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INSTITUTIONAL IMPLICATIONS OF THE DEFENCE FORCE'S SUBMISSION TO THE TRUTH AND RECONCILIATION COMMISSION

by

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A research report submitted to the Faculty of Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Management in the field of Public and Development Management.

September, 1999

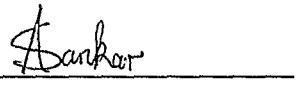
ABSTRACT

During the twentieth century there have been several instances of military institutions appearing before Truth and Reconciliation Commissions (TRC's) to account for past activities. Quite often the military resisted the disclosure of information and the acceptance of responsibility for their actions. The purpose of this study is to assess the disclosure and accountability displayed by the former South African Defence Force (SADF) before the TRC, and the possible future institutional implications. The main findings are that the former SADF sought to avoid disclosing past activities and accepting accountability for them.

The new leadership of the South African National Defence Force (SANDF) did not engage in the TRC process in order to maintain political stability among their soldiers. Implications for the future are that there could be a continuing effect of these unresolved issues, which could become a threat to the military institution as well as to the broader society.

DECLARATION

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.



Anesh Munessar Sankar
September, 1999

DEDICATION

I am deeply grateful to my wife and children for their support and assistance, during this challenging time of attempting to achieve the required academic standard for a research report.

ACKNOWLEDGEMENTS

I am grateful to my supervisor, Professor Gavin Cawthra for his guidance and advice during the research process. I am also grateful to all those who made themselves available for the research interviews.

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GLOSSARY OF TERMS

SADF – South African Defence Force which ceased to exist as an institution in April 1994

'Old' or 'former' generals – the leadership of the SADF

SANDF – South African National Defence Force which came into existence in April 1994 as a result of the integration process

'New leadership' – the high ranking military officers in the SANDF. Many of the high ranking military officers were former MK members. All those interviewed were former MK members.

CHAPTER 1 : INTRODUCTION

1.1 Introduction

The research objective was to assess the submission of the former South African Defence Force (SADF) to the Truth and Reconciliation Commission (TRC). Thereafter, insight into the possible institutional implications for the Defence Force was developed. As the SANDF is a powerful institution in South African society, the possible effect upon the broader society was also discussed. The above was achieved through comparison with findings in the relevant literature and the views of key members of the former SADF and current SANDF.

The research report is divided into seven chapters, which cover the following:

Chapter 1 deals with the background of the South African Truth and Reconciliation Commission, its process and the importance of this particular study. It traces the political events during negotiations between the ANC and the National Party government that gave rise to the Truth and Reconciliation process. It also discusses the SADF submission to the TRC, the adequacies of the submission and the general attitudes and approach of the leadership of the former SADF to the Truth and Reconciliation process.

Chapter 2 is the literature review component of the research report. It covers a range of literature relevant to the study. Literature that deals with the Truth and Reconciliation processes in other countries, the South African truth and reconciliation process, the Defence Force, covert security force activities, organisational governance and organisational ethics.

Chapter 3 includes the problem statement, the research questions and the limitations experienced. This gives a detailed account of the research focus.

Chapter 4 deals with the methodology used to accomplish this research report. It outlines the secondary literature, the primary literature, the approach to interviews, refers to the list of people who were interviewed and the method of analysis employed.

Chapter 5 presents the research results obtained with regard to the SADF submissions and responses to the TRC, the TRC responses to the SADF submission, the TRC Report, and the SANDF Civic Education Guidelines. It also presents the broad situation obtained through the interviews undertaken, with extracts of the actual interviews as supporting evidence.

Chapter 6 deals with an analysis and interpretation of the research information obtained. The essence of the SADF submissions and responses (primary literature) are compared with information obtained from the secondary literature, the TRC Report and response and the interviews. The possible institutional implications for the Defence Force are then considered with reference to secondary literature, the SANDF Civic Education guidelines and the interviews.

Chapter 7 offers the concluding remarks with respect to the institutional implications of the Defence Force submission to the TRC. It discusses the possible implications for the broader SA society and notes the possible continuance of the truth and reconciliation process, as well as the current transformation process within the SANDF.

1.2 Background

Formalised racial discrimination, known as apartheid, existed from 1948 to 1990 in SA. The democratic transition began in 1990 and was formalised with the first democratic election on 27 April 1994. Nine years into the transition phase South Africa is still dealing with unresolved issues of the apartheid past.

The first public call for a South African Truth Commission came from the African National Congress (ANC) prior to 1994. On 25 May 1992, in his inaugural lecture at the University of Western Cape, Professor Kader Asmal spoke of the important future implications of knowing the truth about the past. "We must take the past seriously as it holds the key to the future. The issues of structural violence, of unjust and inequitable economic social arrangements, of balanced development in the future cannot be properly dealt with unless there is a conscious understanding of the past" (TRC, 1998, 1, p.49).

Kader Asmal's call soon became a firm proposal of the National Executive Committee (NEC) of the ANC in the context of investigations into ANC-in-exile human rights violations in some camps. The ANC NEC proposed an independent investigation into allegations of human rights violations by the apartheid government as well as the liberation movement. This was historically unique as it was the first time that a 'government-in-waiting' had called for an independent investigation into allegations of human rights violations, not only by the previous government, but by its own members as well.

The Groote Schuur Minute in May 1990 created the environment for serious negotiations to take place. A working group was set up to develop guidelines with regard to political offences in the South African situation,

and the release of political prisoners. This working group noted that though there existed legislation to deal with the release of prisoners sentenced already or awaiting appeals, there was none to deal with people who had not yet been charged. This was remedied by the introduction of the 1990 Indemnity Act.

The working group also attempted to define 'political offences'. They proposed that cases should be dealt with on an individual basis and that even criminal acts as serious as murder might be regarded as political offences. The use of an adaptation of the Norgaard Principles was part of this proposal. The Norgaard Principles covered aspects such as motive, context, political objective and the legal and factual nature of the offence. These recommendations with some amendments were accepted in terms of the Pretoria Minute, in August 1990.

In 1992 negotiations collapsed completely. Negotiations were resumed after the signing of the 'Record of Understanding', which included an agreement to review the issue of political prisoners, particularly with regard to the category of 'murder'. A third Indemnity Act was passed in 1992.

> During the pre-election period, very few members of the security forces had applied for indemnity, possibly in the expectation of a general amnesty. However, only days before the election, when it became clear that there would be no general amnesty, a relatively large number of security force members applied for indemnity under the 1992 legislation. Their applications were unsuccessful because they failed to disclose details about acts for which they were seeking amnesty as required by the legislation.
>
> TRC (1998, 1, p.52)

Thereafter the issue of how a future democratic government would deal with amnesties for political offences, especially for the security forces, received some attention. It was agreed that actions taken in terms of the apartheid law would not be regarded as illegal merely for that reason. There would be no Nuremberg-type trials for human rights violations legally committed in the course of implementing apartheid. Eventually a 'Postamble' was included in the Interim Constitution, that provided for amnesty for politically motivated offences, and an agreement that future legislation would provide the criteria and procedures to regulate the process.

Kader Asmal and Alex Boraine were participants in a conference hosted in 1994 by IDASA (Institute for Democracy in South Africa). The conference considered the different aspects of truth and reconciliation in the South African context. The discussion was enriched by guest speakers from Eastern Europe and Latin America who had played crucial roles in truth and reconciliation processes in their own countries. Conferences of this nature involving organs of civil society provided impetus and influence to the South African truth and reconciliation process.

The process achieved legal status on 1 December 1995 when the Promotion of National Unity and Reconciliation Act 34 of 1995, came into force. The essence of the Act reads as follows:

> To provide for the investigation and establishment of as complete a p[illegible]ure as possible of the nature, causes and extent of gross violations of human rights committed during the period from 1 March 1960 to the cut-off date contemplated in the Constitution, within or outside the Republic.

The Act provided for the granting of amnesty to individuals or groups of individuals for acts and actions that resulted in the loss of human life on the basis of three key criteria derived from the Norgaard principles:

- firstly, that the action had a political motive,
- secondly, that there was full disclosure of all facts relating to the action in question, and
- thirdly, that the action did not constitute a gross violation of human rights.

The Truth and Reconciliation Commission as an entity then came into being. In an open and transparent process, President Mandela appointed a broadly representative committee to assist him in identifying Commissioners. The committee called for nominations, and received 299 names. Civil society organisations were able to put forward nominations for Commissioners. The committee held public hearings and then submitted a shortlist of 25 names to the President, who, in consultation with cabinet and the heads of political parties, appointed the required 17 Commissioners.

The South African Truth and Reconciliation Commission was unique, in that it:

- had been given the power to grant amnesty to individual perpetrators,
- had strong powers of subpoena, search and seizure,
- would engage in a very public process,
- would engage in institutional and special hearings,
- had a witness protection programme, and
- was several times larger in terms of staff and budget than any other previous Commission internationally.

The TRC was structured into three arms, the Human Rights Violations Committee, the Amnesty Committee, and the Reparations Committee. Each arm had a specific capacity and mandate. Further, the process of the

Commis 'on's work was according to three phases. A hearings phase, when communities could testify before the Commission; a statements phase, when written statements and submissions were received and processed by the Commission; and an amnesty phase when amnesty hearings were held.

The TRC dealt with the submissions of individuals and those of specific sectors and institutions and their activities during the apartheid era. Sectors and institutions were included, such as the business sector, the media, state health institutions and the state security establishment. The security institutions were of particular interest as they were the enforcement apparatus of the apartheid state. They had developed specific projects and specialised units to engage in irregular warfare against the liberation movement and its supporters.

The apartheid era security forces consisted of the South African Police (SAP), the South African Defence Force (SADF) and the National Intelligence Service (NIS). Of particular interest was the Defence Force submission to the Truth and Reconciliation Commission. The submission was facilitated by the existing SANDF, but included the activities of the former SADF.

The SADF ceased to exist in 1994, and the South African National Defence Force (SANDF) was formed. The SANDF was a product of the transition, and consists of the SADF, the military wings of the liberation movements, Umkhonto we Sizwe and Azanian People's Liberation Army and the defence forces of the former Transkei, Bophuthatswana, Venda and Ciskei homelands. In this research report reference is often made to 'the former SADF', as the submission covers the activities of the SADF during the apartheid era and not the currently existing amalgamated defence force, known as the SANDF.

The first submission by the former SADF was so insubstantial that the Commission requested a second submission. The second submission did not provide much more. In late 1996 a set of questions was submitted to the SADF. The response, though providing some useful general information, indicated a determination to oppose the efforts of the TRC to investigate the past of the SADF.

This submission is a classic reflection of the manner in which elements of the apartheid era security forces approached the truth and reconciliation process.

> A number of party leaders, some prominent past politicians, and representatives of institutions of the former state – the South African Police (SAP) and the South African Defence Force (SADF) – made submissions to the Commission. The usefulness of these submissions varied widely, but they were generally disappointing and did little to further the work of the Commission. Frequently, they consisted of little more than recitations of the policies under which these groups operated and often unconvincing apologies for excesses committed.
>
> TRC (1998, 5, p.197)

The SADF submission provided a historical overview of the period in question, and sought to justify projects and actions of the SADF during the apartheid era. The submission details the threat to national security as perceived by the National Party Government and the military, as the 'total onslaught'. All activities of the liberation movement, even non-military activities, were regarded as part of an onslaught against the SA government. The government reaction was the development of a 'total strategy' that included both conventional and unconventional actions against the liberation movement (SANDF Nodal Point, 1996). However, the submission did not detail any information with regard to the structures

and actions of covert military projects. The covert military structures, such as the Civil Co-operation Bureau (CCB), the Directorate for Covert Collection (DCC), and the strategic communication (stratcom) projects were merely defined and discussed in general terms.

The submission broadly described these covert structures as follows:

- The DCC was a directorate of the Military Intelligence Division (MID) of the Defence Force. It was responsible for the collection of military related information in a covert manner.
- The CCB was a sub division of the Special Forces, and consisted of civilian and demilitarised personnel who were appointed under contract.
- Stratcom was a military communications project with the goals of discrediting communist aligned liberation organisations, neutralising the mass media and enhancing the image of anti-Marxist movements in Southern Africa (SANDF Nodal Point, 1996).

1.3 Importance of the study

Any truth and reconciliation process occurs at an extremely important stage of transition from a repressive past to a democratic future. Some human rights advocates, like Aryeh Neier (1994), would argue that it is a necessary stage that a country and its people must experience in order for a new democracy to come into being.

The process, however, is influenced strongly by the fact that South Africa's new democracy is a political settlement negotiated between a liberation movement and the previous government. The truth and reconciliation process is thus moulded by a political reality of power sharing and compromise.

The TRC Report that became available in November 1998 attests to a large number of incidents of gross violations of human rights. It was common knowledge among some sectors of the public within South Africa, of the unconventional methods employed by the apartheid government before 1994. The TRC report vindicates allegations and suspicions that persisted for generations. "the Commission's findings that the security forces, including the SADF, were responsible for the commission of gross violations of human rights on a massive scale" (TRC, 1998, 5, p.198).

The SANDF facilitated a submission to the TRC by representatives of the former SADF. This submission fuelled controversy rather than contributing to the work of the Truth and Reconciliation Commission.

