

SUBMISSION TO THE TECHNICAL COMMITTEE ON VIOLENCE AND THE TECHNICAL COMMITTEE ON THE TEC DEMOBILISATION, INTEGRATION AND THE SUB-COUNCIL ON DEFENCE

Dr Jakkie Cilliers
Co-director, Institute for Defence Policy

INTRODUCTION

The proposals contained in this submission relate to paragraph 5 of Report Number Four of the Technical Committee on Violence: 2 June 1993 (hereafter Report Number Four), pp. 4-6. It deals with both process (particularly that regarding demobilisation and integration) and structure (to manage these and other changes). It is for this reason that it is submitted to both the Technical Committee on Violence as well as that on the TEC.

PEACEKEEPING FORCE SUBMISSIONS RELATING TO PAR 5.5

Clarity regarding the Purpose and Future of any Peacekeeping Force

A clear and unambiguous distinction should be made between the purpose (and therefore also of the nature) of a Peacekeeping Force as opposed to a Peace Corps/Youth Services Corps. These should be two completely separate programmes, the former as a police or police-related matter, the latter a socio-economic programme.

An early decision will have to be taken with regard to the medium and long-term existence and purpose of such a force. In brief, would this be the first step towards the creation of a paramilitary gendamerie which acts in support of the police/border police unit, or will the force be disbanded sometime after elections?

One reason for the establishment of such a force is the desire to remove the various armies, the SADF in particular, from their present role in support of the police in law and order duties, themselves for as yet unprecedented levels of instability and violence in this period, and that the prospects for substantial reductions in the level of violence thereafter are slim. This is not only the result of possible political instability, but a reflection of the degree of social disintegration in our society and concomitant economic decline. Approaching the establishment of a Peacekeeping Force as an interim measure only, is therefore problematic. Such an approach would require the massive further strengthening of the Police in the near future or the return of the military to its present duties inside the country in support of the Police, or simply some reduction in the role of the military internally but not the elimination of that role. In the case of the latter, the Peacekeeping

Force is simply an additional reservoir of manpower which is (only able to be) deployed to strengthen the inadequate numbers of police and soldiers. This would run the risk of repeating the experience of inadequately trained 'kitskonstables'.

Any Peacekeeping Force should fit into the existing state structure as well as the interim or transitional structures. It is proposed that in terms of administration control such a Force fall within the ambit of the Department of Internal Affairs, but be accountable to the Independent Electoral Commission or the sub-council on law and order. The establishment and powers of such a force would further require appropriate legislation.

It would appear inevitable that a large proportion of the skills upon which the leadership, logistic support, command and control structures would be based could only be found among existing or former members of the Security Forces, and to a lesser extent, the other armies. Skilled and qualified persons will only be attracted to the Peacekeeping Force on the promise of job security and longer term career prospects.

International Assistance

The availability of resources is an important immediate issue and will also have severe budgetary implications in the longer term. Peacekeeping would require considerable and appropriate training, competence and sufficient manpower to fulfil its primary function during elections. Given the tentative election date, this is a massive undertaking. Given the limited time available, considerable resources will have to be found and allocated to this project. It is proposed that a request be made to the international community to assist substantially both financially and as regards training. Such a contribution would decrease the requirements for international involvement in peacekeeping.

[Eligible] International Peace Monitors into the Command and Control Structures of the SADF, SA Police and any Peacekeeping Force

The levels of violence in the country preclude the confinement of the SADF to barracks without a substantial international peacekeeping contingent, which is unlikely to materialise. Nor is the diversion of substantial resources towards the creation of a South African Peacekeeping Force as proposed in Report Number Four practical without such resources. Since the ANC would hardly be prepared to countenance the unilateral deployment of the SADF in the run-up to elections, the only remaining option is to allow for full and firm multi-party control - as soon as possible. This, combined with the enlargement and judicious employment of competent international observers who are inserted into, and have access to all command and control aspects relating to the pre-election period, and who report directly to the National Peace Accord structures, appears to be an avenue worthy of further investigation.

Seminar

Finally, we offer our services to facilitate a round-table seminar involving all the interested parties to establish, and a framework for, the feasibility of the proposed Peacekeeping Force.

