in resolving issues of civil-military relations in a democracy. It, therefore, created a climate conducive for the negotiations to be fruitful; thus avoiding debates that may have created hostilities and tensions from self-interested actors in the form of military negotiators. Some of these tensions could have threatened the process of

⁷⁹ Interview with Ishmael.

transition. The crucial mission was the establishment of the military in a democracy. This argument won the day.⁸⁰

Another focus of the workgroup's study was on the design of the Ministry of Defense. This design had to be new one because it was going to operate under a new dispensation of transition from authoritarian to democracy. The old apartheid design was out of question since it was meant to serve a militaristic state. A comparative methodology was used to study the design for the new ministry. However, the workgroup pointed out that there are limits in terms of what can be learned from other countries in making this new design, because civil-military relations and ministries of defense evolve over decades and are deeply rooted in the political culture and constitutional history of each new country. Furthermore, the workgroup stated that formal arrangements described in legislation and organizational charts do not reflect the modus operandi as applied in practice through informal relationships between the military and civilians.⁸¹ Nonetheless, four broad guidelines from the experience of democratic countries were drawn.⁸²

1. A distinction was made between the formulation and the execution of defense policy. As a general rule, civilians are responsible for the former and the military is responsible for the latter.

2. Military officers do participate in the development of policy but they do so under the formal direction of the civilian authority.

⁸⁰ Mollo, Personal Experiences.

⁸¹ Post Election Civilian Control and Ministry of Defense Structure, JMCC/DSM/501/6, 20 April 1994.

⁸² Ibid.

3. Civilians are always responsible for the political dimensions of defense policy.

4. The military voluntarily accepts its subordination to the civilian authority.

The workgroup established the following criteria in deciding whether a particular defense function should be civilian or military responsibility in South Africa.⁸³

1. The principles and values of the Constitution.

2. The broad guidelines referred to above.

3. Commonsense. After an in-depth study, the workgroup referred to defense experts from other countries and argued that this was all-important and would apply differently from function to function. The key question was: "Does the function logically fall under civilians or under defense headquarters?"⁸⁴

A. DESIGNING THE MINISTRY OF DEFENSE

The new design for the Ministry of Defense became a major debate among the negotiators. The Joint Military Coordinating Committee determined that the SANDF's strategy, size (with temporal increase because of the integration of different forces), and technology would not change significantly but that changes in the institutional environment and political control had to be planned for. The institutional environment was changing from an authoritarian to a democratic political system whilst political control entailed the development of civilian control by post-election defense controllers.⁸⁵

⁸³ Ibid, p. A-3.

⁸⁴ Ibid.

⁸⁵ Ibid.

These factors necessitated changes to the structure of the Department of Defense and its ministry.

This approach was an acknowledgement by the military negotiators, especially the SADF officers, that the democratic dispensation would mean that they adapted to the new environment. Changing from authoritarian rule to democracy entailed new civil-military relations. It became clear that civilian control over the military was inevitable, and no alternative options were available.

The following key organizational components relating to the structure of the Department of Defense and its ministry were determined by the workgroup:⁸⁶

1. Defense management culture. The Interim Constitution set an institutional environment requiring the development of civilian control respecting the associated separation of powers, legality, accountability, and transparency principles.
2. Post-election Defense Controllers. After the democratic elections, the new defense controllers (State President, Defense Minister, and Chief of the SANDF) would emerge and this would give rise to the reporting relationship prescribed by the Interim Constitution.
3. Defense management process. The post-election defense management process had to conform to the above-mentioned principles and process of state administration.

An analysis of the Department of Defense and its ministry's structural options had to take these components into account since they are interactive. Optional civil-military

⁸⁶ Ministry of Defense Design, Appendix C to JMCC 501/6, April 1994.

relations between post-election defense controllers and normative defense management process were debated and analyzed as follows:⁸⁷

1. CIVIL-MILITARY RELATIONSHIP

The relationship between the following key civil and military defense controllers is fundamental to Department of Defense and its ministry's structural considerations:

1. State President as Commander-in-Chief
2. Defense Minister
3. Chief South African National Defense Force
4. Defense Secretary (as found in most western democracies).

The workgroup came up with the following patterns in these relationships: vertical, coordinated, and balanced.⁸⁸

The vertical pattern, which also reflected the status quo, has the following characteristics:⁸⁹

Note: In these debates the concept "command" is seen as collectively representing the functions of planning, ordering, and controlling.

1. The Chief of SANDF is subordinate to the Minister and has no constitutional channel to the President except in case of a national defense state.⁹⁰
2. The Chief of SANDF has control over all the activities of the department under the Minister.

⁸⁷ Ibid, p. C-2.

⁸⁸ Ibid, p. C-4.

⁸⁹ Ibid.

⁹⁰ The state of national defense refers to a state of national emergency.

3. Because the Chief of SANDF supervises the administrative and service chiefs, the possibility exists that the Minister could be reduced to a nominal leader.

4. This pattern did not conform to the separation of powers principle because Chief of SANDF has political and administrative responsibilities as well as executing the function of military command.

5. This pattern did not fulfill the requirements of civilian control, thus it was not to be perpetuated nor provided for in the final constitution. This suggested that to conform to civilian control requirements, a Defense Secretary should be instituted.

The vertical pattern model could not be accepted because it sought to maintain the status quo. The model fails to take into account the constitutional imperatives for civilian control.

The balanced pattern has the following characteristics:⁹¹

1. It gives the President a purely political function, that is, decisions regarding the highest policy issues as well as supervision over the military establishment.

2. The Minister is subordinate to the President and fulfills a purely political function and is accountable for the overall military organization.

3. Under the Minister, on the same hierarchical level, is a military and administrative component.

4. The Chief of SANDF is the military advisor to the Minister and also commands the military forces. The Chief of SANDF is subordinate to the Minister who

⁹¹ Ministry of Defense Design, Appendix C to JMCC 501/6, April 1994, p. C-4.

is in turn subordinate to the President. The President and the Minister do not exercise military command. Such command is restricted to the level of the Chief of SANDF.

5. The Secretary is the civilian advisor to the Minister and also manages the administrative divisions that execute non-military functions such as finance, procurement, etc.

6. The President and the Minister handle political affairs, the Chief of SANDF, military affairs and the administrative chiefs, administrative affairs. For this purpose a Defense Secretary responsible for administration is required. The scope of the power of the Chief of SANDF is restricted to the military domain. By keeping the administrative divisions and the level of his power subordinate to the Minister, the Chief of SANDF involvement in political decisions is prevented. The Minister under the authority of the President balances administrative and military interests.

7. This pattern is the most conducive to civilian control and military professionalism. Civilian and military functions are clearly separated and the latter remains subordinate to the former.

The balanced pattern of civil-military relations was to form the foundations of the Department of Defense and the its ministry design proposal, because it recognized the concept of civilian control over the military. The balanced model creates harmony in civil-military relations because civilian and military functions are clearly separated.