> The first submission by the SADF was so insubstantial that the Commission asked for a second, more comprehensive, submission. This too, however, reflected the enormous – perhaps unbridgeable – chasm between the perspectives of those who wielded power in the apartheid era and those who suffered at their hands. Nowhere was this more clearly illustrated than in the opening remarks of General Viljoen's submission on behalf of the SADF at the Commission's armed forces hearing: 'The former SADF was politically neutral whilst your Commission is highly politicised.... The governing party of the former government did not demonstrate interest in the former SADF. You really erred in your assumption, and the expectations you created in public, that the SADF was guilty of gross violation of human rights on a substantial scale'.
>
> TRC (1998, 5, p.198)

The submission by representatives of the former SADF continued with or contributed to the development of a particular response to TRC. The truth

and reconciliation process was probably significantly influenced by the approach adopted by the former SADF members. More importantly, there were possibly long-term institutional implications for the Defence Force in its failure to acknowledge its past during the truth and reconciliation process.

CHAPTER 2 : LITERATURE REVIEW

2.1 Truth and Reconciliation processes and experiences of other countries

Experiences in other countries, particularly in Latin America and Eastern Europe, contributed towards the shaping of the South African Truth and Reconciliation Commission and the direction that it would take.

The editors Boraine, Levy and Scheffer (1994) offer a collection of conference papers presented by relevant experts on the experiences in their country during the transition process from a civilian dictatorship or military regime, to a democratic government.

These conference papers were used in the research report to illustrate the following issues:

- the establishment and structure of a Truth and Reconciliation Commission or similar body,
- the process followed by the Commission and major difficulties encountered,
- the engagement between the Commission and the military, and
- the disclosure and accountability issues faced, especially in respect of the military.

Each account or experience is prefaced by a brief *curriculum vitae* of the author of the paper, to indicate the legitimacy and insight of the particular author.

Aryeh Neier, who served as the national director of the American Civil Liberties Union and as executive director of Human Rights Watch in New York, argues for confronting the past. Neier (1994) presents the case of the Serbs and Croats. During World War II, the fascist Ustache State governed Croatia. In Jasenovac concentration camp between 250 000 and 300 000 people were exterminated in gas ovens. On gaining independence, Croatia underwent a 'national synthesis' without acknowledging or attempting to deal with its tortured past. As a result the Serbs and Croats continuously relive the past. In the 1990s Serbs in Croatia were manipulated by the Belgrade leadership into believing that the new Croatia was the fascist Ustache come again.

Neier (1994) stipulates three reasons for confronting the past. Firstly, this is in order to recognise the worth and dignity of those victimised by abuses of the past. Secondly, it is in order to establish and uphold the rule of law by indicating that everyone is subject to the law. Thirdly, it is in order to deter future abuses.

Jose Zalaquett (1994), a Chilean activist and lawyer, served on his country's National Commission for Truth and Reconciliation. As a member of the International Commission of Jurists he argues several points that can serve as founding principles for setting up a Truth and Reconciliation Commission.

Zalaquett (1994) points out that the problem of transition is in reconciling ethical imperatives and political constraints. He indicates that cases have shown that to follow an ethical imperative beyond what the political means allows will result in retaliation.

Zalaquett (1994) advocates the concept of moral reconstruction as a systematic means to deal with a legacy of atrocities. He defines it as

putting back in place the moral order that has broken down, and building up a just political order. This will build a political culture and set in place values, institutions and policies that will guard against the recurrence of the type of atrocities committed in the past.

His preferred approach is, "that, all things being equal, forgiveness and reconciliation are preferable to punishment" (Zalaquett, 1994, p.11). Amnesties are possible under particular circumstances. These are that the amnesty should:

- serve the ultimate purposes of reparation and prevention,
- be based on the truth,
- be an acknowledgement of that truth, and
- be approved democratically in the sense that it must be the will of the nation to forgive.

Zalaquett (1994) makes the point that in setting up a Commission the new authorities should display fairness. If a Commission is appointed, all those involved should be represented, and not just the supporters of the new authorities. In Chile, the former government was found to be responsible for 2000 killings and disappearances. The opposition groups were found to be responsible for 90 killings of unarmed people. The enormity of the crimes was different, but in order for acknowledgement to be complete all wrongdoings had to be exposed.

Adam Michnik is recognised internationally as a key philosopher and theorist of Poland's solidarity movement, and has written many essays on the theory and practice of settling accounts with those guilty of past abuses. Michnik (1994) offers sentiments similar to those of Zalaquett: "reconciliation is a priority at such a time. I support the idea of mutual amnesty because it opens up the road to peace. Of course, amnesty is not

equivalent to amnesia and thus the past must be carefully written up and remembered" (Michnik, 1994, p.18).

Juan Mendez was detained in Argentina for two and a half years for defending political prisoners. He has been the director of Americas Watch and is currently general counsel of Human Rights Watch. He is the author of 'Truth and Partial Justice in Argentina'.

Mendez (1994) says that Argentina arguably went the furthest in establishing accountability. Several of the highest ranking soldiers in the military junta were sentenced to between seven and eight years in prison after being convicted in a court of law and with respect for their rights to due process.

In 1976 a military junta led by General Jorge Videla took over the government of Argentina. A far-reaching system of repression was conducted deliberately and from the highest level. 'Task forces' under a strict chain of command produced the phenomenon of 'disappearances'. The targets were armed guerrillas, priests, lawyers, academics, professors and any who fell within the military's definition of subversion.

In 1983, Argentina was once more restored to democracy. President Alfonsin repealed the military's self-amnesty law and established a commission headed by respected writer Ernesto Sabato. This independent panel, the National Commission on the Disappeared, exposed the mechanisms and controls behind the disappearances as well as the manner in which disappearances took place. About 350 concentration camps were identified.

Trials began immediately after the release of the report, in most cases because victims and non-governmental organisations filed lawsuits. Cases

went to military courts, and if the court did not act within six months the cases were taken over by civilian courts. The chiefs of three successive juntas were brought to trial and convicted. More than 450 military officers were taken to court. The junior officers in the military protested, and President Alfonsin submitted to the pressure by passing a law that made it virtually impossible to prosecute anyone other than the security zone chiefs or sub-chiefs (Mendez, 1994).

In Argentina the process of establishing accountability was strongly supported by the public. "It is noteworthy that in Argentina public opinion polls have always been overwhelmingly in favour of accountability and against amnesties, pardons and other impunity schemes" (Mendez, 1994, p.39).

Lawrence Weschler wrote extensively on repression and human rights abuse in Eastern Europe and South America. Weschler (1994) presents the crucial events and issues of the Uruguayan experience.

In 1973 the military took over the government and instituted a totalitarian state for the next 12 years. During this period Uruguay experienced the highest rate of political incarceration in the world. Citizens were arrested, tortured and imprisoned for lengthy periods.

In the middle of the 1980s, with the Uruguayan economy in serious decline, the military handed over the rule to the civilian party of their choice. The leaders of the two major competing civilian political parties were arrested and prevented from taking part in elections. Secret negotiations took place between the chosen civilian political party and the military. The civilian party took over in March 1985 and signed an amnesty agreement for all political prisoners. The amnesty explicitly did not include

an amnesty for torturers or security police. However, the government declined to prosecute in such cases.

Torture victims launched prosecutions against their torturers. In 1986 the civil courts started to issue subpoenas for soldiers, and the military announced that they would not recognise the subpoenas. In December, under pressure from the military, the government declared amnesty for the torturers.

Uruguayan law allows for the holding of a plebiscite if a petition is signed by 25 percent of the population. In 1987, torture victims and human rights activists started a petition campaign. Even though the military applied pressure on several occasions, the petition eventually had 555 111 signatures, which was just over 25 percent of the population. A referendum was held to overturn the amnesty. The outcome of the referendum was a 53 percent majority in favour of sustaining the amnesty. Military pressure and propaganda might have played a role in influencing the outcome of the referendum.

Eventually the torture victims and their families challenged the amnesty at the Inter-American Court for Human Rights and received a favourable ruling. "While this concept is still at an early stage of international law and has limited effectiveness, it embodies an extremely important principle: A government does not have the authority to issue amnesties that preclude the possibility of prosecution by victims of torture" (Weschler, 1994, p.46).

Zalaquett (1994) relates the experiences of transition in Chile. A military dictatorship ruled Chile from 1973 to 1990. Two thousand people were killed and 1 000 disappeared during this period. State torture occurred on a large scale and tens of thousands of people were imprisoned. Tens of

thousands more were driven into exile. The state denied the disappearances, killings and torture.

President Aylwin established the National Commission on Truth and Reconciliation as soon as he was inaugurated. The Commission consisted of four people from the ranks of opponents to the former regime and four people who were supporters of the former regime. The composition gave the Commission widespread credibility. The Commission's report ultimately enjoyed the unanimous support of the Commissioners.

The Commission had a full-time staff of 60 people, mainly lawyers. The mandate was to account for every person, who had been killed or tortured, or had disappeared, and to explore the circumstances of these events and the involvement of the security police, courts and state. The Commission would also make recommendations for reparations and prevention.

The Commission worked for a year. Representatives spoke to families of victims throughout the nation, and held hearings around the country. The military replied to all the Commission's inquiries, though not in substance. There were also witnesses from the secret police and from retired officials. Detailed records were available from human rights organisations and from courts.

The Commission finally produced a 900-page report, which included a list of victims and their fates. The names of culprits was not included in the report, but sent directly to the courts. Prosecutions were difficult because the military government had passed an amnesty law covering the worst period of excesses, from 1973 to 1977, during which time most of the disappearances had occurred.

A new Commission was formed and worked for a further three years to investigate cases that had not been finalised in the initial ten-month

period. Lack of co-operation from the military limited the success of these further investigations. The Supreme Court upheld the amnesty and limited prosecutions (Zalaquett, 1994, pp.47-53).

Roberto Canas was a member of the National Liberation Front of El Salvador (FMLN). He was engaged in political and military aspects of its campaign and was a senior member of the negotiations that resulted in peace talks and the settlement between the FMLN and the Salvadorean regime.

Canas (1994) empnasises the issue of full disclosure. "Unless society exposes itself to the truth it can harbour no possibility of reconciliation, re-unification and trust. For a peace settlement to be solid and durable, it must be based on truth" (Canas, 1994, p.54).

Under military rule, any organisation that questioned official policies was labelled as a subversive guerrilla group. This then generated executions, separations, disappearances and killings in the ranks of the opposition, and instituted a pattern of state violence against society.

The El Salvador Commission of Truth consisted of three foreigners, in order to increase credibility and to reduce the chances of the Commissioners being pressurised by the military or the state. The Commission had four main objectives:

- to avoid a recurrence of violent acts in the future,
- to overcome impunity,
- to avoid cover-up of past events, and
- to overcome the structural causes of these abuses.

For six months the Commissioners spoke to witnesses and collected documentary evidence.

The Commission found military chiefs and civil servants to be responsible for abuses or for concealing information about them. The Commission recommended that they be barred from public office for a period of 10 years and excluded from military positions for life (Canas, 1994).

Canas (1994) argues strongly for holding the military accountable for human rights violations that they have committed. "Ethically it is imperative to punish those responsible for violence and politically it is possible and correct to work for the eradication of all instruments of terror and to create a system of guarantees to ensure that the abuses of the past will not be repeated" (Canas, 1994, pp.55-56).

Joachim Gauck was an initiator of the church and public resistance movement against the East German Government in 1989. He became a member of the Volkskamer in 1990. After the reunification of Germany he was appointed Federal Commissioner of the Stasi files.

In 1989 the population of East Germany rose against the Communist regime. In December 1989, after hearing that sensitive documentation was going to be destroyed, people occupied the Secret Service (Stasi) buildings. Their aim was not only to put these files into a museum, but also to make them and their contents available to the people. The legislation to preserve the Stasi files and to open them to public scrutiny was achieved even before the East German reunification in August 1990. All political parties wished to use these files for the information they contained about the past.

The intention was to deny important positions in the new government to those who worked officially or as informal co-operators for the Secret Service. The information was also required by those who wished to clear their names or to prosecute those who had broken the law (Gauck, 1994).

Hilberg (1961) writes about the Nazi campaign during World War II and the atrocities and casualties that it inflicted upon the European Jewish population. He discusses in some detail the Nuremberg tribunals held in the aftermath of the genocide.

The defendants at Nuremberg were tried for crimes against humanity.

> CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.
>
> Hilberg (1961, p.687)

2.2 South African truth and reconciliation issues

This section covers recent literature on the South African truth and reconciliation process itself and literature on actions and events that fall within the scope of human rights abuses. Human rights abuses largely formed the ambit within which the TRC worked. Mainly literature related either to the TRC or the SADF is discussed in this section.

Lipton (1999) provides an observer's view of the South African truth and reconciliation process. She outlines the dilemma facing South Africa in dealing with the country's painful past in response to demands for retribution or to cultivate amnesia in the interests of future political stability.

She then discusses the South African compromise that involved conditional amnesty, public acknowledgement and reparations.

The article then proceeds into some detail of the political background to the formation of the TRC and the TRC hearings and findings, and describes reactions to the TRC Report. Her concluding remarks provide some perspective on the outcomes of the South African Truth and Reconciliation process.

> The exposure of some of the truth about the effects of apartheid may provide a firmer basis for a new national identity within a shared society. However, reconciliation will clearly not be simply and quickly secured, especially given the lack of contrition among the many whites who are still 'in denial' over their responsibility for the apartheid past. ...The healing of apartheid's wounds will be influenced both by the continuing willingness of blacks to forgive and of whites to reduce racism and black poverty.
>
> Royal Institute of International Affairs (1999, p.64)

The Amnesty International (1992) publication, 'South Africa: State of Fear' details many incidents of violence and repression perpetrated by the security forces. Most incidents described in this publication were perpetrated by the 'sister service' of the SADF, the South African Police (SAP). However, a number of cases and allegations were made against the SADF (Amnesty International, 1992).