THE IMMEDIATE PERIOD SUBMISSIONS RELATING TO PAR 5.2.1

Demobilisation during the Pre-election Period, Integration Thereafter

South Africa cannot afford, nor does it need all of the armed forces which will result from the amalgamation of MK, the SADF and the TBVC armed forces. The situation that has to be avoided is simply to open the doors to the absorption into the military of the sum of all the armed formations in the country and then try to demobilise some afterwards. This will not only be extremely complicated, expensive and messy, but also require constant special dispensations in terms of the public service regulations. South Africans should be extremely circumspect about integrating persons into the military who will inevitably have to be demobilised. As a result we submit that the demobilisation of members of the various armed forces should occur directly from these forces, prior to any amalgamation or integration.

To facilitate this process we also submit that formal criteria be negotiated, or at least approved at a political level, prior to the institution of the TEC, to define the minimum requirements for integration into a future defence force. We further submit that assistance be sought from the international community, various Government departments and the private sector, both in terms of expertise and resources, to assist in the reintegration into civilian life of those present members of the armed forces not suitable for service in a future military or for whom there is no room. Such demobilisation programmes should, however, only commence once the TEC is in place/phase 2 in Report Number Four. In this regard we differ from par 5.2.3 of that report which places the responsibility on an elected Government (i.e. much later in the process) to 'integrate, disband and rationalise the various armed formations'. (p. 6)

The need to establish an Expert Advisory Body

Our Institute has written extensively on the extent of changes that face our armed forces in the near future. A summary of these considerations is attached as Appendix A to this submission. The issues that are raised in the appendix indicate the complexity and interrelationship of a whole range of challenges. The solution will have to be an integrated one which addresses all the issues.

It would appear that any pre-election structures, as well as an interim government/government of national unity, will require non-partisan and legitimate expert guidance and analysis. To be effective the proposed sub-council on defence will need to be supported by an appropriate and politically non-partisan expert body. The main task of this body would be to translate and reconcile political guidelines with practical constraints and execute the detail staff work on alternative policy proposals for presentation to the sub-council on defence. Such a body was originally proposed by the SADF in the form of a Council of Defence as part of the ongoing negotiations on the Code of Conduct for the SADF last year and referred to at CODESA on 29 April 1992. Soon thereafter CODESA went into limbo and the recommendation did not receive any further attention.

In our view the proposed Council of Defence (COD) is a key element. It is the expert forum which should recommend the detail composition and creation of any other structures and processes including those related to 'integration'. Some of those structures presently under discussion in various circles include the office of a Military Ombudsman who would oversee the adherence, of all armed forces, to an extended Military Code of Conduct during the interim period and the creation of some sort of Advisory Committee on race relations and civic education.

We therefore propose that a Council of Defence be established in terms of Section 73 of the existing Defence Act, in parallel with the Transitional Executive Council and its sub-councils. We submit that an agreement on the composition, mandate, role and functions of the COD be sought as an urgent step.

The crucial role that such a proposed Council of Defence could play is evident from a list of those immediate challenges relating to the military which will require substantial investigation and advice. These include the following:

- defining a concept for armed forces serving a democratic state. Definition of, and consensus on, an appropriate concept is a major step in the integration of our armed forces within a changed, democratic dispensation. Such a concept would facilitate the definition of roles and tasks including the delineation of functions between the SADF, a paramilitary peacekeeping force and the SA Police (an important factor in the militarisation of everyday law and order), defence posture, broad force requirements, guidelines relating to civilian and political control of the armed forces. (See issue no 8 of the South African Defence Review in this regard.)
- conducting an audit of the various armed forces, their sizes, skills bases, resources, levels of training, armaments, etc. Such an audit and accompanying negotiations on the criteria for consideration for possible integration (or not) is a crucial step.
- investigating and reporting on the establishment of various interim and parliamentary control structures including a civilianised Ministry of Defence, a Military Ombudsman, etc.
- revising, updating and extending the draft code of conduct for the military.
- the re-training and/or -orientation of all members of a future defence force regardless of their background, according to the code of conduct and concept, the constitutional framework and the principles of military leadership and ethics emerging from it.
- technical aspects such as military manpower procurement policies, integration/demobilisation/ educational programme procedures and the revision of the existing Defence Act (Act no. 44 of 1957).
- establishing the future structure and defining the role of military intelligence and what are commonly regarded as special forces.
- establishing the role of international involvement and assistance with all of the above.