The coordinated pattern has the following characteristics:⁹²

Note: This pattern is constitutionally applied only in a state of national defense.

⁹² Ibid.

1. The military and administrative functions are separated immediately under the President.

2. The Minister is restricted to non-military administrative functions whilst the Chief of SANDF executes his military functions directly under the President.

3. The administrative line is from the President to the Minister to the administrative chiefs whilst the command line runs from the President through the Chief of SANDF to the military forces as provided by the Interim Constitution for a state of national defense.

4. This pattern does not satisfy the requirements of civilian control. Although the Chief of SANDF is restricted to military functions alone, he may become involved with political issues due to the direct constitutional channel that he has to the President. The President may be too pre-occupied with other issues to give attention to the interaction between political and military policy therefore the Chief of SANDF is required to make political decisions. The President, by virtue, of the short command channel between himself and the Chief of SANDF, can be tempted to become directly involved in military affairs and command without the necessary competency.

This pattern is constitutional during a state of national defense but is unconstitutional in peacetime.

The balanced pattern of civil-military relations with a Defense Secretary for defense administration was thus established as the constitutionally required and strategically appropriate pattern because it fulfilled the requirements for healthy relations between the military and civilians by clearly separating their functions. Under this model, the functions of policy and finance are allocated to the civilian section of the defense.

B. DEFENSE SECRETARY/CHIEF OF SANDF RELATIONSHIP

Having established that the balanced pattern of civil-military relations should be the foundation for the Department of Defense and its ministry, the power relationship between the Defense Secretary and the Chief of SANDF was then analyzed to derive an appropriate design.⁹³

The administrative component under the Defense Secretary should release Chief of SANDF from detailed involvement in administrative and policy matters of a political nature. To this end the administrative component was to consist predominantly of civilian civil servants. This component was used to further civilian control within the Department of Defense by the allocation of specific functions such as defense policy and finance. Three basic relationships using the parameters decision making level and extent of functions were identified.⁹⁴

1. Subjective Relationship. In this relationship, decision-making powers are removed from the military component and allocated to the civilian component thus excluding the military from higher decision levels. The workgroup argued that this relationship does not take into account military professionalism and is therefore unconstitutional.

2. Objective Relationship. The control of functions is distributed between civilian and military components, thus recognizing the role of military professionalism. However, the relationship presupposes that functions may be clearly divided which is

⁹³ Ibid, p. C-6.

⁹⁴ Ibid.

often not the case. The relationship has the further implication that functional marginalization will likely occur.

3. Collaboration Relationship. In this relationship, the distribution of functions between civilian and military components recognizes the exclusivity of certain functions, that is, either military or civilian or vice versa. It also recognizes that certain functions resorting under the civilian component require military collaboration.

The collaboration relationship is the most appropriate to further civilian control within the Department of Defense and its ministry whilst recognizing military professionalism and should apply to the normative Department of Defense and its ministry design.

C. BROAD DEPARTMENT OF DEFENSE/MINISTRY OF DEFENSE DESIGN

The study thus far established that the balanced civil-military relationship pattern was the most appropriate for the SANDF and it was within this context that the collaborative relationship for the Defense Secretary and Chief of SANDF was the most appropriate.

This was because while the balanced model clearly separates functions between the military and civilians, a collaborative relationship acknowledges that some of the functions need a collaboration of both the military and civilians.

Application of these choices resulted in the following broad design:⁹⁵

The Department of Defense consists of the office of the Defense Minister, the Ministry of Defense and the Arms of Service. The Ministry of Defense, in turn, consists

⁹⁵ Ibid, p. C-8.

of the physically and organizationally co-located Defense Secretariat and SANDF Headquarters. The Secretary heads the Defense Secretariat whilst the SANDF is headed by the Chief of SANDF. The SANDF consists of the SANDF Headquarters and the four Arms of Service (Army, Navy, Air Force, and Health and Medical Services).

The Ministry of Defense is the central organization for the strategic management of the SANDF focusing on policy and control. The ultimate *raison d'être* of the Ministry of Defense is ensuring operational effectiveness in carrying out military operations by the SANDF.

The roles of the Ministry of Defense are as follows:⁹⁶

1. Department of State through which the elected government issues instructions to the military.
2. The Ministry of Defense formulates national defense policy.
3. The operational requirements of the armed forces are made known through the Ministry of Defense.
4. The headquarters through which government policy and decisions are translated into operational plans and orders for the arms of service.
5. The Ministry of Defense plans the defense program and budget over the long term.
6. The administrative headquarters organizing human resources, logistics, and procurement requirements of the service.

The roles of the Defense Secretary are as follows:⁹⁷

⁹⁶ Ibid, p. C-9.

1. Principal advisor to the Minister regarding policy matters. The Defense Secretary is a source of advice and an independent counsel to the Minister and military colleagues whilst at the same time providing a civilian balance to military issues.

2. He is responsible for defense administrative duties including financial responsibilities by virtue of his appointment as the departmental accounting officer. As such he is responsible for:

a. All expenditures of the Department of Defense from preparation of estimates through placing contracts to final accounting and audit.

b. Organizing and carrying out business with other state departments and Parliament.

c. Management of the civilian staff.

Chief of SANDF has the following responsibilities:⁹⁸

1. Command the SANDF.

2. Tendering military advice on strategy (military implications of defense policy), overall priorities in resource allocation, programs, current commitments, and operations.

3. The planning, direction, and control of all military operations including relevant operational directives.

4. Directing the work of defense staffs.

⁹⁷ Ibid, p. C10.

⁹⁸ Ibid.

The Chiefs of the Arms of Service have responsibility for the administration, support, and training of their forces.

The Department of Defense and the Ministry of Defense is obliged to conform to the processes of state administration. The fundamental administration process is the annual planning, programming, budgeting, and control cycle. The following broad process related to the proposed Ministry of Defense design:⁹⁹

1. The appropriate secretariat staff is to formulate defense policy in collaboration with defense staff. The policy should include the envisaged defense ends and the limits within which the appropriate ways may be sought.

2. Joint military staff determines defense doctrine and strategies for the guidance of the services. Resource policies are translated into directives for action by the services.

3. The services determine appropriate doctrine and strategy and refer their military needs to the joint staff.

4. Joint military staff prioritize these needs and propose plans, programs, and budgets for the appropriate secretariat function.

5. The appropriate secretariat function assembles the defense policy, plans, programs, and budgets for the Minister in collaboration with military staff.

6. Performance control takes place by feedback and audit.

7. Although the Ministry of Defense functions at policy and control level, for economic reasons, certain centralized services may be provided.

⁹⁹ Ibid, p. C-11.

The locus of control for the formulation of key defense decisions may be derived from this broad process.

D. CONCLUSIONS

The Ministry of Defense workgroup was a good mechanism for avoiding tensions that could have developed among the military negotiators. It avoided what could be referred to as the 'us' and 'them' syndrome; meaning 'us' as MK and 'them' SADF or vice versa. This could have created bad faith among negotiators and a solution for establishing civilian control over the military could not have been speedily obtained. Therefore it was a good mechanism to level the political playing fields.