'Disappeared! Technique of Terror', a report of the International Commission on International Humanitarian Issues (ICIHI) (1986) deals with 'disappearances' as a specific method of the military and paramilitary

forces of authoritarian governments to rid themselves of opponents. The book is useful in that this particular terror tactic was an issue of investigation by many Truth and Reconciliation Commissions and similar structures. In the Latin American experience, organisations such as the National Commission on Disappeared Persons (CONADEP), established by the Argentinian government and Abuelas de Plaza de Mayo, investigated many cases of 'disappearances' perpetrated by the military junta by means of the army and navy. South Africa is also mentioned as a country where similar terror tactics were used (ICIHI, 1986).

Barrell (1990) discusses the ANC's military wing Umkhonto we Sizwe (MK) and its activities from 1960 to 1990. This period is subdivided into particular eras depicting periods of change and transition that the MK experienced. The book does not discuss the SADF, which was one of the main opponents of MK. However, it was felt that consideration of the perceptions and the behaviour of the ANC's military wing in opposition to the SADF, particularly with respect to the realities they related to, would be of value.

The SADF perceived a 'total onslaught' and developed and implemented a 'total strategy' to oppose it. Yet even in this new democratic era, some high ranking representatives of the former SADF do not see any of its past activities as wrong or that they should be criticised. MK, on the other hand, despite being the liberation army, still engages in self-criticism of some of its past activities. "They often displayed a capacity for self-criticism which is quite unusual in the difficult conditions of revolutionary struggle. This maturity bodes well for the future" (Barrell, 1990, p. viii).

Grundy (1986) demonstrates how the SADF was not simply an instrument for policy implementation, but rather an active participant in policy making.

He discusses and provides evidence for the increasing influence of the military in South African society, especially when P. W. Botha became prime minister.

Under prime minister B. J. Vorster, the State Security Council (SSC) was one of 20 different cabinet committees. It was convened in an *ad hoc* manner and served the function of advising the government on the formulation of national policy and strategy and in determining intelligence priorities. When P. W. Botha became prime minister he changed the Security Management System, reducing the 20 *ad hoc* cabinet committees to five permanent committees. "He introduced regular (fortnightly) meetings and rearranged their timing so that SSC meetings now precede cabinet meetings. The appearance of the SSC presenting the cabinet with completed decisions has been noted. In addition, the SSC holds meetings when parliament is in recess and when the cabinet is inactive" (Grundy, 1986, p.54).

The military also largely dictated the pace and nature of relations between South Africa and the neighbouring Southern African countries.

> South Africa's militarist option that have [*sic*] driven Mozambique, Angola, and Lesotho to the negotiating table and may yet drive Zimbabwe there. These agreements, most of which cover important security concerns, are the culmination of an aggressive and pugnacious policy, not the triumph of those who advise conciliation. The advocates of force have gotten their way and now are prepared to negotiate accommodation on their own preferred terms.
>
> Grundy (1986, p.2)

Cawthra (1986) details the shift of political power from parliament to centralised state structures. "Political power was quietly shifted from parliament to new centralised state structures in which the police and military leaders played a key role. The near-invisible National Security Management System was steadily upgraded and its powers greatly extended" (Cawthra, 1986, p.35).

The SADF activities against Southern African countries are discussed in some detail. The following four basic methods of South African destabilisation of the neighbouring countries of Mozambique, Angola, Botswana, Lesotho, Zimbabwe, and Swaziland were identified:

- direct attacks on liberation movement facilities in neighbouring countries,
- deployment of surrogate armed forces and propaganda offensives,
- economic pressures such as the deflection of trade away from neighbouring countries to SA ports, and
- open military aggression, with attacks on the capitals of Lesotho, Botswana and Mozambique, and a major invasion of Angola.

There was a long list of acts of military aggression by the SADF against Southern African countries. Killing of civilians during these operations occurred more than once. Some of the more notorious operations that were attributed to the SADF included the following:

- an attack on Maputo, the capital of Mozambique, in January 1981,
- an attack on Maseru, the capital of Lesotho, in December 1982,
- an attack on Gaberone, the capital of Botswana, in June 1985,
- an operation in December 1982 in which 30 South African refugees and 12 Lesotho nationals were killed in Maseru. Some were gunned down in their beds. Five women and two children were amongst the dead, and
- an operation in June 1985 in which 12 people were killed by the SADF in Gaberone. Children were victims of this attack.

Cawthra (1986) discusses Namibia and Angola in detail, as they were the targets of a great deal of SADF activity. For over two decades the South African government illegally occupied Namibia, and the SADF eventually engaged in a full-scale invasion of Angola. "Up to half the total mobilised strength of the apartheid armed forces have been committed to the war in Namibia and attacks on neighbouring Angola" (Cawthra, 1986, p.176). Human rights abuses occurred frequently in the occupied territory. "In the early 1970s regular SADF units carried out mass round-ups of hundreds of Namibians in the northern areas, many of whom were tortured" (Cawthra, 1986, p.210).

Possibly the most notorious act of the SADF was the massacre of Namibians at a refugee camp in Kassinga, Angola.

> South African troops continued the hunting and killing of unarmed refugees for over six hours. By the end they had killed 147 unarmed men, 167 women, 298 children and 12 soldiers. A further 611 Namibian refugees were wounded. Many of those killed died from single shots through the back of the neck.
>
> Cawthra (1986, p.149)

Hanlon (1986) discusses the war waged by South Africa in Southern Africa. "For years Pretoria has been waging a war in defence of apartheid well beyond its borders, with severe consequences for its neighbours" (Hanlon, 1989, p.1). Hanlon (1986) combines the effects of direct military action, famine, economic havoc and destabilisation, and puts a monetary value on these losses. Activities of the South African state resulted in lost development and reduced living standards for the neighbouring countries.

Hanlon (1986) emphasises the important point that the destabilisation activities were a 'deliberate strategy'. "These actions are part of a coherent South African strategy to use the neighbouring states in the defence of apartheid" (Hanlon, 1986, p.2). The South African intention was to use its neighbours as:

- barriers against guerrillas,
- hostages to head off international sanctions, and
- proof that black majority rule does not work. This was evidenced by the disruption and poverty in the neighbouring states.

The cross border military activity justified the power that the military leaders enjoyed within the South African government.

2.3 The Defence Force

This section deals with the history and background of the SADF. It also deals with literature on the integration process that resulted in the SANDF being formed. The literature reviewed here provides a clearer understanding of the institution of the Defence Force.

Bureau for Information (1989) presents an overview of the Defence Force and its components, the Army, the Navy and the Air Force, as well as detailing the history of the SADF from the time of its formation to the 1980s. The first South African military organisation was a garrison of mercenaries set up by Jan van Riebeeck in 1652. This was then replaced by an organisation of Burgher Commandos. By 1796 there was even a Corps that incorporated coloured members of the population.

The Anglo Boer War from 1899 to 1902 involved the regular regiments of Imperial troops and the volunteer Burgher Commando system. The

establishment of the Union of Africa led to the formation of a single defence organisation, the Union Defence Force, in 1912. The military organisation then consisted of an Active Citizen Force (ACF), Coast Garrison Force and Cadets, and a permanent force called the South African Mounted Riflemen.

The new Defence Force was used in 1914 to suppress a strike on the Witwatersrand. In 1915 the Defence Force participated in World War I and organised an invasion force of German South West Africa. The Defence Force was involved in action in France, Kenya, Palestine and Egypt in this period. A total of 254 663 South Africans of all races served in uniform during World War I, of whom 12 354 died in service. In 1920 the Air Force was formed, and two years later the Navy was formed.

South African troops were once more involved in active service in World War II. In 1950 the South African Airforce saw active service in Korea. The Union Defence Force was renamed the South African Defence Force (SADF) in 1957. In 1966, the SADF was restructured to meet the 'communist threat', and a system of national service was instituted in 1968 (Bureau for Information, 1989).

The Annual Report (1995/1996) of the Department of Defence provides information on many of the transformation issues that gained momentum after 1994 within the SANDF. This included the integration of the seven different armed forces and the development of a White Paper on Defence. The White Paper dealt with matters of transformation of the Defence Force in a democratic era, civil-military relations, affirmative action and land and environmental issues. This report, which carries the subtitle 'New Era Defence', presents the new Defence Force in the democratic era, after it underwent some degree of restructuring. The report places emphasis on transformation and transparency issues. This contrasts distinctly with the

submission to the TRC that was facilitated by the SANDF with regard to the past activities of the SADF (Department of Defence, 1996).

Roherty (1992) provides quite a different view of the SADF and its activities in the 1970s and 1980s compared with the other literature reviewed.

> This book is an account of an imaginative and innovative utilization of military and intelligence assets on behalf of state purposes. Mr. Botha's direction of his security forces, with the South African Defense Force/ Suid-Afrikaanse Weermag (SADF/SAW) as the centerpiece, was in fact critical in forming the foundation upon which Mr de Klerk, today, seeks to build the South African future.
>
> Roherty (1992, p.3)

Roherty (1992) covers the historical 'P. W. Botha periods' of the 'onslaught' and 'combating revolutionary war' painting the activities of the securocrats and the SADF in an extremely positive light. At one point he essentially says that the 'total strategy' approach by P. W. Botha and the SADF was the only means to usher in democracy and stability in South Africa. Much of his information was obtained through interviews with senior military officials and government officials in the period 1979 to 1990.

Perlmutter & Bennet (1980) provide insight into the various classifications of military organisation and military personnel. The political relationships within the military body and to the political spectrum are analysed in some detail. Studies of the Latin American countries and their military structures and relations are valuable in that, as noted earlier, their experiences with

regard to truth and reconciliation processes and military involvement are the closest comparisons to the South African experiences.

The book notes that the nature of a modern military officer is orientated towards maximising his influence in politics, regardless of the political culture that exists. In nations with highly institutionalised political systems, the military exerts its influence through the national security policy. In nations with poorly institutionalised political structures, the government itself is the prize that the military seeks.

A particular view on the classification of soldiers as professional soldier, praetorian soldier and revolutionary soldier is discussed. The professional military is subordinate to political authority. This is largely the case in developed countries such as the United States, Russia, Japan, Canada, Australia, New Zealand and Western European countries. The praetorian military exercises independent political power and is not controlled by the government. This is most observable in the Middle East, Latin America, Africa and Asia. The revolutionary military is independent and co-equal to the government. Examples where this occurs are China and Israel.

In South Africa some elements of all three types of military organisation existed or still exist. The SADF was regarded as a professional military organisation and was subject to the authority of a highly institutionalised government. However, in the Botha era, the SADF also assumed a role where it was integrally involved in government and politics through the State Security Council and the total strategy approach. During that period, there seemed to be a co-existence of the praetorian aspect and the professional aspect. There existed a tension between those who strove for pure military professionalism and those who desired political power. Currently the SANDF is an amalgamation of revolutionary military organisations and the SADF.

Cilliers (1995) edited a collection of articles on military transition experiences in Africa. The article on the South African experience discusses the stages, of political negotiations, integration, demobilisation, social reintegration and finally rationalisation that were involved. For this research report, the most interesting stage is the integration stage, involving the merging of the liberation military organisations with the statutory military organisations.

Integration of these military organisations was supervised by the British Military Advisory Training Team (BMATT). "In effect BMATT served to certify to all the parties to the integration process that the procedures and standards applied in any individual case and to the process as a whole, were fair" (Cilliers, 1995, p.118). In essence, the BMATT evaluated personnel of the liberation military organisations and accordingly recommended their placement within the statutory military organisation.

2.4 Covert security force activities

A number of covert security force projects and actions became known, through means of the Harms Commission, the Goldstone Commission, the TRC and other processes. These revelations provided evidence that, in many instances, explained particular SADF or SAP operations. The SADF submission did not discuss the issue of covert operations in any detail. The literature contained here indicates the content of some of those operations.

De Kock (1998) deals with many issues relating to the South African truth and reconciliation process. He details the extraordinary activities of the security forces. "at least from the era of Prime Minister John Vorster

onwards, [*sic*] was a brutal national security apparatus. It was not a group of maverick hooligans, renegade policemen or rogue operators, even though some of its footsoldiers were hooligans and thugs; it was a state enterprise" (De Kock, 1998, p.i5).

This illustrates the psyche of the securocrats and their need for extraordinary measures to address their real and potential fears. Though Eugene de Kock spent most of his active service as a member of covert police units and is thus expert in describing their actions and excesses, he also experienced the 'darker' side of the SADF. He mentions violent incidents in which the SADF was involved, of which he heard, observed or suspected. He also talks of the militarisation of South African society (De Kock, 1998).

De Kock (1998) provided valuable insight into what could be regarded as the foundation of apartheid security force excesses. He critically discusses at length the P. W. Botha partnership with the SADF, and the militarised society that they created. De Kock, himself an 'exemplary' product of this militarised society, was well placed to give the views of a critical insider. view. This provides an important comparative viewpoint as the first two chapters of the Defence Force submission to the TRC are devoted to discussing the 'RSA National Security Strategy' and the 'Revolutionary war or total onslaught'.

> At times, I wasn't certain who was in control of the country. The politicians were completely dependent on the intelligence services for their information and were often manipulated. It became clear to me that, for all practical purposes, the National Party was kept in power by the SADF and the SAP. But this was, of course, the end result of the NP's policies.
>
> De Kock (1998, p.119)

The Goldstone Commission (1994) compiled an interim report on criminal political violence by elements within the South African Police, the Kwazulu Police and the Inkatha Freedom Party. The report indicates the indirect involvement of the SADF. In the Caprivi Strip the SADF trained a number of Inkatha affiliated men during the 1980s in irregular warfare.

It was in regard to these trainees that the report made the following reference.