The Council of Defence should advise the sub-council on defence of the TEC. It should be empowered to commission research and call for representations from the public regarding any investigation conducted by it. As far as possible these sessions and hearings should be open to the public. The composition of the Council should provide it with the expertise to commission and evaluate research, hear evidence and investigate and advise with regard to civil-military relations, defence policy, organisational and training problems.

Other issues

We further propose that agreement be sought that:

- All further expansion of the military (SADF, TBVC armed forces and guerrilla forces) be halted upon the institution of the TEC. The normal manpower replacement cycles of the SADF and TBVC armed forces should not be affected by this agreement.
- No additional training commitments be undertaken by any of these armed forces apart from the completion of training that had physically commenced at the time of the institution of the TEC and normal force development (cyclical) training. Additional training, including foreign training, should require the agreement of the sub-council on defence of the TEC.

PHASE TWO SUBMISSIONS RELATING TO PAR 5.2.2

Until there is clarity on who belongs to what force, and who has what weapons secreted, responsibility and accountability cannot be achieved.

The following proposals are subject to detail investigation and amendment by the sub-council on defence and the proposed Council of Defence (see above).

An Audit and Account of the Military

We propose that a system of control points be established countrywide, manned by the ANC/MK and PAC/APLA but with permanent representation (in a monitoring capacity only) by the Government and the international community. That the purpose of these control points be to establish a system of control and accountability of the guerrilla armies by the respective political movements, subject to independent verification. That these control points also serve as collection points for all those members of the guerrilla armies (according to the defined and agreed criteria) who have no other source of regular livelihood. In this case, members who so wish should be sheltered, fed and clothed, and placed under the discipline of MK/APLA with appropriate non-partisan validation, where required. These collection points would serve as temporary centres from where selection will occur for either demobilisation into civil society, or the provision of preparatory training for integration into a future defence force.

It is proposed that the existing SADF bases serve a similar purpose, also with international and ANC or other representation.

Further, it is proposed that a similar system be used to accommodate all members of MK/APLA presently outside the country who wish to return to the country prior to elections. We also propose that an approach be made to the international community for support in the application of such a programme.

Demobilisation Programmes

It is proposed that the Council of Defence be mandated to investigate, and report to the sub-council on defence on, affordable demobilisation programmes to cope with those members of the various military forces who cannot be accepted into a future national defence force or who do not want to join such an organisation. These investigations should cover two categories, that of support (such as financial and health care), and alternative skills training/education. Both need to be specifically targeted and of a limited duration.

The Powers, Functions and Name of the Sub-Council on Defence

The accompanying figure represents the proposed relationship between the military and political civilian control during the existence of the Transitional Executive Council, i.e. prior to any elections. Even at first glance it should be apparent that this implies the establishment of joint political control by the TEC of all the armed forces, but no integration of forces. Demobilisation should, however, commence during this phase. The TEC's joint political control, typical of normal civilian control, is not detailed operational control.

The secretariat of the sub-council on defence would best be composed around that of the existing Ministry of Defence. It would provide policy direction to the armed forces, and call the forces to account, while at the same time having a direct control function. Its relationship to the SADF would be similar to that of the existing Ministry of Defence, but it would also exert separate control over MK, APLA, etc.

To address the concern that control of the Security Forces could be manipulated by the sub-council on defence for political purposes, effectively rendering the military impotent, or inhibiting their deployment in any area, we propose the establishment of a small panel of adjudicators for the quick resolution of any such dispute. Their decision should be an interim one, allowing for Action, but subject to review by the Independent Electoral Commission or other body within a limited period of time. Should suitable South African persons with the appropriate background not be found, we propose that this panel be composed of persons from the following countries: Britain, the United States, France, Germany, India and Canada.