The workgroup also enjoyed legitimacy because most of its participants were seen as 'outsiders' who were not going to be part of the future Ministry of Defense structure and therefore they were not self-interested actors who had something to lose or gain. No one was seen as a referee and a player at the same time.

Since the workgroup was mostly comprised of academics and researchers, it became seen as a more professional group. They were more credible because as specialists in defense related studies they could make more informed decision on how to conduct the military function in a democracy. This gave the military negotiators a chance to focus on more military issues like the threat analysis, force structure, force design etc.

The clear separation of defense and military functions recommended by the workgroup in the balanced model created a firm base for designing the new Ministry of Defense. Uncertainties as to who would do what in the new structure were removed. However, the recommended collaboration relationship between civilians and the military components was another milestone because while it accepted the exclusivity of certain

functions, it recognized that some of the functions under the civilian component require military collaboration and vice versa. This way harmony will be created in terms of civil-military relations.

By recommending peacetime and wartime civil-military relations the workgroup acknowledged the role of the military in decision-making. In peacetime the civilian authorities are responsible for policy and financial issues and the Minister of Defense is accountable for the overall military organization. However, in wartime, the military and administrative functions are separated immediately under the President. The Minister of Defense is restricted to non-military administrative functions, and the Chief of SANDF executes his military functions under the President. This then acknowledges the importance of the military's role in decision-making during the state of national defense.

The fact that the workgroup did its work for the Sub-Council of Defense of the Transitional Executive Council removed the problem from the military realm into a political one. Once again this became a good measure for leveling the political playing fields.

THIS PAGE INTENTIONALLY LEFT BLANK

V. NEGOTIATIONS AFTER THE DEMOCRATIC ELECTIONS

The Ministry of Defense workgroup made its recommendations of a 'balance model', which were approved by the Sub-Council on Defense of the Transitional Executive Council. The final stage of the Joint Military Coordinating Council strategic planning process (the implementation planning) was initiated on 13 February and concluded on 22 April 1994. The democratic elections followed on 27 April 1994 and the ANC became the majority party in the Government of National Unity. Nelson Mandela, who became the first democratically elected President of South Africa, appointed the former commander of MK, Joe Modise as the new Defense Minister.¹⁰⁰

The appointment of the ANC member as the Minister of Defense directly impacted the process of establishing civilian control over the military. Henceforth, all recommendations had to be approved by the minister. This gave the ANC a political leverage to pursue its goals amidst those who wanted to maintain the status quo. The process helped in leveling the playing fields because the military leadership was mostly in the hands of the former SADF.

In his planning directive, the new Minister of Defense, Joe Modise, ordered the implementation of a structure suitable to effect civilian control over the military on 20 May 1994. To this end, the proposals advanced by the Ministry of Defense workgroup regarding the 'balance model' were "accepted as the final objective to be achieved."¹⁰¹

¹⁰⁰ Mollo, Personal Experiences.

¹⁰¹ Planning Directive: Ministry of Defense, Draft by General G.L. Meiring Chief of the SANDF, May 1994, p. 1.

This chapter will consider the transferring of the accounting function from the Chief of the South African National Defense Force to the civilian Secretary of Defense, and the approval of the 'balance model' by the Cabinet. It will also consider implementation strategies of transferring the policy and finance functions. Lastly it considers the strategic management team entrusted with the task of making procedures, and manning or staffing strategies for the Defense Secretariat.

The implementation of the Ministry of Defense was executed as a project with certain objectives to be achieved within specified periods of time. A steering committee comprised of General Meiring, as the Chief of the SANDF and the new Secretary of Defense who by then still had to be appointed, was constituted. The steering committee was mandated to approve implementation plans and to direct the execution of approved plans.¹⁰² The composition of the steering committee by both the Chief of the SANDF and the Secretary of Defense gave a balance of views from the military and the civilian perspectives thus leveling the playing fields.

Additionally, a project team comprising two former SADF officers (Brigadier J.L. Grundling and Brigadier H.A. du Plessis) and two former MK officers (Mr. A Ishmael and Mr. R. Saloojee) was created. The mandate of the project team was to plan the structural transformation and to coordinate implementation. The project team was empowered to co-opt or employ functional experts as required. The major task of the project team was the transfer of the Departmental Accounting Officer function to the Defense Secretary and General Meiring contended that this should take place when

¹⁰² Ibid, p. 2.

feasible, but preferably at the start of the 1995/96 financial year. The planning process also had to include the necessary transfer of responsibilities and authority including the related legal amendments necessary to effect the legality of this objective.¹⁰³ The channel of reporting was from the project team to the steering committee, who then reported to the Minister of Defense.¹⁰⁴ The composition of the project team was another milestone in leveling the playing fields because it represented the two major role players. The reporting channel to the Minister of Defense indicated the importance of civilian supremacy, because only the political leadership could make final rulings on issues of policy.

Cabinet had to consider approval for the acceptance of the 'balance model' approach in order to structure civil-military relations in the Republic of South Africa. In their discussions, the Cabinet acknowledged that the organization of the Department of Defense where the Chief of the South African National Defense Force acted as both the Head of Department and the Accounting Officer was not a common occurrence in Western democracies. The Cabinet concurred that the proposal of the 'balance model' for the Ministry of Defense as was found in many Western democracies should be implemented, where the Defense Secretary is encumbered with the policy and fiscal-administrative functions of the department. They acknowledged that this would result in a restructured Department of Defense, and that it would consist of the office of the

¹⁰³ Ibid, p. 4.

¹⁰⁴ Ibid, p. 2.

Minister, Deputy Minister, Defense Secretary, and the Chief of the South African National Defense Force in the Ministry of Defense and the Arms of Service.¹⁰⁵

The Cabinet approved of the restructuring Department of Defense and the Ministry of Defense according to the requirements of the 'balance model.' The Joint Portfolio Standing Committee on Defense and the Public Service Commission were consulted and formally briefed. Other departments consulted were, the Office of the Public Service Commission, the Office of the State Expenditure, and the Office of the Auditor General.¹⁰⁶ The consultative process of approving the 'balance model' bears testimony to the importance of accountability and civil-military relations in democratic societies. The elected public officials must be consulted so that they can approve or disapprove military policies.