> It is a disturbing feature of the evidence placed before us that it reflects that former Caprivi trainees have in some cases been guilty of serious criminal conduct related to public violence and intimidation and in other cases suspicion is cast upon those persons. In this regard, apart from the persons mentioned in evidence before us, we were referred to the report by the Commission issued on the 6th December 1993, concerning the possible existence of a hit squad in the KZP. On the information placed before us at least some, if not all of the persons concerned in that were Caprivi trainees.
>
> Goldstone (1994, p.26)

Kasrils (1998) makes several interesting remarks with regard to the former SADF. Part IV of his book covered the period 1994 to 1998 and provides an insider's view on some SADF issues. He notes the power that the military establishment enjoyed during the apartheid period. "The apartheid era generals were accustomed to having their way with the politicians – their influence in the 1980's having been excessive" (Kasrils, 1998, p.386). Kasrils (1998) also closely followed some SADF submissions to the TRC. He describes the presentation of General Joop Joubert, the former Chief of SADF Special Forces to the TRC. Joubert tried to define for the TRC

the various meanings and interpretations of the word 'eliminate'. The General's efforts earned the description of 'Alice in Wonderland' logic.

The book also proceeds to detail the formation, structure and some activities of the CCB. Kasrils has some insight into this as he met personally with a very disillusioned Joe Verster, the former Managing Director of the CCB. "Verster's operations were placed beyond the formal SADF structures. Command and control was vested in him with a covert link to the Chief of the SADF who from 1985 – 1990 was General Jannie Geldenhuys" (Kasrils, 1998, p.421). He also had discussions with Craig Williamson in order to influence him to appear before the Truth and Reconciliation Commission.

Pauw (1991) introduces the reader to the bizarre and secret underworld of the South African death squads. Pauw's first hand experience with Dirk Coetzee and his revelations, provides him with a unique insight and perspective from which to analyse the South African death squad phenomenon.

Though the book covers the activities of the covert SAP units in great detail, several chapters discuss and analyse the military state, National Security Management System and the activities and special projects of the former SADF. The chapters, 'The Genesis of Death Squads: Apartheid's ultimate weapon' and 'The brotherhood of Silence' discuss the securocrats, the SADF and the CCB at length (Pauw, 1991).

The Harms Commission (1990) was set up by FW de Klerk in the wake of the Dirk Coetzee revelations and the exposure of the Civil Cooperation Bureau (CCB). The powers and mandate of the Commission were severely limited. Judge Harms found the revelations of Dirk Coetzee to be

quite unbelievable. At the same time he found evidence of the CCB and its activities quite convincing.

Hence this report, while providing the basic information for further investigation on SADF and SAP covert activities, is quite controversial. The disclosures by Dirk Coetzee, as well as those by the CCB were found to be true in the immediate future to the sitting of the Commission. De Kock (1998) reveals that the covert security force structures came to the Harms Commission with the intention of deceiving the Commission. The extracts and analysis by Patrick Laurence of the Harms Commission report proved to be far more useful than the Commission Report itself (Harms Commission, 1990).

Laurence (1990) blends an appraisal of the 'Harms Commission of Inquiry into Political Murders', with a historical analysis of the genesis of death squads. "At least 50 people were assassinated in South Africa in the 12 years between August 1977 and November 1989, the overwhelming majority or whom were determined opponents of apartheid" (Laurence, 1990, p.2).

The issue of full disclosure by security force members and the SADF comes under scrutiny in this book. The information provided by the perpetrators of violent crimes should not be taken at face value. However, the enormous gaps in information, whether from documents, witnesses or physical evidence results in investigations having to accept the face value of information provided. There is very little means for corroboration of evidence available. According to Laurence (1990, p.55), "Currin contended: 'Surely the Commission should accept nothing it hears or receives from SADF Special Forces or Military Intelligence on face value. Their agents are taught to lie, deceive and to forge. Often the success of their work and their very lives depend on those vices'".

2.5 Governance: disclosure and accountability issues

The future implications for the Defence Force hinge on organisational management issues. Governance within the SANDF could be affected by repercussions deriving from the resistance of the former SADF to acknowledge the past. The former SADF leadership sought to avoid full disclosure and accountability with respect to the past. This section covers the relevant parts of governance literature.

Jorgenson (1993) outlines four modes of governance. The 'hierarchical', the 'autonomous', the 'negotiating' and the 'responsive' modes of governance. In respect of the Defence Force, the 'hierarchical' mode of governance seems to be the most appropriate description. Within the 'hierarchical' mode of governance the following orientation aspects are specified:

- the roles of public organisations, which is the neutral implementation on the basis of political preferences;
- the roles of citizens as voters and subjects;
- control forms, such as hierarchical control and rules;
- normative bases, such as political loyalty and the will of the people; and
- the organisational context of parliament, cabinet, parental department, Ministry of Finance and the General Audit Bureau.

Hyden (1992) provides some useful information in his chapters, 'Governance Realm' and 'Empirical Dimensions of Governance'. Hyden (1992) wrote the article with regard to the public service at large. The relevant concepts were extracted and associated with a single part of the public service, namely the Defence Force.

"The governance realm should be seen in relation to the public realm in the way management is to organisation: as a means to an end" (Hyden, 1992, p.12). Hyden (1992) breaks down the concept of 'governance realm' into four components, which are:

- trust – which is the extent to which individuals and groups co-operate, and that cuts across basic divisions. In the case of the SANDF, these basic divisions could be race, political beliefs and military background. Military background refers to the integration of SADF members with the TBVC Defence Force members and soldiers of the liberation movement's military wing;
- reciprocity – which is the freedom of members to form associations to defend and promote their interests within the institution. The outcome of the recent legal wrangle allows for the formation of unions within the Defence Force;
- accountability – which is the effectiveness with which the governed can exercise influence over their governors. Soldiers now have recourse to the Constitution and civilian authority, should the leadership of the Defence Force engage in irresponsible actions. To some extent this relates to the component of accountability as described by Hyden (1992);
- authority – which is the extent to which leaders respect rules or change them in ways that are acceptable to the governed. In the current context, the leaders would have to keep changes within the confines of their constitutional mandate.

"The four variables ...may be seen as prerequisites for effective governance, as measured in terms of legitimacy generated for a regime" (Hyden, 1992, p.14).

The chapter on 'Empirical Dimensions of Governance' discusses the important issue of citizen influence and oversight. The former SADF had a close relationship with the National Party Government. The lines of authority and control between the civil authority and the military became

blurred. There should be ways of holding the current SANDF leaders accountable for their decisions and actions. Also leadership needs to be both responsive and responsible to the civic public realm. There needs to be a readiness to share information with citizens and to adhere to the rule of law.

Mintzberg (1996) discusses the possibilities of a distinct separation between the political arena and a professional institution such as the SANDF. "The belief that politics and administration in government can be separated is a myth that should die a quite death" (Mintzberg, 1996, p.80). He contends that that administration of a particular function, for example Defence, could to some extent be isolated from a parallel function, for example Correctional Services, but it cannot be isolated from the vertical political processes. Also, politicians would not be prepared to relinquish control of their policies. More importantly, policies should be an iterative process involving both politics and administration.

This viewpoint is interesting, in that an often cited cause of problems in the SADF is the issue of political interference. Professionalism in the military is understood by some as achieving a situation where soldiers are apolitical. Others prefer a concept of soldiers being non-partisan, and regard apolitical as an unachievable concept.

Swilling & Wooldridge (1997) discuss specific problems with regard to the South African public service. The problems of 'accountability' and 'transparency' are of relevance to this research report. Swilling & Wooldridge (1997) indicate that if accountability is practised, it is in fact bureaucratic accountability. Civil servants are held accountable via the hierarchy for adhering to rules. In the case of the old SADF, this would have been the practice, with issues of secrecy compounding this approach

even further. Accountability to citizens and communities would have been a non-issue altogether. Currently, the accountability issue takes on another dimension before the TRC, as former senior civil servants (SADF Generals) avoid accountability for SADF activities during the period from 1960 to 1993.

The second issue, that of 'transparency' is also relevant, in that it refers to the concentration of information with senior officials. The public and front-line workers are denied access to information on which decisions are based. In the SADF, the bulk of the front-line soldiers were conscripted national servicemen who were expected to carry out their commands unquestioningly though, more often than not, they were not aware of the eventual goal of those particular actions. Prior to and during the truth and reconciliation process, the issue of transparency was seriously affected by the destruction of documentation in order to avoid disclosing sensitive and incriminating information to the TRC and the public.

2.6 Ethics: disclosure and accountability issues

This section deals with the organisational management issue of ethics. Literature on organisational ethics, especially in relation to disclosure and accountability, relates to the institutional implications for the SANDF.

Thompson (1992) discusses two particularly relevant themes: namely the 'ethic of neutrality' and the 'ethic of structure'. The 'ethic of neutrality' argues that administrators must follow the orders of their superiors, and the policies of the agency and the government that they serve. They may not follow their own moral principles. The 'ethic of structure' argues that administrators cannot be held morally responsible for most of the

decisions and policies of government. The leaders of the organisation and not the individuals who administer it are responsible for actions. Thompson (1992) argues against these two theories. He argues for 'administrative ethics' whereby public administrators can and should be held accountable over and above the organisations in which they happen to serve.

"Public officials are blamed for immoral (or incompetent) performance in one role but then appear to start with a clean slate once they leave the old job and take up a new one. ...Even when a role fully and legitimately constrains what an official may do, personal responsibility need not be completely extinguished" (Thompson, 1992, p.46). This aspect of 'administrative ethics' is relevant to the situation. Former SADF members who were guilty of immoral conduct during the period of the SADF, became part of the SANDF and supposedly free of that previous tag of immoral conduct.

"Criticism of one's own past and current performance, and the structures in which such performance takes place, may be the last refuge of moral responsibility in public life" (Thompson, 1992, p.47). In particular with respect to the Defence Force, this would mean coming to terms with past performances that do not fall within the ambit of professional military practice.

Kernaghan & Dwivedi (1983, pp.1-3) elaborate on the recent surge of interest in the ethical conduct of public servants. "Ethical rules are designed to ensure the impartiality, objectivity and integrity of public servants in their conduct of the public's business" (Kernaghan & Dwivedi, 1983, p.1). Discretionary decision making powers and access to confidential information place public servants in a powerful position that can be abused. Among others, their positions can be abused for partisan

gain. This particular element is relevant to the SANDF, which is an amalgamation of a number of military organisations that were distinctly partisan in nature prior to 1994.

The issues of ethics and responsibility are then discussed in the article, and the authors distinguish between objective responsibility and subjective responsibility. Objective responsibility is upward and in relation to superiors or commanders. Subjective responsibility is outward, in relation to other political actors, and inward in relation to a sense of conscience. This conceptualisation of administrative responsibility is useful in the light of issues between the military establishment and the TRC. The question of who is responsible for the excesses committed by the military, those who gave the commands (objective responsibility) or those who committed the actual act (subjective responsibility), needs to be answered. This debate is familiar to most truth and reconciliation processes, as to whether it is the individual or the institution that should be held responsible for acts or omissions.

The article further emphasises that subjective responsibility can be stimulated by pre-service or in-service education and training. The Civic Education Programme that was initiated recently by the SANDF seems to be a measure towards the inculcation of a sense of subjective responsibility within the soldiers in the new Defence Force.

Caiden (1983) discusses among other things, the issue of 'ethical judgements by public servants'. "For nearly a century administrative scientists have tried to take public administration out of partisan politics and partisan politics out of public administration" (Caiden, 1983, p.160). The intention was to create a value free, neutral and objective science where political actors would determine the ethical parameters.

In accepting this argument and applying it to this research topic, it could be argued that during the period 1960 to 1993, the National Party (as political actor) was setting the ethical parameters, and the SADF (as neutral administrator) was then implementing their programme in an objective manner.

Caiden's (1983) argument was to codify public service ethics so that public servants knew what was expected of them. Public servants are often in a position where they need to make ethical judgements and a code of ethics would help to clarify the values towards their decision making.

Peters (1989) discusses the issue of administrative accountability with regard to the relations between the political actors, the public and the public administrators, and of the issues of 'control' and 'accountability'. He refers to the dualism displayed by the public service in either acting beyond the scope of their authority or not acting at all.

He then discusses the issue of where the problem lies, whether it is with the institution or with the individual. An atrocity committed by the SADF could be as a result of the nature of the institution or as a result of the political beliefs and practices of an individual soldier. This leads to a debate around whether there exists a distinct separation betwe administration and politics. In the P. W. Botha era, there was evidenc of a very close relationship between the military institution (SADF) and the governing political party (National Party). That debate currently continues with respect to the SANDF and the new democratic government.

CHAPTER 3 : PROBLEM STATEMENT

3.1 Problem statement

The intention of the research report was to conduct an analysis of the Defence Force submission to the truth and reconciliation Commission. This analysis would then lead into the implications of such a submission for the truth and reconciliation process, for the Defence Force as an institution and for the broader society.

Truth and reconciliation is understood to be a process whereby an individual or organisation divulges the facts regarding deeds that they have participated in or perpetrated, and this leads to some degree of reconciliation between the perpetrators and victims. It is questionable whether the submission by the former SADF falls within this understanding of truth and reconciliation.

The SADF submission offered a negative view of the major National Security threats facing the current government and the military. That was then used to justify the general approach of the military to the situation, and to justify the need for the military to engage in extraordinary measures.

However at the same time the SANDF was unable to detail the structures that executed these extraordinary measures or the measures themselves. The SANDF claim no longer to have access to any documents in this regard. This linked with a common problem that the TRC found with regard to the security forces and documentation. The literature review, particularly regarding Latin American experiences, presents a similar

scenario of absence of evidence of government and military activities during the periods of human rights abuses.