Negotiated Criteria but no early Integration

Once joint control over the various armed forces has been established, preparations for the integration process itself could commence. Once again it would be necessary to determine who is

going to form part of a future military and who is to be left out. Fairly stringent criteria will have to be negotiated in this regard. Additional training may also be required in those areas where forces are deemed inadequate. While foreign military training assistance will be limited, such assistance, particularly in monitoring and evacuating the training provided, could play a crucial role, though the training would be provided by South Africans themselves.

It is of course entirely feasible that some members of the SADF, MK and the homeland militaries may decide to join a Peacekeeping Force. All the personnel who join the Peacekeeping Force will be required to undergo conversion and other training.

Proposed Change of Name

We submit that the sub-council should serve as a precursor to a parliamentary defence committee in a post-settlement dispensation. As such it should be the most visible and obvious structure which entrenches both the primacy of politics over the armed forces as well as political accountability of the forces. In accordance with this view we propose that the sub-council on defence be named the Multi-Party Defence Committee.

CONCLUSION

A systematic and comprehensive approach should be adopted in the restructuring and future functioning of military forces, which can serve as a basis for the establishment of a defence force in a democratic, stable post-settlement South Africa. In this process the early negotiation and appointment of an expert and legitimate Council of Defence could play an important role in removing the discussion of the role and functions of the armed forces from the party-political sphere. It may also assist in laying the foundation for public confidence, thus restoring the ability of the armed forces to execute their appropriate function in society.

With the necessary commitment, such an institution can act as catalyst in the process of transforming our armed forces into a body that, in the words of the Goldstone Commission ‘... has the trust, confidence and co-operation of the South African public.’ (8 August 1992)

Appendix A

THE EXTENT OF THE CHANGES FACING THE MILITARY IN TRANSITION

Introduction

A range of challenges face the South African military as the country moves through a fundamental social transformation. Unfortunately the emotive content of the debate on the integration of the SADF and the various guerrilla armies such as MK continues to serve as a serious source of distraction in the pursuance of this debate: This distraction is unfortunate and potentially

dangerous, for decisions that will be taken in accordance with short-term political expediency may have longer term effects.

A summary of the more obvious changes facing the SADF in particular reveal the extent of the challenge. The fear is not unjustified that the combined effect of these changes could threaten the organisational integrity of the military. The threat of fragmentation and dissolution of the SADF under the strain of transformation is a serious one, for the splintering of this force could have serious implications for the settlement process as a whole, the country as well as the region.

The Crucial Issue - Roles and Tasks

The obvious starting point for a discussion of the challenges facing the South African military in the future is the division of responsibilities between the military and the police and the respective roles of these forces, including that of any paramilitary Peacekeeping Force. The choices made with regard to the primary focus of these forces, on the one hand, have important but less visible and intangible results relating to the culture and ethos of the military. They will also impact upon the organisation, equipment, training, deployment, logistic systems, equipment procurement and related issues of the military.

The nature and stability of the South African military in future will be determined by the extent to which one of three foci predominate. The first is continued support of the South African Police in internal law-enforcement duties on a semi-permanent basis. This is at present a role that is accounting for an increasing proportion of the limited resources available to the military.

Although such deployment leads to all kinds of military professional and other problems, the deployment of the military in support of the police provides some justification for the allocation of funds to the armed forces from the national budget.

The second and diametrically opposed focus, one favoured by military professionals and analysts alike, is the designation of the military as a standby rapid deployment-type force dedicated to crisis-control and the classic function of defence of the territorial integrity of the country. According to its proponents, this would require highly flexible and versatile forces trained to high standards and equipped with modern weaponry. It would allow the military to move 'out of the townships and back to the barracks'. Such a development would allow the military to exploit its capacity to provide training and other assistance to the armed forces of neighbouring countries as part of a regional security pact as well as enable it to designate forces for, and participate in, international peacekeeping operations under the auspices of the United Nations. The existing dependence of the S.A. Police on the military as well as the threat of endemic violence may, however, require the creation of an independent paramilitary force to assist the police in crowd control and dealing with mass violence.

The third focus, somewhere between the extremes of the other two, is the use, and perhaps the optimisation of, the South African military as a border protection force. Given the refugee problem, cross-border drug trade, massive small-arms trafficking and the instability in many of South Africa's neighbours, border security is bound to move steadily up the political and security

agenda, eventually confronting both politicians and the Security, Forces of several countries in southern Africa with difficult choices in how to deal with refugees, illegal aliens, etc. Such a function may already be the only viable option left to the South African Navy which has suffered-severe attrition of its resources in the last two decades.