Initially, the Chief of the South African National Defense Force was to remain the Departmental Head while the Defense Secretary would be the Accounting Officer of the department as was provided by section 15 of the Exchequer Act of 1975.¹⁰⁷ However, this state of affairs was to be corrected later and the Defense Secretary became both the Head of the Department and the Accounting Officer.¹⁰⁸

A. MINISTRY OF DEFENSE IMPLEMENTATION

The new Secretariat of Defense was established through a deliberately phased transitional process. General G.L. Meiring argued that it was impossible to establish a

¹⁰⁵ Cabinet Memorandum, Department of Defense: Civil-Military Relations, Establishment of a Ministry of Defense, February 1995.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Mollo, Personal Experiences.

fully-fledged Ministry of Defense with all its desired functions immediately upon the new minister taking office. The decision was therefore, to prioritize those functions which should be established in the Ministry as a matter of urgency.¹⁰⁹

By this time, there was acknowledgement, even by General Meiring, that civilian control over the military was inevitable. When I asked the Chief of the South African Navy, Vice-Admiral Simpson-Anderson, of his feeling about the establishment of civilian control over the military, he said he welcomed the idea. This was because in Western democracies there were established patterns of civilian control over the military, so South Africa had no choice but to follow suite. The Admiral further intimated that most of the Chiefs of the old SADF were from the army, which made the Chief of the Army the most powerful person. The establishment of the Defense Secretariat was seen from the Navy side as a means to having equal standing with the Army as an arm of Service.¹¹⁰ Such feelings as expressed by the Admiral were pivotal in creating a conducive climate for the establishment of civilian control over the military. The dissenting voices were gradually silenced by the popular support for the new idea.

Some of the most important and urgent responsibilities identified for the Secretary in establishing in the new Ministry, were the policy and finance functions. In terms of policy, the Secretary would be responsible for defense policy in general and specific policy on such matters as legislative reform, internal deployment, foreign relations, and arms trade. Close liaison with the Ministry of Foreign Affairs was required on certain of

¹⁰⁹ Post Election Parliamentary Control and Ministry of Defense Structure; Commission for Administration, DMS/503/1/12, p. 12.

¹¹⁰ Interview with Chief of the South African Navy, Vice-Admiral Simpson-Anderson, Naval Postgraduate School, 24 May 2000.

these issues. The responsibility of finances entailed all financial accounts of the Secretariat and the Defense Force, allocating funds according to the existing defense budget and for drawing up the new defense budget.¹¹¹

A strategic management team was appointed to formulate detailed plans, with clear objectives and time frames, and to establish the above functions. The team consulted with the relevant functional experts within the Defense Force and also based change management strategies through an attitudinal survey. The main functions to be addressed were;¹¹²

1. Ministry of Defense design and structure
2. Staffing
3. Process design/redesign and integration
4. Cultural change

When the management team considered procedures that should be followed, the following two main requirements became evident:¹¹³

1. The establishment of an interim set of posts within the Ministry of Defense which would facilitate the transition of functions. It was felt that the incumbents appointed to these posts were to form the nucleus of the Secretariat. However, in due course the posts were to be absorbed in the final structures.

2. The ability to approve the final structures for each functional area formally. This was submitted in functional parts over a period of time.

¹¹¹ Post Election Parliamentary Control and Ministry of Defense Structure; Commission for Administration, DMS/503/1/12, p. 12.

¹¹² Ibid.

B. MANNING POLICY FOR DEFENSE SECRETARIAT: FINANCE AND ACCOUNTABILITY FUNCTIONS

The essential element in the creation of the 'balance model' within the Department of Defense was the acceptance of Accounting Officership by the Defense Secretary. However, acceptance of the responsibilities attached to the appointment as Accounting Officer could not be taken lightly as accountability forms the corner stone around which the trust of the electorate and taxpayer is built, with special emphasis on the entrustment of public funds. Consequently any official accepting this responsibility has the right to insist on adequate resources to meet his responsibilities. In the case of an official who is promoted to Departmental Head and Accounting Officer, he takes over the entire departmental structure and can thus meet his responsibilities with the same resources as his predecessor. The appointment of the Defense Secretary as the Accounting Officer, while the Chief of the South African National Defense Force still retained the appointment of Head of Department, required special attention.¹¹⁴

The splitting of the accounting and the Head of Department function was a compromise reached in the gradual process of establishing civilian supremacy. This compromise created a climate of less resistance and the civilians would not be seen as a threat that was going to take all the power from the military.

The resources available to an Accounting Officer vary greatly in extent and sophistication from department to department. These resources can, however, be

¹¹³ Ibid.

¹¹⁴ Manning Policy for Defense Secretariat: Finance and Accountability Functions, Concept Only, by Brigadier E.R. Eden (Director Financial Administration), Appendix A-10, IG SANDF/501/1/1/MOD, February 1995.

categorized into two very broad categories. The first grouping consists, among other things, of all the organizational structures, systems and facilities to execute the day to day tasks. The second grouping is the actual personnel required to execute the tasks. Although the extent, impact and conditions of the first category can be readily determined and defined without suitably trained personnel in sufficient numbers, the task cannot be satisfactorily executed.¹¹⁵

The preparations for the tasks to be effected by the Defense Secretary progressed and the Department of State Expenditure was approached for formal approval and for the issue of the required Treasury Orders. These Treasury Orders had to clearly define the role, function, duties, and responsibilities and specifically, accountability of each party (the Defense Secretary and Chief of the South African National Defense Force).¹¹⁶

However, this approval was not only dependent on the quality and applicability of the recommended segregation of duties and responsibilities, but also on the capacity of available personnel to satisfactorily meet these demands. It was thus essential that an adequate number of suitably trained personnel be made available to the Defense Secretary and that a detailed plan be made to maintain and retain an acceptable level of expertise and professionalism. A firm commitment to the full implementation and maintenance of the plan was required.¹¹⁷

The most important stage was the determination of those critical criteria which had to be met so as to ensure that an adequately trained and staffed workforce would be

¹¹⁵ Ibid, p. 1.

¹¹⁶ Ibid.

¹¹⁷ Ibid, p. 2.

available to the Defense Secretary to allow him to meet his responsibilities as the Accounting Officer.

Brigadier E.R. Eden, the Director of Financial Administration argued that in order for the proposed Secretariat to operate effectively and for the Defense Secretary to “be able to meet his responsibilities as Accounting Officer, certain personnel related criteria or specifications had to be met satisfactorily, and be specified.” He stated the following criteria had to be met:¹¹⁸

1. The level and quality of work provided by the finance functionaries at the time, satisfied the Accounting Officer responsibilities and if their services were made available to the Defense Secretary as the new Accounting Officer, his demands would also be satisfied.

2. The requirement for greater transparency and civilian control emphasized the need for a general migration from a purely military structure to a more balanced model where there would be a larger percentage of civilian staff members, but that the value of the inputs and expertise of military trained finance functionaries would guarantee their participation in a balanced work force.

3. Although the move to establish civilian control was recognized, it could not be at the expense of the finance function itself. The standards were not be lowered and the finance and assets entrusted to the Department of Defense and specifically the Defense Secretary were not be placed at risk purely to satisfy the drive to establish civilian control.

¹¹⁸ Ibid, p. 8.

4. A very high level of trust and credibility had to be established between the Armed Forces and Defense Secretary's personnel because the Secretariat concept required the military to subject themselves to the control of the Defense Secretary.