The TRC in fact carried out a specific investigation into the destruction of records by the security establishment. This investigation covered all branches of the security establishment, namely, the Security Branch (SB) of the SAP, the Military Intelligence (MI) arm of the SADF, and the National Intelligence Service (NIS). It was clearly established that such destruction of information began in an organised fashion from 1992, gathered momentum in 1993 and in some instances continued as late as 1997 (TRC, 1998, 1).

The truth and reconciliation process is a necessary and significant transformation stage from an era of oppression to one of democracy. In a society sincerely engaging in this process, society undergoes transformation from the old to the new. Thus there is reconciliation, and society begins to develop positively.

A defence force is a powerful institution within society. In the apartheid era, the 'total strategy' approach of the Defence Force rendered it more than a monolithic institution, and expanded it to permeate other government institutions and structures. The P. W. Botha partnership with the military from 1966, and the bringing of the military into politics, created an enormous expansion of the sphere of influence and control of the SADF.

Logically such a powerful component of government as the Defence Force would need to undergo a similar experience as general society in order to transform. The Defence Force would need to undergo a truth and reconciliation process in order to transform into a force that is a suitable component of a democratic government.

The Defence Force submission to the TRC was far from full disclosure and accountability. Thus the Defence Force moved into the democratic era without undergoing this essential transformation step. This would obviously impact on the future of the Defence Force as an institution. It is yet to be seen whether they are able to weather the storm of unresolved issues. More importantly would the way in which these unresolved issues manifest themselves within the Defence Force, have implications for the rest of South African society.

3.2 Research Questions

1. Was the Defence Force submission to the TRC a strong attempt at full disclosure and accountability? What overall message was this submission giving to the Truth and Reconciliation Commission?

2. What are the future institutional implications of the Defence Force submission to the Truth and Reconciliation Commission? What are the implications for:

- Governance within the SANDF,
- Organisational management,
- Ethical practices, and
- Accountability and responsibility.

3. What are the broader implications for a democratic South African society?

3.3 Limitations on Research

The truth and reconciliation process, as implied by comparative studies of other countries with the current South African experience, will have mixed results. There will be cases that are concluded, with the truth discovered, and there will be others where there is no real conclusion or discovery of the truth.

To consider and analyse the submissions of all apartheid government institutions to the TRC and the individual submissions of individual civil servants would be an impossible task. Hence the research effort is limited to the formal submission in regard to a key apartheid government institution, the SADF. The SADF, together with P. W. Botha, laid the foundation for the 'total strategy', and it was this strategy that gave rise to many of the cases and incidents being considered by the TRC.

With respect to the literature, there are international writings that allow for comparative engagement (Canas, 1994; Gauck, 1994; Hilberg, 1961; Mendez, 1994; Michnik, 1994; Neier, 1994; Weschler, 1994; Zalaquett, 1994). However, South African history is unique in many respects, which limits the degree of comparison with international case studies, although the Latin American cases display similarities to the South African scenario.

In respect of the security and covert activities of the apartheid government, the security forces, and the SADF in particular, there is some South African literature, though most have their basis in similar investigations or cases that have become public knowledge. Some sources of such investigations and cases are the Harms Commission Report, Goldstone Commission Report and the writings of Jacques Pauw and Eugene de Kock. The fact that the Defence Force operated and operates within strict security parameters also serves as a limitation.

Interviews were used to gather greater insight from individuals who were directly involved in the SANDF and its submission to the TRC, as well as individuals observing the process on a regular basis. Some of the value of the interviews involved the opportunity to hear from 'opinion makers' with regard to the SANDF, TRC and the truth and reconciliation process as a whole. However, the limitation was access to the individuals, who perform key functions and are not easily available.

CHAPTER 4: RESEARCH METHODOLOGY

The approach of this research effort was to firstly engage in a literature review. This consisted of primary literature and secondary literature. Secondly, partially structured interviews were conducted with relevant individuals who could provide expert views on the SADF submission to the TRC and its institutional implications.

4.1 Outline of primary literature issues

The primary literature consisted of:

- the submission in respect of the former SADF,
- the initial response of the TRC to the submission,
- SADF submission questions,
- answers to SADF submission questions,
- additional submission with regard to the former SADF,
- the TRC Report ,
- the SADF Contact Bureau's analysis of the TRC Report , and
- SANDF Civic Education Guidelines.

4.2 Outline of secondary literature issues

The secondary literature consisted of writings on:

- truth and reconciliation processes and experiences of other countries,
- South African truth and reconciliation issues,
- the Defence Force,
- covert security force activities,

- governance: issues of disclosure and accountability, and
- ethics: issues of disclosure and accountability.

4.3 Interviews

The sample for interviews was chosen from a population consisting of members of the Defence Force who had intimate knowledge of the SADF's submissions to the TRC. The size of the sample was, limited by time constraints and the availability of Defence Force members. Three members of the former SADF who were directly involved with the submission to the TRC were interviewed. Three high ranking SANDF members who observed the interaction between the TRC and the representatives of the former SADF closely, were also interviewed. Finally, the former Deputy Minister of Defence, who had made public comment on the submission of the former SADF to the TRC, was interviewed.

The questionnaire was partially structured and allowed for flexibility during the interview. Some respondents were sensitive about the topic and the exact wording and thrust of questions had to be adapted in order to obtain optimum co-operation. "may be tailored to probe avenues of exploration that seem to be yielding information relevant for the hypothesis or topic being studied" (Bailey, 1987, p.191). Also, respondents had intimate knowledge of different aspects of the topic and flexibility of method facilitated focus on the aspect they were most knowledgeable about. A copy of the questionnaire is contained in Appendix 1. A list of the respondents is contained in Appendix 2.

4.4 Method of Analysis

A framework was created from the categories of secondary literature. It was against this framework that the content of the initial and subsequent submissions and responses of the former SADF to the TRC were assessed. The assessment intended to measure the degree of disclosure and accountability displayed by the former SADF. The categories of secondary literature are as follows:

- truth and reconciliation processes and experiences of other countries,
- South African truth and reconciliation issues, and
- covert security force activities.

The information from the other categories of secondary literature were then used to create a framework against which the institutional implications for the Defence Force could be assessed as a result of engagement with the TRC, as follows:

- truth and reconciliation processes and experiences of other countries,
- the Defence Force,
- governance: issues of disclosure and accountability, and
- ethics: issues of disclosure and accountability.

The possible institutional implications arising from the failure of the Defence Force to acknowledge its past were discussed, and predictions and recommendations were made.

The information contained in the primary literature was presented in the following manner. The initial submission by the SADF to the TRC was discussed in detail and relevant sections were summarised. The subsequent submissions and responses to the TRC by the SADF representatives showed a similar core argument as the initial submission, hence they were merely broadly described, and only key relevant points were noted. The TRC response to the first SADF submission and the TRC

Report were discussed and served as a means of assessment of the SADF submissions and responses to the TRC. Thereafter the essence of the SANDF Civic Education Guidelines was discussed as a contribution to the development.

The interviews with SADF members who were involved with the submissions to the TRC and members of the new SANDF leadership served to clarify and explain the rationale behind many issues. During the analysis and interpretation phases, these interviews were used to clarify, contrast and support issues arising from the primary literature. Elements of the secondary literature were also utilised at this point as further evidence to support or oppose issues. The secondary literature also allowed for the relating of the institutional implications to bodies of theory, such as governance and ethics within organisations. This was done with a particular focus on the issues of accountability and disclosure that served as the bridge from the assessment of the SADF submission to the analysis of the future institutional implications.

The key issues around an assessment of the SADF submission to the TRC, and the key issues around the future institutional implications for the SANDF were then concluded. The relation of these issues to an environment broader than the Defence Force, the new democratic South African society, was then discussed. The future continuity of these processes of truth and reconciliation and the consolidation and transformation of the SANDF were discussed as well. Finally, predictions and recommendations for the future of the Defence Force were made.

CHAPTER 5 : RESULTS

The SANDF, being a legal institution that existed at the time of submission to the TRC, was officially noted as the facilitator of the submission. However, the contents of the submission cover the period 1960 to 1993, and thus the activities of the SADF. The SANDF, which was a product of the amalgamation of the SADF, the defence forces of the former TBVC States and the military wings of the ANC and PAC, merely facilitated the process of preparation and presentation of the submission. The SANDF provided the necessary administrative support.

During an interview with a former MK member, now a general in the SANDF, the Defence Force arrangements with respect to the TRC were explained in some detail. There are two administrative arrangements within the SANDF:

- An SADF Contact Bureau that involved former military leaders like, Kat Liebenberg, Jannie Geldenhuys, George Meiring, Major General Mortimer (retired), D.R. Marais and Brigadier Slabbert (retired). This group compiled the SADF submissions to the TRC. They also selected lawyers to represent them, as former SADF leaders, at the TRC hearings. On publication of the TRC Report they produced a paper detailing their analysis of the truth and reconciliation process, Commission and report.
- The 'SANDF Nodal Point to the TRC' provided support and access for individuals, whether from the former SADF, TBVC defence forces, MK or APLA ,to make submissions in an individual capacity to the TRC.

Captain Imrie (retired) also explained some of the background of the matter of the SANDF Nodal Point to the TRC and the SADF Contact Bureau to the TRC. He is part of the reserve force. In February 1997, he was called up by Military Intelligence Division to help the former SADF

respond to the TRC. Brigadier General Slabbert was at that time the Secretary of the SANDF Nodal Point to the TRC. Captain Imrie (retired) is now the Secretary of the SANDF Nodal Point and will remain in this capacity up until the conclusion of the Amnesty process in March 2000.

The former Deputy Minister of Defence, Ronnie Kasrils also emphasised that the submission to the TRC was that of the old Generals of the SADF and not a submission of the SANDF. He stated that the Ministry of Defence had nothing to do with the compilation, content or presentation of the submission.

However some confusion existed as all the submissions on behalf of the SADF carry the statement 'compiled by the SANDF Nodal Point'. Only on the document reacting to the TRC Report is it indicated that it is a product of the SADF Contact Bureau. Though this seems to be the result of the situation that the SANDF Nodal Point to the TRC first came into existence as an entity, and that the SADF Contact Bureau was a later construction that took over the essentially political role of the former SADF. The SANDF Nodal Point then retained the more functional role of assisting with individual applications by SANDF soldiers to the TRC, rather than the institutional applications of the former SADF.

Various terms are used in the research report to refer to the institutions, the leaders and the individuals, who were involved in the Defence Force. The definitions of these terms are in the glossary at the front of the research report.

The respondents are referred to in the following manner. Former SADF leadership since retired, are referred to by their previous military rank, in order to give an indication of their authority. Those new leaders who are part of the Defence Secretariat do not necessarily carry a military rank and will therefore only be referred to by their full names. The anonymous

respondent, the former MK member now a general in the SANDF, is referred to as the 'SANDF general'. The institutions that the respondents represent are not always mentioned.

5.1 SADF Submission (1996)

The first SADF submission was presented to the TRC by a high level military officer, Major General B. Mortimer, and carried the title, 'South African Defence Force involvement in the internal security situation in the Republic of South Africa'. He introduced the submission by pointing out the facilitator role of the existing SANDF, and the fact that the SADF no longer exists, hence there can be no official testimony on its behalf. The submission was compiled from available documents and inputs from members of the former SADF.

The submission is 81 pages long. It is divided into seven parts, including an introduction and a conclusion. The five parts are entitled as follows:

1. Summary of the RSA's National Security Strategy
2. The Manifestation of the Revolutionary War in South Africa from the SADF perspective
3. Organisation and functions of the SADF
4. Defence strategy, planning and authorisation
5. SA Defence Force operations

At this point key parts of the content of the submission are described. The submission provides historical and background information which is valuable in placing the SADF in context within South African reality. Summaries and extracts are also based on issues that have a bearing on SADF activities that fall within the ambit of the truth and reconciliation process.

The submission starts off by explaining how the SANDF and the SADF relate to this submission to the TRC. The positive intention of assisting the TRC to meet its responsibilities is stated. The intention to place in perspective SADF activities during the period 1960 to 1993 is stated as a 'disclaimer'. "No attempt has been made to analyse or evaluate the information with the benefit of hindsight. It may therefore not be a complete version of SADF actions, or a correct reflection of all SADF members' point of view" (SANDF Nodal Point, 1996, p.2). The important point that SADF strategic planning was based on the National Security Strategy and the threat perception against the country is emphasised.

RSA's National Security Strategy

The RSA National Security Strategy covered the period 1960 to 1989 and had as a key element the Security Goal, "To ensure the security of South Africa against any threats. In this regard the RSA's Strategy emphasised that the RSA had no aggressive intentions towards its neighbours, but that the RSA's posture was of an offensive nature and would, through pro-active actions, ensure its national security" (SANDF Nodal Point, 1996, p.3). The submission then explicitly states that the development of the RSA's National Security Strategy was directly influenced by the ANC's strategy of revolutionary warfare.

P. W. Botha, as Minister of Defence in 1966, broadened the vision of RSA security by bringing in the East / West conflict. SA was portrayed as part of the West and needed to resist Soviet expansionism. "In the world we live in, the dividing line between war and peace is generally no longer a clear one, and the South African Defence Force ... must take that situation into account" (SANDF Nodal Point, 1996, p.4). The prime minister, John Vorster, supported this view.