The SADF has already acknowledged that defence expenditure is set to continue to decline. From a high of 4,3% of GDP in 1989 to 2,6% in 1993, the target set for 2000 is around 2% of GDP (this excludes the costs of integration). These are massive cuts, particularly given the fact that the South African GDP has actually shrunk during this period. This reduction in resources is already starting to curtail the assistance that the SADF could provide to other government departments such as Law and Order and National Health as well as reducing the extent of support that could be provided to South Africa's neighbours. Only a concerted effort and deliberate political action to channel the declining flow of resources into a specific direction will save the South African military from a slow run-down, and obsolescence of its present conventional forces and equipment even doctrines, which are increasingly ill-suited to the new realities of a changed internal, regional and international situation. Such a development would also impact upon the capacity of South Africa to act as a regional source of stability, with consequences far beyond its borders.

To a large degree most of the other challenges facing the military in the future concern the lack of clarity regarding its future role and tasks.

Military Manpower Procurement Issues

An end to white conscription and the introduction of either a draft or an all-volunteer system of military manpower procurement is one such area, although it is generally considered to be a separate issue from any other. Conscription presently serves to feed the mobilisation forces comprising the Citizen Force and Commando's. The end of white conscription could, therefore, severely affect the composition, ethos and perhaps the very existence of many Citizen Force units and the Commando system as a whole. This development could also effectively destroy the regimental system as it has developed in South Africa. Such a development would be most unfortunate. Britain has been particularly successful in using the regimental system as a focus for full-time and part-time military concerns. In that country pride in the regiment and loyalty to the unit transcend issues of national military politics to an amazing extent.

Without adequate attention to some type of bridging system between the phasing out of white conscription and the building of a new or changed cadre of mobilisation manpower, South Africa could find itself denuded of an emergency resources of trained and ready forces, and ill-equipped to deal with extreme contingencies, either internally or externally.

While the end of white conscription will inevitably and dramatically change the racial composition of the bulk of the South African military, the senior cadre of officers and NCO's will undoubtedly still be predominantly white (and in the case of the Army, Afrikaans). The integration of the command structures of the TBVC armed forces could go some degree towards moderating this situation, but this would not be more than a small step towards establishing some degree of balance in terms of the racial and ethnic composition of the South African armed forces. A major effort will

therefore have to be made by the SADF, which has the monopoly of training institutions and skills, to effect meaningful (as opposed to symbolic) affirmative action programmes.

As part of its drive for greater legitimacy the South African military would have to reflect more accurately the racial and ethnic composition of South African society. The three obvious challenges to this representatives are white (particularly Afrikaner) dominance within the command structures, Xhosa domination within those cadres of MK that are to be integrated into a future defence force and, possibly, the under representation of the Zulu in the future.

The challenge of the future is really how to encourage some of the best of our youth, ideally those motivated by stable career prospects and the military way of life as opposed to political considerations, to join the South African armed forces of the future.

Another issue relates to demobilisation. South Africa cannot afford, nor does it need all of the armed forces which will result from the amalgamation of MK, the SADF and the TBVC armed forces. It is only if the military retain and perhaps even increase the extent of their support function to the police that any increase in the numbers of our standing military forces (as opposed to the reserve forces) could be justified. Consequently, the obvious situation that has to be avoided is to simply open the doors to the absorption into the military of the sum of all the armed formations in the country and then try to demobilise some afterwards. South Africans should rather be very selective in integrating persons into the military who will inevitably have to be demobilised. This calls for various alternative initiatives. In effect, the demobilisation of members of the various armed forces should occur directly from these forces, prior to any amalgamation or integration.