C. MANNING SOLUTION

Brigadier E.R. Eden argued that the following solutions be rejected for the finance function. First, what he called a "full civilian solution." He contended that because there was no pool of adequately trained civilian personnel within either the private or public sector this must be rejected. If not, the Defense Secretary would fail to meet his responsibilities as the Accounting Officer because of a lack of suitable labor force that could be assembled to fill all the critical posts.¹¹⁹

I find it hard to be convinced by the argument that there was no pool of adequately trained civilian personnel in either the public and private sector. Be it as it may, suffice it to say, that as Director Financial Administration (formally SADF), Brigadier E.R. Eden should have felt threatened by the fact that the civilians were going to take over the finance function. Therefore, it was in his self-interest that he argued that there were no adequately trained civilian personnel to protect the interests of the military.

Second, he rejected what he called a "pure military solution." His argument was that a pure military solution pre-supposes that the Defense Secretary would then also be a military man and consequently the entire finance operation would be under direct military

¹¹⁹ Ibid, p. 9.

control. A model of this nature would not meet any of the democratic criteria of parliamentary and civilian control, transparency, credibility, legitimacy etc.¹²⁰

This argument is defensible because the issue of establishing a Defense Secretariat was no longer being debated as it had already been approved by the Cabinet, and the Minister of Defense had already given a ministerial directive for its implementation.

In making his proposition, Brigadier E.R. Eden conceded that a move from a pure military workforce towards a civilian organization was required. However, he stated that a pure civilian solution was unattainable and the only available solution was a mixture of personnel categories. The categories he recommended were;¹²¹

1. The representation of the military in those posts which require the viewpoint and military expertise and are essentials for a well-balanced product being delivered. These posts were to be largely limited to strategy and policy development.

2. Transferring the uniformed members employed in finance functions to the Secretariat. These were posts representing a large portion of the daily responsibilities and tasks which were being carried out. The incumbents would have been trained as soldiers and in the execution of the finance function.

3. Transferring the civilian members employed in finance functions to the Secretariat. These were members representing a large portion of the routine finance function. In most cases they did not take part in decision-making and therefore do not require insights into military matters.

¹²⁰ Ibid.

4. The appointments of new civilian employees because most posts within the Secretariat would be new ones. These posts plus the vacant and other ones where incumbents did not wish to be transferred to the Secretariat, would be advertised and filled by new appointments from other State Departments and the civilian labor market. The Brigadier warned of a reasonably high level of risk that would be involved in these appointments because the personnel would not be trained for these specific posts, and would lack insight into the military way of doing things. They would however, be expected to develop the job content. These appointments would have to be very selectively made and risks contained to acceptable limits.

D. IMPLICATIONS FOR STAFFING THE DEFENSE SECRETARIAT

In order to establish a functioning Defense Secretariat, there were some implications relating to staffing that had to be considered. First, it was going to be essential to employ the highest possible percentage of current incumbents in those tasks which were to be transferred to the Secretariat.¹²² This was important in alleviating the fears of job losses by the old finance functionaries. The Interim Constitution made provision to protect civil servants currently employed.¹²³ Second, the selection of new appointees was limited to those positions and posts where other Defense Secretary personnel and suitable training institutions could speedily train them.¹²⁴

¹²¹ Ibid.

¹²² Ibid, p. 10.

¹²³ The South African Interim Constitution of 1993.

¹²⁴ Manning Policy for Defense Secretariat: Finance and Accountability Functions, Concept Only, by Brigadier E.R. Eden (Director Financial Administration), Appendix A-10, IG SANDF/501/1/1/MOD, February 1995, p. 10.

On the other hand, it was important that those who were identified for possible employment within the Secretariat be given the opportunity to exercise their choices of whether they wanted to join or not. The reasons for being allowed to exercise these choices were:¹²⁵

1. Those persons who were able to associate themselves with the Defense Secretary concept of control over the military were to be employed within the Secretariat.

2. Normally, when a military person is transferred to a unit or Staff Division he remains under the control of his Arm of Service Chief. However, being transferred to the Secretariat meant that the Arm of Service Chief had to relinquish all claims and responsibilities to the transferred member. Therefore, any member, and especially any military finance functionary, who was not going to be able to swear loyalty and allegiance to the Defense secretary, was not to be forced or coerced in any way, to move to the Secretariat.

Another important decision that was made was based on accepting the premise that the Secretariat would primarily become a civilian organization. A provision was made for uniformed personnel who were transferred to the Secretariat to be gradually replaced by civilians. During the implementation phase these military personnel would be transferred back to their respective Arms of Service, after a period of duty with the Secretariat. It was thus necessary to define the circumstances under which such return-transfers should take place.¹²⁶

¹²⁵ Ibid, p. 11.

¹²⁶ Ibid.

The option to return could not, however, be indeterminably guaranteed by the Arm of Service. A member who transferred to the Secretariat was to remain on the Arm of Service seniority list until such time as he became eligible for promotion. If the offer for promotion was accepted he was to return to the Arm of Service, and if not accepted, his name was removed from the seniority list and he forfeited the right to return.¹²⁷

E. THE STRATEGY FOR STAFFING

The strategy for staffing the Defense Secretariat represented a combination of the initial and supplementary Personnel workgroup reports, the verbal presentation given at weekly Ministry of Defense Project meetings and subsequent discussions in the Personnel Division.¹²⁸

The Ministry of Defense Project team drew up a staffing strategy for the Defense Secretariat. The majority of the policy and finance posts manned by the military at Defense Headquarters, were approved and moved to the Defense Secretariat in order to be converted to civilian posts. Additional integration posts were created to address the need for representivity as required by the mandate of the Defense Secretariat in the Department of Defense. The staffing of these posts had to be done in a legitimate, transparent, and accountable way.¹²⁹

Although each post in the Defense Secretariat was defined in terms of a post and man description, the critical staffing requirements identified were:¹³⁰

¹²⁷ Ibid, p. 12.

¹²⁸ Staffing of the Defense Secretariat, Document by the Ministry of Defense Project Team, 1995.

¹²⁹ Ibid, p. 1.

¹³⁰ Ibid, pp. 1-2.

1. Functional Expertise. Those members possessing a wide and detailed knowledge of the function, were to be appointed for all levels in the Department of Defense. Because relatively few members would represent each function in the Defense Secretariat (finance excluded), this in-depth knowledge and expertise was a necessity to create the balance of the Ministry of Defense concept. On the other hand, the Defense Secretariat was to assume responsibility for policy formulation, therefore, a sound knowledge of how policy and procedures were handled within Department of Defense and the Public Service, was going to be important to get the implementation off the ground quickly and effectively.

2. Knowledge of the Department of Defense. A detailed knowledge of the Department of Defense was essential for the incumbents to have, so they could know how the parts fit into the whole and how the Department interacted with the rest of the public service and other role players. Knowledge of the cultural aspects of the department was essential at the implementation of the Defense Secretariat, as good interaction between the Defense Secretariat and the Defense Headquarters was critical for this concept to succeed.