The strategy pursued was to keep the 'defence line' as far as possible away from SA. Hence defensive arrangements were concluded with Rhodesia and Portugal. In 1974 this defence line was pushed to the South African borders. With the approval of the US, the SADF entered the Angolan civil war on the side of UNITA. "Mr Botha explained the incursion into Angola as the willingness of South Africa to shoulder its responsibility as an ally of the free world" (SANDF Nodal Point, 1996, p.5). The 1979 White Paper on Defence, with P. W. Botha as Prime Minister, described the concept of 'total onslaught' against SA as Moscow's strategy to world conquest. "The surrogate forces the Soviets were employing included the ANC, SWAPO, the SACP and other related organisations" (SANDF Nodal Point, 1996, p.6).

"The ANC was singled out as the main internal revolutionary threat ...They want nothing but the overthrow of the civilisation in this country" (SANDF Nodal Point, 1996, p.7). In response to this the RSA Government began to develop a 'total national strategy', which involved co-ordinated actions in all fields – military, psychological, economic, political, sociological, technological, diplomatic, ideological and cultural. The machinery of government was rationalised into two main systems, namely the Welfare system and the Security Management system. The State Security Council (SSC) was established in 1972 as a statutory Cabinet Committee. The SSC consisted of the Prime Minister, Senior Cabinet Minister, Minister of Foreign Affairs, Minister of Defence, Minister of Justice, Minister of Law and Order, Chief of the SADF, Commissioner of Police, Director General of National Intelligence, Director General of Foreign Affairs, and the Director General of Justice. A secretariat provided support to the SSC. This secretariat was subdivided into strategic planning, co-ordination and evaluation of intelligence and strategic communications.

A national security policy was developed that included as some elements, the concept of pro-active or forward defence. "The National Security Policy

made explicit provision for pro-active actions beyond the borders of the RSA, if necessary, for self-defence or pre-emptive purposes" (SANDF Nodal Point, 1996, p.12). Once more it was emphasised that the National Security Strategy was a response to the ANC's revolutionary warfare strategy.

> The strategy against the ANC, included the following tasks for the SADF:
>
> a. the development of the required military infrastructure for effective counter insurgency operations;
> b. the prevention and suppression of terrorism against the RSA, including military actions against bases and training facilities in neighbouring states;
> c. the disruption and immobilisation of ANC operational command structures and centres;
> d. neutralising the propaganda and espionage threat of the ANC to military personnel and installations;
> e. the protection of the RSA borders and coastal areas against terrorist infiltration;
> f. the protection of national key points against sabotage; and
> g. supporting the SA police in stabilising the internal situation.
>
> SANDF Nodal Point (1996, pp.13-14)

Several types of strategies were formulated by the SSC from 1980 to 1990 and sent to departments for implementation. Those that seem to be relevant to this research report are:

- a total strategy for Southern Africa (1980),
- a total strategy against the ANC (August ,1981),
- revised authorisation procedure for cross-border military operations (October ,1985),
- national strate[illegible]onary onslaught against the RSA (December, 1986,

- guidelines for future secret and covert actions and special operations (June ,1990), and
- guidelines for a revised national security strategy (November, 1990).

The above points describe the foundation of the militarisation of South African society. P. W. Botha on becoming Prime Minister in 1966, brought the military into government politics to bolster his rule. A similar relationship had existed between his predecessor John Vorster and BOSS (Bureau of State Security). This relationship between the Prime Minister and the military gave rise to the militarisation of SA society, which was deliberately developed through the rigorous implementation of the NSS.

The Revolutionary War in SA

This section on the SADF perspective on the revolutionary war in South Africa begins by detailing the history of the development and activities of the ANC and PAC. It gives some detail around events linked to the formation and early activities of MK and the waging of guerrilla warfare. The M-Plan and Rivonia Trial is described as being the first public exposure of ANC military activities. The Morogoro Conference that discussed guerrilla warfare is also detailed. The student unrest in the 1970s and its implications are noted. Independence of the Portuguese colonies is regarded as a threatening development as it provided the ANC with bases close to the RSA border (SANDF Nodal Point, 1996).

The 1978 investigation of new strategies by the ANC, such as the "people's war" strategy that had been practised in Vietnam is discussed at length as "The four pillars of the revolution – a strategy for people's war" (SANDF Nodal Point, 1996, p.20). The four pillars are:

- underground structures of the ANC,
- mass mobilisation,
- armed offensive, and

- international drive to isolate the RSA.

These four pillars are individually detailed at great length.

Mention is made of the support that MK and APLA received from other African countries. In particular it was noted that MK used Swaziland as its main point of access to the RSA. The command structures of the ANC are detailed, in particular the Regional Political Military Committees (RPMCs) and their deployment in neighbouring African countries (SANDF Nodal Point, 1996).

Under the title 'Manifestation of the revolution inside South Africa' violent incidents involving the ANC in particular and its allies, are discussed and statistics are provided: "There was a sharp shift in emphasis from hard to soft targets" (SANDF Nodal Point, 1996, p.30). This statement is supported with a statistical analysis covering the period 1983 to 1989 demonstrating this shift in emphasis of MK activity. This is then followed by the statement, "This shift in emphasis saw the degeneration of the 'liberation struggle' into a planned campaign of armed struggle where the lives and property of ordinary South Africans were destroyed in the hope of gaining political benefits" (SANDF Nodal Point, 1996, p.30).

A few paragraphs then discuss the background, strategies and actions of the PAC and its armed wing, APLA. This is followed by discussion of the "People's War" and 'Internal Unrest'. The section then talks of MK units integrating with mass combat units within the country, the increasingly militant actions of civil society organisations such as the United Democratic Front (UDF), the unrest at school and labour unrest. Statistics on the damage caused by internal unrest is provided for the period 1984 to 1989. 'Black on Black violence' is noted and discussed. Actions against security forces are illustrated with statistics, and key violent incidents involving the far right wing are listed. The issue of arms smuggling in relation to the political organisations, the ANC, PAC, IFP and right wing

organisations, is mentioned. This covered mainly the period 1990 to 1994 (SANDF Nodal Point, 1996).

The next part of the document describes 'the opponent', the liberation movements. in detail and describes the revolutionary war being faced by the RSA. It is to this threat that the SADF had to respond deliberately and strongly. Simply put, the submission portrays a looming danger facing the RSA that justifies the offensive and defensive measures that the SADF put into place (SANDF Nodal Point, 1996).

Organisation and functions of the SADF

The third section of the submission covers the organisation and functions of the SADF. The SADF comprised the following:

- the South African Army,
- the Wits Command,
- the South African Air Force (SAAF),
- the South African Navy (SAN),
- the South African Medical Services (SAMS),
- the Special Forces, and
- the Military Intelligence Division (MID).

The submission details the structures, functions and roles of the various parts of the SADF. Of interest in the context of the truth and reconciliation process are the Special Forces arm and the Military Intelligence Division.

Special forces contained 5 Reconnaissance Regiment which developed some notoriety through its activities in South West Africa (now Namibia) and Angola. The regiment was a landward (also airborne) Special Forces regiment that specialised in counter-revolutionary warfare. The other interesting section of Special Forces was the CCB.

> During 1985/86 the ANC changed its tactics by intensifying its underground and unconventional methods both externally and internally...this led the SADF to counter the changing threat and establish a new subdivision of Special Forces called the Civil Cooperation Bureau (CCB) in May 1986. Civilian and demilitarised personnel from various sources were appointed under contract to form the CCB. The CCB was investigated by the Harms Commission. No documentation other than that contained in the records of the Harms Commission is believed to exist. At the time of drafting of this submission the Harms Commission records were not available at the Nodal Point. It is believed that they are available to the TRC. The TRC's attention is drawn to the evidence pertaining to the mandate, composition and functions of the CCB. CCB activities were terminated in April 1990 and the organisation was finally closed in February 1994.
>
> SANDF Nodal Point (1996, p.48,49).

The Military Intelligence Division (MID) was also a section of the SADF that is of interest in the truth and reconciliation process. The aim of MID was the provision of customised military intelligence services to the Department of Defence (DOD). Within MID there existed a Chief Directorate Intelligence Operations which was responsible for special intelligence projects. "This chief directorate was terminated in 1992" (SANDF Nodal Point, 1996, p.50). The more infamous Directorate of Covert Collection (DCC) was responsible for the collection of military related information in a covert manner. "DCC collected information as requested by its clients and had no executive power" (SANDF Nodal Point, 1996, p.50).

In the above section of the submission the various arms of the SADF are broadly described. Particular units like the CCB, DCC and 5 Reconnaissance Regiment which were implicated in human rights violations and criminal activities are merely described in terms of their functions. Mention is made of the public and legal scrutiny that they have undergone, but no attempt is made to detail specific projects and activities. These projects and activities are the matters that fall within the ambit of the truth and reconciliation process.

A number of the SADF special units and special projects were disclosed, yet there was no attempt to take responsibility or to make further disclosures in this regard.

Defence strategy, planning and authorisation.

The section on Defence strategy, planning and authorisation includes in its preamble a similar theme as noticed earlier in the submission. The theme of ensuring security through offensive steps and actions. "The SADF was pre-eminently a peacekeeping task force, but owing to the perceived threat and the increasing instability in Southern Africa, the SADF strategy was directed at ensuring the security of the people of the RSA by taking offensive pro-active steps" (SANDF Nodal Point, 1996, p.52). This section describes defence strategy and its basis, the Defence Act. The area of responsibility of the SADF is detailed. Of interest are the stated responsibilities of 'special and retaliation operations' and 'conduct counterinsurgency operations'. Also of great interest are the unstated responsibilities. "The SADF strategy also made provision for the conflict in Namibia/ Angola, but this will not be discussed in this submission" (SANDF Nodal Point, 1996, p.55).

The state of emergency in 1985 is discussed. Mention is made of the extension of SADF powers in support of the SAP. The next important part

is the description of the planning process followed by the SADF. The military planning process involved the following nine steps:

- initiation of planning for an operation,
- formulation of a feasibility study/broad plan,
- approval in principle of envisaged operation,
- operational guidelines,
- co-ordinating conferences,
- approval of a final plan,
- issue of operational orders/instructions,
- progress of operations, and
- debriefing at conclusion of the operation.

Mention is made of 'Authorisation for security actions' and this part merely refers to the Defence Act of 1957 and to departmental policies, strategies and directives. This is followed by the issue of 'Interdepartmental Co-ordination', which makes brief reference to the National Security Management System (NSMS), and the Joint Management Centres (JMCs). 'Operations outside the borders of the RSA' refers to the limited authority of the Chief of the SADF to initiate cross border pursuits or operations. Military actions outside the borders of the RSA and South West Africa had to be referred to the Chairman of the SSC for a decision.

Defence Force operations

The penultimate section of the submission entitled 'Defence Force Operations' lists operations of the various arms of the Defence Force. "It should be stressed that the list of operations, as set out in this section, may not be complete" (SANDF Nodal Point, 1996, p.61). The South African Army became involved in combating internal unrest during the 1980s. SA Army operations fell into three categories, namely:

- border control,
- internal security, and

- self governing states.

The next four pages of the document detail internal SA Army operations from 1980 to 1993.

External operations of the SA Army against ANC and PAC targets were listed as follows:

- Mozambique: 30 January ,1981 – attack on ANC headquarters in the Matola area,
- Lesotho: 9 December, 1982 – attack on ANC facilities in Maseru,
- Mozambique: 17 October, 1983 – attack on ANC facility in Maputo,
- Botswana: 14 June, 1985 – attack on eight houses and two offices of the ANC in Gaberone,
- Botswana and Zimbabwe: 19 May, 1986 – attack on ANC facilities in Gaberone and Harare,
- Botswana: 28 March, 1988 – attack on ANC facility in Phiring, Gaberone, and
- Transkei: 17 October, 1993 – attack on PAC facility in Umtata.

A listing of operations involving the South African Air Force (SAAF) follows the description of SA Army operations. The following more unconventional operations are of interest:

- Photo Reconnaissance (PR) sorties were flown 2 to 3 times a week over informal/squatter settlement areas throughout the country after influx control measures were no longer used;
- Specialist night reconnaissance sorties carrying SA Police and Army observers to assist ground forces navigation in townships;
- Night lunar operations with helicopters to combat SDU/SPU activity, violence and crime;
- 'Skyshout' and pamphlet dropping flights were used to encourage people to disregard the ANC's calls for boycotts and non-payment of services; and
- Reaction forces were flown in for surprise raids on hostels.

Autonomous air operations were carried out by the SAAF in order to gather intelligence or to combat particular threats. Photo reconnaissance was conducted on the neighbouring states of Zimbabwe, Mozambique, Botswana, Zambia and Swaziland in order to identify ANC facilities and ANC infiltration routes into the RSA. On 23 May 1983 the SAAF attacked ANC facilities in the Matola suburb of Maputo, in retaliation for the car bomb outside the SAAF Pretoria headquarters on 20 May. On 19 May, 1986 attacked ANC facilities in Zambia in retaliation for the sabotage of the Sasol II and Secunda plants.

The next part of the submission entitled 'Special Projects' is also of some relevance. The SADF strategy for the support of anti-Marxist liberation movements is described as follows:

- UNITA in Angola: Operation SILWER – "With the signing of the New York Agreement, the support for UNITA was restricted to humanitarian aid verified by the RSA Department of Foreign Affairs and the UN" (SANDF Nodal Point, 1996, p.73);
- RENAMO in Mozambique: "was part of the RSA security strategy up to the Nkomati Accord in 1983. After the signing of the accord, contact was maintained with the RENAMO leadership in order to influence them to take part in the peace process in Mozambique" (SANDF Nodal Point, 1996, p.73);
- Lesotho: "support was offered for the Basutoland Congress Party (BCP)... Eventually the SADF played an active role in reconciling the conflict between the political parties in Lesotho. To achieve this the SADF had to separate the Lesotho Liberation Army (LLA) - the military wing of the BCP) from the conflict in Lesotho. This project was known as Operation CAPSIZE and was terminated in 1989" (SANDF Nodal Point, 1996, p.74);
- Transkei/Ciskei: The SADF decided to normalise and stabilise the tense situation between the Transkei and Ciskei. This operation, KATZEN, was terminated in 1987 (SANDF Nodal Point, 1996); and

- Inkatha: "In 1985 Chief Minister Buthelezi requested paramilitary support from the RSA government. The RSA government decided on 20 December, 1985, to grant him this support and tasked the SADF to render the support. The project was known as Operation MARION" (SANDF Nodal Point, 1996, p. 75).