There have, recently, been substantial retrenchments within the SADF. Between 6 000 and 7 000 permanent members have been retrenched in recent months - roughly 18% of the total cadre. While the reduction of the SADF could and is occurring in accordance with various regulations governing the civil service, the economic crisis South Africa is experiencing could provide former servicemen with an incentive to commit desperate and subversive acts. Given the perilous state of the national economy, political emotions and the severe disruption that such retrenchment had on the individuals concerned, the disruptive potential of these former soldiers is serious. An equally large and even less manageable problem is dealing with tens of thousands of angry, alienated (largely black) youths some of whom who have received some degree of basic military training through MK and other armed organisations, have ready access to arms (either caches, from neighbouring countries or through criminal networks) and have no means of livelihood bar that of crime. In this regard the momentum towards the establishment of a Peace Corps/Youth Services Corps to channel the energies and anger of the youth more constructively is a particularly important initiative. The decision by the National Negotiation Forum to proceed with this as a matter of urgency is particularly noteworthy. However, a clear distinction should be made between a Peace Corps/Youth Services Corps and that of a Peacekeeping Force. The former is a socio-economic programme under local, regional or national control. The latter is a uniformed police type force with very different training, disciplinary, command and control, logistical and equipment requirements. The selection criteria for members of a Peacekeeping Force and its rules of engagement are additional and substantive differences.

Civilian Control and other Issues

The re-establishment and entrenchment of true civilian control over the military is yet another issue. This debate reflects in part upon the requirement to re-establish full and transparent parliamentary control over the armed forces and the procurement of armaments. It also includes the need to divest the Ministry of Defence and the armed forces of their present reliance upon military men in uniform for all its activities. Functions which do not require a specific military-related skill or discipline, ranging from policy studies and aspects of logistics to finances and even personnel administration, it can be argued, could be handled by civilian Developments in this regard will go a long way towards reducing fears amongst all sections of the South African community that the armed forces will not be used in partisan action against them. The establishment of clear, transparent civilian control and military accountability would also play a major role in reducing the fears of South Africa's neighbours, thereby easing the reintegration of South Africa and its military into the region.

There are a number of additional questions to be resolved. One of them relates to the future of the South African arms industry and the amount of money that a future Government may be prepared to spend on an indigenous arms manufacturing capability for strategic considerations. The ending of the international arms embargo and opening up of the international arms supplier and export market to South Africa is a second. Yet another is the future of the cadet system which is still part of white, state-funded school education. Greater transparency will also be required regarding both defence policy issues, arms procurement and the use of public moneys. And then there is South Africa's regional defence posture and relations with its neighbours.

In summary, what is required is a changed military - eventually in terms of mission, equipment, organisation, size, accountability and personnel. But a changed military ethos is going to be the greatest challenge. There can be no question of blind obedience or the misuse of authority as has been the case within the SADF under a National Party government. Nor is there room for military intervention in politics as has occurred in all four nominally independent homelands (the TBVC countries). Nor is there place for the highly politicised party-army culture of an organisation such as MK (the armed wing of the ANC). And it is from these disparate groupings that we will have to build for the future.

Appendix B

THE INSTITUTE FOR DEFENCE POLICY

Background

This is the third submission made by the Institute for Defence Policy to the national negotiation process. The others were:

- IDP, Submission to CODESA Working Group 1 on the Role and Composition of the Armed Forces, 2 March 1992; and
- IDP, Submission to CODESA Working Groups 1, 2, 3 and 4 on Interim Measures Relating to the Control of Armed Forces, 8 May 1992.

These submissions were subsequently revised and published in issue no 8 of the South African Defence Review for wider discussion and debate.

The Institute

The Institute for Defence Policy (IDP), reg. no. 1922/91, was established in 1991 as a non-profit trust in terms of section 6 (1) of the Trust Property Control Act, 1988. The directors and founders of the IDP are Dr. JK Cilliers and Mr. P-B Mertz. The purpose of the IDP is to facilitate the transition to a democratically accountable, non-interventionist and legitimate national defence force for a post-settlement South Africa as a prerequisite for a successful transition and stable future. This concurs closely with the view of Technical Committee on Violence in Report Number Four that *'.... all proposals regarding armed formations in the country should be considered in the light of a single, overriding objective: To establish impartial, accountable, effective and legitimate security forces for a democratic South Africa.'* (p. 4)

The Institute does not have any formal or contractual relationship with any political grouping, nor with the South African Government or any of its agencies. It is entirely funded by donations from business, individuals and foreign foundations. The IDP is audited by an independent auditor on an annual basis and these reports are available upon request.