3. Representivity. It was expected that the Defense Secretariat would reflect the diversity of the population to a significant extent from the outset, by accommodating representatives that might not have had the opportunity to fully conform to the requirements of a post. Care was exercised from the beginning, that this expectation did not hamper the effectiveness of the Defense Secretariat, as it would not easily regain its credibility. These members were carried against training (integration) posts in the

interim so that the effectiveness of the Defense Secretariat was not adversely affected due to their unavailability while they were busy attending courses.

4. Management Skills. A level of highly developed management skills was a prerequisite for the Defense Secretariat to effectively exercise the control for the purpose for which it was created. These skills were to be supported by applicable academic qualifications in the senior level appointments. The ability to handle many diverse matters at the corporate level and to communicate effectively, orally and in writing was essential. All appointees had to satisfy these requirements so that the relatively small Defense Secretariat could exert the required influence and control.

F. STRATEGIC CRITICAL ISSUES FOR STAFFING

The Ministry of Defense Project Team cautioned that military members who occupied strategic posts at Defense Headquarters that were to be moved to the Defense Secretariat, must be handled in a "legitimate, just, and equitable way" to avoid losing them.¹³¹ The majority of these members represented many years of "irreplaceable expertise and knowledge, which was essential for occupying positions at that level of the organization."¹³² The Finance Division's posts that were to move to the Defense Secretariat were, for instance, manned by the "core of the high level military financial expertise in South Africa and the loss of this expertise could cripple the Department of Defense."¹³³ Therefore, those making staffing choices were cognizance of this fact and options that entailed retrenchments, with a resultant loss of expertise, were to be avoided.

¹³¹ Ibid, p. 2.

¹³² Ibid.

¹³³ Ibid.

In order to develop staffing alternatives and meet the critical staffing needs, several options were considered for different circumstances:¹³⁴

1. Differentiation. It was contended that some of the positions, such as operations required specialized military expertise or military knowledge. One possibility was to have these posts permanently classified as being military instead of civilian. This option would not enhance representivity in the short term. As this approach might have defeated the object of independent control, this option was to be considered only in a limited number of deserving cases.

2. Phasing. In a variation of the above option, the Defense Secretariat could only become fully "civilianised" once civilian members had been prepared for or were available to accept full responsibility for a post. The conversion of the military posts to civilian posts was therefore to be phased, as and when the military incumbent could be replaced due to natural attrition, etc, or when a suitable civilian replacement became available. Because there was a variety of posts and incumbents in the Defense Secretariat, this variety created enough opportunities to comply with all the critical appointment requirements until such time as the civilians were able to take over the full scope of responsibilities.

3. "Permanent Secondment." To ensure the expertise and knowledge requirements and to ensure allegiance, military members were to be "seconded" to the Defense Secretariat with the understanding that this "secondment" will be "permanent" and that these members would not return to the military organization unless they so

¹³⁴ Ibid, p. 3.

request. This "permanent secondment" would only occur with the member's approval as it could place limitation on the member's career due to the smaller Defense Secretariat organization. The Defense Secretariat would then take over full responsibility for the "seconded" member's career development, administration, etc. This option was to ensure that senior military expertise would be available for the initial start up of the Defense Secretariat and that members with military experience were not denied their individual service benefits while the Defense Secretariat concept was being developed to its full potential. This option would enhance representivity in the short term if members with enough functional expertise and the Department of Defense knowledge were available.

4. Role Players. This is almost similar to the previous option except that the members could occupy critical posts in the Defense Secretariat on a rotational basis by being transferred for a limited period. This option had the advantage that the required military expertise and knowledge would be available from the inception of the Defense Secretariat. The member's approval for the transfer was not a prerequisite. In the short term, this option would enhance representivity but with difficulty. Potential allegiance dilemmas existed as members might be hesitant to exercise effective control if they had to return to the military organization once their role playing tour is completed. The role playing posts would be reduced as civilians become available to accept those positions.

5. Civilian Appointments. Obviously this was the most desirable option but it was doubtful as to whether it would initially be able to resolve the major critical expertise and knowledge staffing needs. It had the potential to enhance representivity in the short term, and like the "permanent secondment" option, the risks were that members with enough functional expertise and knowledge of the Department of Defense may not

be available. The normal public service policy procedures had to be complied with to ensure that the required transparency, legitimacy, and accountability principles were met. This was going to be a time consuming process as it required special expertise to administer. It was expected that many partially suitable applications with little military expertise would be received for all advertised posts. The civilians employed in the Department of Defense were also eligible for transfers. This was to the advantage of the Secretariat, especially the financial function, as the posts could be moved and the civilian incumbents transferred through a quicker process, provided the incumbent did not have to be promoted, which again required the lengthy advertising process. It was therefore prudent that this option be implemented with caution, taking into consideration the possible delays in placement, the practicable infrastructure available to process, the procedure, as well as the probable unsuitability of the majority of applicants.

6. Demilitarizing. This option was to address the potential problem of allegiance because members would no longer be employed under the Defense Act and would start a new career as civilian public servants. Military expertise and knowledge could be assured while representivity goals would suffer. Ideally this option was to apply once a member has been transferred or seconded to the post so that advertising the post would not be a requirement. This was provided the member's military rank was not lower than the civilian post rank level. The member would retain limited benefits like personal salary range, if applicable, previous pensionable service as well as accrued leave. However, a major problem was that the member would be remunerated according to another Personnel Administrative Standard and would lose military allowances, medical, and special military pension benefits. This re-employment under the Public

Service Act would also require additional service to a deferred retirement date. Unless these problems were solved and selected military members retained their benefits when appointed to civilian posts at the Defense Secretariat, it was doubtful whether this would be a viable option for senior members because the financial loss to the member would severely affect his well being. This option would then be better for members who had just started their career in the military and might wish to explore opportunities in the wider civil service.

7. Retrenchment and Reappointment. Military members could be retrenched, receive additional benefits and be appointed on contract for a period, after the required approval has been obtained. This process would ensure the smooth implementation of the Defense Secretariat by satisfying many of the critical staffing needs with the possible exception of representivity. This option had the ethical problem of laying off members at added cost, only to employ them again in the same post. The cost factor would make this an unacceptable option for the state.

8. Other Methods. Other options were generated outside the standard legal and Personnel Service Code limitations. However, it was recommended that, due to the major ramifications these could have to the public service as a whole, they should only be contemplated once the real problems relating to specific individuals have been identified. The Personnel Service Code's function was to protect the interests of all the serving civil servants, and any request to deviate from the approved process and policies would have little chance of success.

Finally, the following were recommended:

1. A phased approach to converting the military posts to civilian posts be adopted, and

2. A combination of the options: "permanent secondment", role players, and civilian appointments be accepted as the major staffing options for the implementation of the Defense Secretariat concept, provided that a balanced attainment of the critical staffing needs would be realized and sufficient suitable civilian appointments are made to ensure transparency.