Strategic Communication (stratcom) was the RSA government's response to the domestic and international propaganda campaign waged against the government by the ANC. Stratcom acted according to the following guidelines:

- to discredit the terrorist organisation in Southern Africa as well as the Cuban and other communist surrogate forces,
- to neutralise the propaganda of the mass media inciting the RSA population against the goals and aims of the RSA government in Southern Africa, and
- to enhance the posture and image of anti-Marxist Liberation Movements in Southern Africa.

Stratcom had two arms to it: Overt stratcom or marketing of the state and its policies, and covert stratcom. "In order to achieve the aims of stratcom, it is often necessary to exercise a positive influence in such a way that the involvement of the State is not apparent. It entails making use of individuals and /or organisations which have no obvious ties with the State, but are financially assisted by the State and act according to agreed upon programmes and guidelines emanating from approved strategies" (SANDF Nodal Point, 1996, p.76). The SA Army and MID within the SADF were responsible for covert stratcom projects in the fields of:

- youth clubs,
- community organisations,
- women's organisations,
- traditional authorities,
- arts, and

- rural development.

In order to contain the 'revolutionary war' especially in rural areas, the SADF engaged in 'civic action'. This involved soldiers being deployed to assist in the administration and implementation of disciplines such as education, medical, veterinary services, agriculture and water supply. The SADF also set out to win people over, in order to undermine ANC activities among the population.

Brief mention is made of the Khan Commission set up by the State President in August 1991 to investigate SADF Special Secret Projects. Some secret projects were terminated in 1991, others in 1993 and the subdivision Intelligence Operations at MID was dismantled. "As far as could be ascertained, the relevant documentation, apart from the documents submitted to the Khan committee, was disposed of in accordance with existing regulations" (SANDF Nodal Point, 1996, p.80).

The conclusion proceeds to emphasise two points that emphasise the already apparent vagueness of the submission. No one seems to be in a position to represent the former SADF formally or to accept formal responsibility. "Although we cannot speak on behalf of the old SADF, it became abundantly clear that there is a deep regret for the death, pain and suffering that was caused on all sides by the conflict of the past and a firm resolve to contribute to a better future for all." The theme of lost or inaccessible documentation was apparent once again. "The second aspect is that answers to questions of what happened in the past are not readily available in files and documentation at the press of a button. Information is spread over the country at the different levels of command (as I have tried to explain to you in the presentation), in archives and in people's minds" (SANDF Nodal Point, 1996, p.81).

5.2 TRC response to SADF submission (1996)

The TRC reacted to this submission with great disappointment and some anger. The question and answer session immediately after the presentation of the submission had this distinct tone to it. "this submission is breathtaking in its one-sidedness. I find it almost unbelievable that in 80 pages there can be no acknowledgement or acceptance that the SADF in implementing a policy of apartheid could bear no responsibility for a single death" (TRC, 1996, p.1). The TRC raised the issues of responsibility and acknowledgement as well as seeking further specific information on where commands for controversial SADF operations originated.

The Commissioners, Alex Boraine, Denzil Potgieter, and Dr Khoza Mgojo sought further information on special operations and the CCB. The presenter of the submission, Major General Mortimer and a certain Klopper (no rank given) responded to these questions. Their answers however did not provided further enlightenment. The answers were either a denial or an indication that further investigation was required before comment could be made. A comment by Major General Mortimer points to the essence of the submission. "To a certain extent this is a historical study. It's very broad based and the time available is not necessarily as thorough as it should be." (TRC, 1996, p.5).

The Commissioners raised the issue of access to documentation within the archives of the Defence Force. The SADF representatives indicated that as far as they were aware, no documents on the CCB were available, other than those that had been acquired by the Harms Commission. The theme of non-existent documents has hampered the TRC in its interactions with all the arms of the security forces.

5.3 SADF submission questions (2 December 1996)

This detailed set of approximately 200 questions was based on the first submission of the SADF. The questions sought greater detail, such as:

- The names of soldiers involved and the date and location of SADF operations,
- the strategy and tactics of the SADF,
- the political relationship between the civilian government and the SADF,
- the functions and personnel of the various SADF structures, and
- the location of relevant SADF documentation.

5.4 Answers to SADF submission questions (1 August 1997)

Of all the documents submitted by the representatives of the former SADF to the TRC, this seems to be the most substantive. An attempt was made to respond to almost all of the questions raised by the TRC, though there seemed to be a trend within the document that the depth and detail of the answers were guided by the detail present in the question. This could imply that deeper details were only provided only when it was sensed that the TRC already had access to such or similar information. Again, some questions were answered by indicating that no information is available.

5.5 Additional SADF submission (1997)

The second submission of the SADF enjoyed greater status than the first, with the then current Chief of the SANDF, George Meiring, and the former Chiefs of the SADF, Constand Viljoen, Jannie Geldenhuys and Kat

Liebenberg, being present. George Meiring made a brief introductory comment which was followed by a substantive introduction by Constand Viljoen before the presentation of the actual submission.

Discussing the last part first, the actual submission seemed to be very similar to the first, in outlining the following:

- the basic policy and strategy involved,
- general logistical and personnel arrangements,
- the perceived threat from the revolutionary forces and communism, and
- the need for the SADF to react effectively to a situation of 'total onslaught'.

Again, the submission does not name names or provide details of operations.

The introduction by George Meiring prepared the way for the submission, as he made reference to the distrust with which the former SADF members regarded the TRC. He also mentioned the issues of logistics and time as affecting the preparation of the submission.

The introduction by Constand Viljoen displayed the political approach of the old SADF to the truth and reconciliation process. His statement described at length the positive features of the SADF with regard to its professionalism, dedication and effectiveness. He refuted the findings of the Steyn Commission which had conducted an investigation into the general intelligence activities of the SADF and particularly into 'irregularities' within the Directorate of Covert Collection (DCC).
He further vindicates his views by emphasising the 'not guilty' decision in the Durban, Kwa-Makutha trial. The trial implicated a number of senior Defence Force members including the former Minister of Defence, Magnus Malan, in an operation that resulted in the deaths of several people, including children, in the Kwa-Makutha area south of Durban. This

particular operation was an element of Operation Marion, the provision of paramilitary support to the Inkatha organisation in Natal (SANDF Nodal Point, 1996).

Viljoen emphasised the hostile strategies of the liberation forces. He then stated that the former Chiefs of the Defence Force did accept accountability and responsibility for the actions of their subordinates. However this responsibility was accepted in the context of a conflict within which the SADF was reacting to the hostile strategy of the opposition. The essence of his argument was that the SADF was a force reacting to a 'total onslaught'. His last comments captured the feelings of the old SADF generals towards the truth and reconciliation process. "You really erred in your assumption and the expectations you created in public, that the SADF was guilty of gross human right violations on a substantial scale" (SANDF Nodal Point, 1997, p.7).

5.6 TRC Report (October 1998)

The TRC found that the submissions made by representatives of institutions of the former state, the SADF and the SAP were disappointing. The submissions frequently consisted of little more than recitation of policies under which the institution operated.

The first submission by the SADF was found to be insubstantial. The TRC requested a second submission, which was also insubstantial. Weighing these submissions against the finding by the TRC that the security forces, including the SADF, were responsible for the commission of gross human rights on a massive scale, pointed to a serious contradiction.

The set of questions submitted to the SADF was responded to in a gradual fashion over a number of months. Structural and organisational detail was useful, though the remainder of the response also demonstrated a determination not to acknowledge the past (TRC Report, 1998, 5).

The activities of the apartheid state outside of SA between 1960 and 1990, which had the former SADF as its key tool of implementation, provided evidence to support the above conclusions of the TRC.

> This involvement in the region led to the conclusion that the majority of the victims of the South African government's attempts to maintain itself in power were outside of South Africa. Tens of thousands of people in the region died as a direct or indirect result of the South African government's aggressive intent towards its neighbours. The lives and livelihoods of hundreds of thousands of others were disrupted by the systematic targeting of infrastructure in some of the poorest nations in Africa.
>
> TRC (1998, 2, p.43)

The TRC Report notes the SA government's strategy of pre-emptive interventionism and counter-revolutionary warfare in a negative light. This strategy underpinned a substantial part of the arguments of the former SADF as contained in their submission. The TRC also expressed the view that one of the purposes of South Africa's war in the region was to preserve white minority rule, and it was thus a race war.

'Operation Reindeer' of the SADF included attacks on the Kassinga and Chetequera camps. These were attacks supposedly directed at SWAPO guerrillas, though a large number of civilians were killed. "In human rights terms, the SADF raid on Kassinga, which killed over 600 people, is

possibly the single most controversial external operation of the Commission's mandate period" (TRC, 1998, 2, p.46).

The Commission also found that the SADF campaigns in Angola involved gross violations of human rights on a vast scale. The abuse in Angola was found to be systematic and deliberately planned on the part of the former Cabinet, State Security Council and leadership of the SADF (TRC, 1998, 2).

The police and military counter-insurgency units engaged in human rights abuses in South West Africa, over the period of illegal occupation of the territory by the SA government. From 1960 to 1988 several categories of human rights abuses were evident in SWA, such as, detention and torture, political repression and imprisonment, and extra-judicial killings. "The powers given to security force personnel, and the secrecy in which they operated, created conditions for summary executions and killings for which they did not have to account. Usually inquests into deaths were not held in operational areas" (TRC, 1998, 2, p.69).

5.7 Contact Bureau's analysis (April 1999)

The SADF Contact Bureau issued a detailed response to the TRC Report on 19 April 1999. The opening statement of the response reiterated statements made by General Magnus Malan to the TRC as well as the main thrust of the argument in the SADF submissions. The statement ended by strongly stating the following four points:

- Therefore we wish to acknowledge your (the SADF's) exceptional successes in the Military profession, and

- Therefore we confirm that your military successes contributed largely toward making negotiations for a political settlement in SA and Namibia happen,
- However, we regret that the TRC unfairly, and through bias, and other blameworthy practices, degraded the whole of the SADF and caused many of its members serious damage while allowing our erstwhile opponents the higher moral highground,
- Thus we present the mandators with a much abbreviated chronology of our endeavours, and an analysis of The Report.

SADF Contact Bureau (1999, p.5)

The chronology presented explained the communication and logistical discussions between the SADF Contact Bureau and the TRC. It emphasised the lengths that the former SADF members went to in co-operating with the TRC, and the problems that they encountered. The analysis of the report aimed to highlight the bias and unfair practices of the TRC, as well as pointing out factual errors in the TRC report. The Contact Bureau either refuted specific events and findings of the TRC completely or refuted the version of events portrayed in the report.

The Contact Bureau's response concluded with remarks in regard to the TRC as an institution and on the actions of the former revolutionaries. It then pledged allegiance to the constitution and to reconciliation. Finally, an annexure to the document proposed an amendment to the amnesty process.

5.8 SANDF Civic Education Guidelines

This programme was part of the effort by the new SANDF to inculcate some degree of understanding and practice of democracy within the ranks of the SANDF. Its contents countered many of the dominant trends within the SADF during the apartheid era. It evidenced trends that could logically account for the SADF gravitating away from professional military standards and practices, into activities that fall within the ambit of human rights violations.

The Civic Education Programme consisted of the following six chapters:

1. Key features of the Democratic political process,
2. The Constitution and the Bill of Rights,
3. Civil-Military relations,
4. International humanitarian law,
5. Respect for cultural diversity, and
6. Military professionalism in a Democracy.

The Civic Education Programme began with formation of a task team consisting of civilian experts, members of parliament, the Defence Secretariat and the SANDF. Thus, it was more legitimate and the content is possibly richer, because the Programme was not the product of an exclusively SANDF task team.

The motivation for the Civic Education Programme on Democracy for the DoD noted the following important points:

- the armed services have tremendous power. Hence this power must be exercised in a constitutional, legal and ethical manner. Education and training is at the heart of developing this type of professional military culture;

- military professionalism includes respect for the Constitution, the political process, domestic and international law, and the primacy of civil rule over the armed forces;
- military personnel need to understand the constitutional provision that the security services and their members must be non-partisan with respect to political parties;
- military personnel must be aware that the Constitution binds the SANDF to international law in respect of armed conflict, and provides that personnel do not have to obey a manifestly illegal order;
- the Programme will contribute towards the building of cohesion, loyalty and discipline around a common set of values within the SANDF; and
- the Programme will bind leadership issues within the armed forces, to the norms of integrity and accountability.

The above motivation for the Civic Education Programme took into account the main problems that confronted the former SADF. These problems included the close relations between the National Party and the military, the SADF acting as an implementation tool for the NP's, apartheid policies and the non-observance of international laws with respect to armed conflict.

5.9 Information from interviews (July/August 1999)

The interviews provided a clearer impression of the thinking of the former SADF generals who were involved with submissions to the TRC, and also the thinking of new SANDF members in their approach to the TRC process.

Comments on the Defence Force's submission

The representatives of the former SADF felt that their submissions to the TRC were as adequate a report of past activities as they could prepare under the circumstances. The new leadership of the SANDF held a very different view and indicated that there were serious problems with respect to the content of the submissions.