3. Depending on the circumstances, other options could be considered, excluding the retrenchment and reappointment option as it would be too costly.

4. The 'other methods' option should be avoided, however, if utilized caution should be exercised.

G. IMPLEMENTATION STRATEGY

The Personnel Division of the Defense Force investigated the implementation options for the manning of the Defense Secretariat. The manning of the relevant posts was dependent upon correctly compiled post and man profiles. These would be completed by the different functional workgroups in cooperation with Director Management Services and Inspector General of the Defense Force once the preliminary "final" structure has been approved. More details relating to the applicable staffing option for each post were to be supplied as a matter of urgency in order to allow the assessment and the full implications and to commence with the required recruitment or

appointment actions. The manning of the posts would be an intricate process, as the incumbents not selected would also have to be processed correctly.¹³⁵

The emphasis of this Ministry of Defense project was therefore shifted to the manning process including placement, recruiting, selection, appointment, etc. This process depended on information from others such as career development, to enable prospective members to be properly briefed prior to accepting an appointment. Plans were made to accommodate the incumbents who were not selected to man the Defense Secretariat posts. These plans were coordinated with the defense force integration and rationalization process.¹³⁶

A suitably qualified senior appointment, was to be made to the Ministry of Defense Project Team or to the Defense Secretariat Personnel Staff, to take over the research and document the functions to prepare for approval by the Defense headquarters on a full-time basis. He was to work in cooperation with the Defense Force Personnel Division and the functional workgroups. Temporary appointments, e.g. from the Reserves, would be considered until the prospective Defense Secretariat personnel functionaries had been identified, although it would be advantageous that continuity be maintained.¹³⁷

The Project Team and the Steering Committee were to guarantee transparency of the manning process and, unless it was absolutely unavoidable, civilian placement agencies would not be utilized, as additional delays were most likely to occur due to lack

¹³⁵ Minutes of the Ministry of Defense Workgroup, of 17 August 1994, and Paragraph 13 of Ministry of Defense Workgroup, of 31 August 1994, and Paragraph 4.a. of HSP/DPB/B/524/1/1/6 of 25 February 1995.

¹³⁶ Ibid.

of civil service expertise. The Public Service Commission could not be sidelined in this process, as they were the only organization with a mandate to approve appointments in terms of the Public Service Act.¹³⁸

The project team made the following recommendations:¹³⁹

1. Senior personnel staff were to be appointed on a full-time basis to the Ministry of Defense Project or to the Defense Secretariat as a matter of urgency to complete the final personnel planning and to liaise with the defense force Personnel Division and the functional workgroups.

2. Posts and manning profiles were to be completed by the functional workgroups as a matter of urgency.

3. Preferred staffing options were to be examined and selected, taking the circumstances of prospective candidates into consideration.

4. Supernumerary members were to be identified as soon as possible and plans were to be made for their future in cooperation with the Personnel Division.

5. The Project Team and the Steering Committee were to ensure the transparency of manning of the Defense Secretariat.

H. CONCLUSIONS

The appointment of the steering committee comprised of the Chief of the South African National Defense Force and the Secretary of Defense which was to be responsible for the execution of approved plans for the establishment of the Defense

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

Secretariat was another milestone in leveling the playing fields. This composition gave a balance of views from both the military and the civilian components of the Department of Defense. The function was not left solely in the hands of the military, which would have made the military both a referee and a player.

Once again, the composition of the Ministry of Defense Project Team by representatives of both MK and SADF members leveled the playing fields. The fact that such a team planned the structural transformation and coordinated the implementation made the process credible and legitimate. All parties made their inputs as equals and no one was a referee and a player at the same time.

The approval of the 'balance model' by the Cabinet and the consultative process with the Joint Portfolio Standing Committee on Defense, the Public Service Commission, the State Expenditure, and the Office of the Auditor General, was important for civilian supremacy. The military could not implement structures without approval by the elected officials of the public.

The fact that during the initial period of establishing the Defense Secretariat, the Chief of the South African National Defense Force remained the Head of the Department of Defense while the Secretary was the Accounting Officer indicates the sensitive manner in which the transition was handled. Power was not immediately stripped from the military as this would likely have created a climate of non-collaboration between the civilians and the uniformed personnel. It was important that the military become part of the process so that they could help in empowering the civilian personnel.

The establishment of the Defense Secretariat in a deliberately phased transitional process was important so that the skills of the military personnel who had been carrying

out the policy and finance functions could be enhanced. Though the process might seem prolonged, it was crucial that the military impart some of the technical skills to the civilians. Hence a phased approach of converting the military posts to civilian posts was important.

The variety of staffing options created an opportunity for the new Secretariat organization to fill the crucial posts temporarily with knowledgeable military personnel. The fact that some military personnel could voluntarily become civilians and serve the Secretariat created an important pool of potential personnel to man critical posts.

By ensuring the transparency of the manning of the Defense Secretariat credibility was given to the process because it was not only the military running the show but their civilian counterparts were also equally involved. On the other hand, taking the need for representivity into account, made the process more legitimate especially since the majority of the formally oppressed South Africans did not have the necessary exposure to the defense function.

THIS PAGE INTENTIONALLY LEFT BLANK

VI. CONCLUSIONS

A. IMPORTANCE OF POLITICAL ROLE

The South African transition to democracy was threatened by a potential destabilization from the security forces. Because of this threat, the political leadership took a leading role to ensure civilian control over the military in order to avert the potential danger of a coup. The leading role that the politicians played during the military negotiations resulted in the establishment of sound civil-military relations.

Indeed, South Africa offers an important model of how civilian control over the military can be established, particularly in those functions that relate to policy and finance. Although the country reflects its own unique history and political experiences, the way in which MK and their counterparts in SADF conducted the negotiations for the establishment of civilian control offers potentially valuable lessons for other nations to adapt and apply to their own challenges.

B. VALUABLE LESSONS TO BE LEARNED

The leading role played by the political leaders in overseeing the military negotiations in South Africa was fundamental to the success of the process. It took a strong political will from the ANC to insist on the creation of the Transitional Executive Council so that the political playing fields could be leveled. The Transitional Executive Council with its multiparty cabinet committee, and its institutional capacity to exercise multiparty control over the broadcasting, finance, and the security forces was a milestone in the leveling process. The apartheid regime was denied the opportunity to monopolize the media and the purse, which it could have used effectively against the opposition

during the transition period. By keeping the security forces under check during the transition allowed an atmosphere where the negotiations would proceed in good spirit.

Therefore, a party negotiating with a powerful military like the SADF must have a well thought out strategy. An atmosphere conducive for negotiation must be created where all parties have an equal voice. To realize this objective, legal mechanisms like the adoption of the Interim Constitution in South Africa can be instituted. Transitional political institutions like the Transitional Executive Council help in leveling the political playing fields. These institutions are the ones empowered to oversee the negotiations and the whole transitional process. This guarantees some limitations on certain parties from abusing state power, by virtue of being the government of the day, in order to overwhelm their counterparts in negotiation.

On the other hand, the direct interest and role that politicians played during the process of negotiations, in a principal-agent relationship, took power from the military in policy decisions. This laid concrete foundations for civil-military relations. Military negotiations are very delicate and they should not be relegated to the realm of military negotiators only. There should be a political commitment and guidance to the process. The military officers negotiating should be agents for their political principals. Where the military fail to reach a consensus, the politicians should intervene. From the beginning of the negotiation, the chain of command must be clear, the politicians should be the bosses.

The adoption of the Interim Constitution was important in leveling the political playing fields, because it meant that the transition period was governed by the new laws,

where all parties were equals during the negotiations. Ultimately the demand by the ANC that the regime could not be a referee and a player at the same time was realized.

Another important factor in the negotiations of this nature is that parties must try and have an understanding of the history of civil-military relations of the parties involved because this will empower them to have an understanding of the arguments made. Failure to understand the mental frame of the opposite side might lead to suspicions that are uncalled for, and this might lead to tensions that sabotage the whole process. It was because of understanding this history that the SADF never saw the insistence by MK on civilian control as a deceptive ploy with sinister intentions. They could make peace with the fact that in MK civilian supremacy was the order of the day. On the one hand, their own history showed that the concept was not new, and above all it was practiced in all established democracies.

The invitation of academics and policymaking institutions that comprised the Ministry of Defense workgroup was a good mechanism for avoiding tensions that could have developed among military negotiators. This workgroup avoided what could have resulted in the 'us' and 'them' syndrome; meaning 'us' MK and 'them' SADF or vice versa because they were seen as non-partisan. Such a syndrome could have created bad faith among negotiators and ultimately delaying the speedy resolution of the establishment of civilian control over the military. Therefore, the Ministry of Defense workgroup was a good mechanism in the leveling process. The creation of a neutral workgroup to deal with issues of the military in a democracy lend legitimacy and credibility to the process of negotiations. The workgroup enjoyed this legitimacy because most of its participants were seen as 'outsiders' who did not have any self-

interest in the outcome and hence none was a referee and a player at the same time. It was more credible because it was a professional group comprising of specialists in defense related studies and could therefore make informed decisions on how to conduct the military function in a democracy. This made the military negotiators focus on issues like threat analysis, force structure, force design etc.

The adoption of a 'balance model' in the new Ministry of Defense removed uncertainties as who will be responsible for policy and finance matters. However, the recommended collaboration relationship between civilians and the military components was another milestone because while it accepted the exclusivity of certain functions, it recognized that some functions under the civilian component require military collaboration and vice versa. In this way a harmonious climate was created for civil-military relations to flourish.

The appointment of both the Chief of the South African National Defense Force and the Secretary of Defense to the steering committee which was responsible for the execution of approved plans for the establishment of the Defense Secretariat was very important. It gave a balance of views from the civilian and military components of the Department of Defense. Once again the playing fields were leveled and no one was both a referee and a player. The same objective was achieved when the Ministry of Defense Project Team was constituted to plan the structural transformation and coordination of the implementation process. It comprised officers from both MK and SADF and therefore making the process more credible and legitimate.

During the initial process of the establishment of the Defense Secretariat, the Chief of the South African National Defense Force remained the Head of the Department

while the Secretary was the Accounting Officer. This indicated the sensitive manner in which the process of transition was handled. The Chief of the South African National Defense Force was not suddenly stripped of all the power as this might have alienated the military and created an atmosphere of non-collaboration between the civilians and the uniformed personnel. It was very crucial to have the military as part of the transition process so that they could empower the new civilian personnel with the required skills in performing their functions. However, it is important to be cautious of dividing the role of the Head of the Department and the Accounting function. In practical terms this might weaken the civilian Secretary if he has to be the Accounting Officer while the military chief is the head. Hence this situation was attended to immediately to address the anomaly.

The establishment of the Defense Secretariat in a deliberately phased transitional manner was important in that the military personnel who had been responsible for both the finance and policy functions could continue serving in those capacities until their skills have been imparted to their civilian counterparts. Although such a process seemed prolonging the establishment of civilian control, it was crucial that the military impart these technical skills to the civilians. A phased approach of converting the military posts to civilian posts was important.

Another important breakthrough was a variety of the staffing options devised for the new Secretariat organization. Crucial posts of the Secretariat were temporarily manned with knowledgeable military personnel. Some of the military had the option of voluntarily become civilians and serve the Defense Secretariat thus creating a pool of potential personnel to man critical posts.

By ensuring that the manning process of the Secretariat organization is transparent, the process became more credible. Both the military and civilians were equally involved in the transition process. By taking representivity into account the process was further legitimized. It broadened the horizons of opportunities for the majority of the formerly oppressed South Africans who did not have exposure to the defense functions.

Lastly, the institution of time lines for military negotiators, by the political leadership, creates a business or mission like approach. The negotiators are able to avoid overindulging in differences, because they want to fulfill their mission.

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center2
8725 John J. Kingman Road, Ste 0944
Fort Belvoir, VA 22060-6218
2. Dudley Knox Library2
Naval Postgraduate School
411 Dyer Road
Monterey, California 93943-5101
3. Mr. Mosuioa P. Lekota1
The Honorable Minister of Defense
Private Bag X427
Pretoria, Republic of South Africa 0001
4. Ms N.C. Madlala-Routledge1
The Honorable Deputy-Minister of Defense
Private Bag X427
Pretoria, Republic of South Africa 0001
5. Mr. January Masilela1
Secretary of Defense
Private Bag X910
Pretoria, Republic of South Africa 0001
6. General Sphiwe Nyanda1
Chief of the South African National Defense Force
Private Bag X414
Pretoria, Republic of South Africa 0001
7. Lieutenant General G.L. Ramano1
Chief of the South African Army
Private Bag X981
Pretoria, Republic of South Africa 0001
8. Chief of Policy and Planning1
Private Bag X910
Pretoria, Republic of South Africa 0001

9. Mr. Bernd McConnel1
Principal Deputy Assistant Secretary
2400 Defense Pentagon
Room 4 E 841
Washington, D.C. 20301-2400
10. Dr. Paul N. Stockton, Code NS/Sc1
Naval Postgraduate School
Monterey, California 93943-5000
11. Chairman.....1
Department of National Security
Naval Postgraduate School
Monterey, California 93943-5000
12. Dr. Thomas Bruneau, Code NS/Bn.....1
Academic Associate Civil-Military Relations
Naval Postgraduate School
Monterey, California 93943-5000
13. Ms Greta E. Marlatt.....1
Head, Information Services
Dudley Knox Library
Naval Postgraduate School
411 Dyer Road
Monterey, CA 93943-5101
14. LTC Gerald T. Favero.....1
National Guard Program Manager
Naval Postgraduate School
Monterey, California 93943-5000
15. COL Lekoa S. Mollo.....1
Policy and Planning Division
Private Bag X910
Pretoria, Republic of South Africa 0001