Major General D. R. Marais, representative of the former SADF, expressed his view on the submissions to the TRC. The basic strategy was to co-operate with the TRC, and to supply all information that they would need to promote reconciliation. The representatives of the former SADF held no reservations regarding the supplying of information to the TRC. The TRC was responsible for amnesty hearings and the granting of amnesty. This was a personal matter involving individuals and not groups. Personal actions were not included as these could implicate individuals and complicate the amnesty process. As they were doing their duty, they did not regard the performance of official functions as reasons for applying for amnesty, as amnesty can only be sought for crimes committed. Crimes in the Defence Force, if known, were investigated and actions were taken against culprits. Only in cases where individuals committed crimes which were not known and not investigated, was there any scope for applying for amnesty. The TRC could investigate individual cases via the archives. Crimes not of a military nature, that were committed by SADF personnel were investigated by the SAP. These dossiers would go the Department of Justice or Attorney Generals. These records were in the archives of the Department of Justice and not in the archives of the Defence Force.

Dr Rocklyn Williams, the Director of Operational Policy in the Defence Secretariat, summarised the feelings of some of the new Defence Force leadership with regard to the SADF submissions to the TRC. He said that

the SADF submissions were not of value. They were brief, contained known information, and provided nothing really new. The SADF unlike the SAP remained and cohesive. The SAP did not have the same cohesion as the SADF. The SADF was lead in this approach by George Meiring, as he regarded the truth and reconciliation process as a 'witch-hunt'. Meiring did not trust the Truth and Reconciliation Commission.

SADF actions outside South African borders

Much of the activity of the SADF was concentrated in Southern Africa, outside the borders of South Africa (TRC, 1998, 2). The amnesty granting process was restricted to politically motivated crimes committed within the national borders of South Africa. The generals of the former SADF sought legal counsel on the matter and confirmed their fears that, those guilty of crimes outside of the borders could be prosecuted by the country in question or in terms of international law.

The result was that their submissions to the TRC were largely a description of the policy and political framework within which they worked. The submissions also explained the perceived threat in great detail, and thus justified the broad strategy of the SADF, including the need for pre-emptive strikes and offensive measures. They avoided giving details of operations, in terms of names, places, dates or nature of the actions taken.

During an interview, Captain Imrie, Secretary of the SANDF Nodal Point to the TRC, indicated that they were aware that the TRC was disappointed by the submission. The TRC had expected the SADF to admit to committing violations of human rights, especially during cross border operations. TRC received a military treatise instead, which spoke quite broadly about matters. The SADF had to look after the interests of former members who had been involved in operations. They sought legal advice

and were told that amnesty could be granted within the borders of SA and not beyond of them. The legal advisers suggested that they speak of operations, but not provide the names of the soldiers involved. In the second submission, they explained events in great detail, but still did not provide the names of those involved. The TRC did not agree with this approach.

Major General Marais offered a similar understanding of the situation. He noted that the TRC was entitled to grant amnesty only for crimes committed in South Africa, which explained the SADF reservations. Crimes outside South Africa were not included. Subordinates were therefore advised not to apply for amnesty for any actions outside SA. Legal advice had been obtained in this regard.

The former MK member, a general in the SANDF when interviewed, expressed a contrary view. He said that the military, the nation and the TRC needed to know what had happened, especially with regard to the SADF atrocities in neighbouring states. As a nation it was necessary to explain to neighbouring countries what was done in the past. The SADF destroyed Angola and Mozambique. There was a need to rebuild interstate relations and to build trust between SA and its neighbouring countries. Current power in the region, and past activities by SA upset other countries. Acknowledgement by the SANDF of the destructive activities of the SADF against neighbouring countries would also help to build the sub-region politically.

Relating to the truth and reconciliation process

The representatives of the former SADF were greatly suspicious of the TRC and regarded the process as a 'witch-hunt' against them. They took exception to the fact that all the TRC Commissioners except two were

members of or aligned to the ANC, the ruling party. This added to the reluctance to engage with the TRC.

Major General Marais noted that the TRC had not contributed towards reconciliation at all. Natural reconciliation was taking place as a result of absorption of revolutionaries during the integration. SANDF members were not amused or influenced by the activities or findings of the TRC, because the TRC lacked in military expertise. The TRC was perceived to be an extension of the ANC, due to the unbalanced composition of the Commission. The Commission was nine to one in favour of the former revolutionary organisations. The procedures used by the TRC and the selection of research topics were very one-sided. The TRC was not an organisation with integrity, and contributed towards the hardening of relations within the military, rather than reconciliation.

Interviews with the SANDF leadership, who were former liberation movement soldiers, indicated that did not wish to engage with the TRC any more than those representing the former SADF, though for very different reasons. The attitude of this sector of the Defence Force towards the TRC process, was one of distancing themselves from all actions of the old generals of the former SADF. The generals of the former SADF were merely provided with the basic administrative necessities and left to their own devices in making submissions and arrangements with the TRC. The new leadership of the SANDF did not attend the relevant TRC hearings nor did they make public comment on the SADF submissions to the TRC or on the findings of the TRC.

Their approach, of non-involvement was determined by the view that the TRC was dealing with a period of activities covered by the old SADF and its leaders. The SANDF was a product of amalgamation and was new, and many of the leaders were also not former SADF members, hence, this moral and political burden existed for the old leaders of the SADF. In

addition to this many of the ordinary SADF members had transferred their loyalty to the SANDF and the new Constitution, and as leaders they needed to be sensitive to the needs of this composite part of the SANDF.

The SANDF general stated that the submission seemed to be an attempt to justify the political machinations of the SADF within the Southern African region. This detracted from ordinary soldiers who merely wished to be part of a professional army, doing a professional job. These soldiers had a different perspective to that submitted by the old SADF generals. However, there might be some harm done to these professional SADF soldiers who switched their allegiance to the new Constitution if the SANDF contested the submission to the TRC by the old SADF generals. Based on this reasoning they decided to engage minimally with the truth and reconciliation process with regard to the Defence Force.

Internal SANDF truth and reconciliation process

The idea of an internal TRC process within the SANDF to cancel the record of past offences upon which the integration of the organisation could be further consolidated, did not receive a positive response. Some felt that this, similarly to the current TRC process, would be detrimental to reconciliation rather than building it.

Aboobaker Ismael, Chief of Defence Policy, said that with time there would be institutional change, though he had no idea what value a TRC process internal to the Defence Force would yield. The integration process was difficult, but it had been dealt with. Problems of the future would also be dealt with. Military personnel acting outside the law (for example perpetrating discrimination) would be charged. The democratic leadership within the Defence Force would ensure that democratic practices prevailed.

Captain Imrie offered a similar sentiment, that an internal truth and reconciliation process would be of no real value. The TRC was merely a period in the history of the Defence Force. The TRC activity arose out of an abnormal situation. There was a state of war between the liberation movement and South Africa. This started in Angola and Mozambique and then in South West Africa and Rhodesia and finally in SA itself. Individual members of the Defence Force did not wish to be trapped by the process set out by the TRC. The SANDF attitude and approach would remain the same as that of the military in previous years. Healing and reconciliation within the Defence Force, was not necessary. Integration of the SADF, APLA, MK and TBVC Defence Force was successful. There was no real need to take the TRC process any further.

Institutional implications for the Defence Force

Institutional implications for the Defence Force were discussed during the interviews with the former SADF leadership and this produced some responses. The immediate response though, was the feeling that the new SANDF should be the organisation to comment on future institutional implications. After some persuasion, the respondents rendered personal opinions in this regard, based on their long experience within the military establishment. Their overall feeling was that the integration of the SADF, the TBVC state defence forces and the liberation movement armed wings had proceeded fairly well. They did agree that there might be future problems, and suggested training and education as the means to address the situation.

Major General Mortimer elaborated on the subject with several international examples. He said that education would help, and that the professional soldier should be committed to the Constitution rather than to political parties or government. However, in South America coups were undertaken under the excuse that the Defence Force was defending the

Constitution. The Defence Force must accept civil authority as supreme. The German officers swore an oath to Hitler and believed in it. Psychologically, to break with the oath was a serious problem. They served a wicked government. It was an impossible situation for a soldier, to have to decide whether to break his oath or not. The state should not place soldiers in such a position in future. The decision to be made here is whether one should break one's oath and serve democracy or not break it and serve the state.

Major General Mortimer indicated that the USA, Europe and the Soviet Union had not had this problem. In Communist countries, the Party and the Defence Force had common interests hence there was no problem between them. A problem arose when the interests of the state and the military diverged and soldiers had to choose between the two.

The new leaders of the SANDF felt the move productive way to approach the whole issue was to stay away from the TRC process and to emphasise the progressive changes that they were making within the Defence Force from the time of integration. Within the SANDF there would in future be no opportunity for transgression of the Constitution, military disciplinary code, international military convention or doctrine, as had been the case in the past. Education and training programmes would ensure that soldiers understood what they were doing, why they were doing it and the point at which it might become unconstitutional. On an action becoming unconstitutional, a soldier could legitimately refuse to carry it out. This approach and ethos was embodied in the Constitution, the White Paper on Defence and the Civic Education Guidelines of the SANDF.

Aboobaker Ismael, in fact, suggested to the TRC that the Civic Education Guidelines should be taken into account as a measure to change the Defence Force. The fact that the former SADF did not make full disclosure was in itself neither good nor bad. The institutional will was important in

this respect, that is to adhere to the Constitution. The Constitution was inclusive rather than exclusive. Internationally there were examples as well. The USA spent vast amounts of money in educating its own forces and other armed forces of the world in the practice of certain conventions.

Ismael indicated that conflict in the future would be avoided through military professionalism. The civic education programme intended re-educating soldiers on almost everything, particularly in:

- civil-military relations,
- law of armed conflict,
- cultural diversity, and
- defining military professionalism.

Future vision for the SANDF

With regard to civil–military relations, measures were also thought through and implemented. The approach was to ensure that the Defence Force was a professional military organisation existing for the sole purpose of defending the sovereignty of the country. The intention was to cease involvement in all domestic actions, as soon as practically possible. whether by peacekeeping or policing tasks, and to prepare and focus on the mandated task of the Defence Force as outlined in the Constitution. The Constitution mandates the Defence Force to protect the sovereignty of the South African State against external aggressors. This is seen as one way to avoid a situation in the future, in which the Defence Force were to becomes the surrogate army of a particular political party, and to engage in domestic policing and repression.

Aboobaker Ismael indicated what the nature of the SANDF would be in the future. He said that soldiers of the future were being trained to be non-partisan. It would be impossible for them to be apolitical. Soldiers would execute according to their mandate, as prescribed by the Constitution and

the civilian government. Soldiers could refuse orders if they were anti-constitutional. Currently the Defence Force was supporting the police, but was not involved in any other internal political role. Supporting the police started five years ago, and the Defence Force was continuing to do so presumably to make up for institutional weaknesses in the police force. This would eventually have institutional implications for the state.

Major General Mortimer presented a similar viewpoint. He said that the use of the SANDF inside the country should be avoided and that working with the SAP was not good. The SANDF should avoid being involved in counter insurgency threats as well. The Defence Force should be used against external threats. If threatened, the state has to use its armed forces. He did not think that the SANDF was in danger of becoming involved in politics. His MK colleagues agreed in this regard. The SADF professional soldier had not been involved in politics. MK had held the same view, though from a different approach in that MK supported the political party. The party and the current government were one and the same thing. MK also accepted that civil authority was the primary authority.

CHAPTER 6 : ANALYSIS OF RESULTS

6.1 SADF submission to the TRC

The common elements of the submissions and responses by the former SADF generals were:

- basic government policy and strategy,
- basic military policy, strategy, functions and structures,
- threat perception of a 'total onslaught' by the liberation movements and communism, and
- reactive tactics and operations undertaken by the SADF in response to the 'total onslaught'.

Basic government policy and strategy dealt with the P. W. Botha definition of the threat, the 'total onslaught', facing South Africa. In 1966 Botha spoke of the wave of communism that threatened the RSA and the need to identify with Western powers and to serve as a bulwark against this communist threat. The threat took concrete form in revolutionary movements such as the ANC and the PAC, which were supported by the Soviet Union. The P. W. Botha government thus developed the 'total strategy' which had as its core the SSC, the National Security Management System (NSMS) and National Security legislation.

The SSC became the focal point for all national decision-making and governmental power. "He introduced regular (fortnightly) meetings and rearranged their timing so that SSC meetings now precede cabinet meetings. The appearance of the SSC presenting the cabinet with completed decisions has been noted. In addition, the SSC holds meetings when parliament is in recess and when the cabinet is inactive" (Grundy,1986, p.54).

The SADF then based its policy and strategy on the National Security Strategy of the Government. The SADF however was also the principal partner in writing the National Security Strategy. P. W. Botha elevated the SADF to become the key partner and implementation tool for the National Party programme, which hinged on the defence of the system of apartheid. "The cabinet was informed of SSC decisions only after the fact, and at Botha's discretion ... the old Broederbond magic circle was slowly frozen out of the power game. Its place was taken by the security establishment, especially the SADF, which was playing a central role in the execution of the Total Strategy" (De Kock, 1998, p.90). Grundy (1986, p.55) verifies this close relationship between the civilian government and the SADF. "To add to the importance of the military establishment, SADF officers are prominent in all high-level interdepartmental committees of the SSC".

Major General Mortimer presented the relationship between the National Party government and the SADF as follows. He first emphasised the difference between government policy and law. Policy could be ignored, while law was binding. The issue of National Party policy versus government policy was also important. The state policy followed the party policy. There was confusion between the National Party and the state. The National Party acted as though it was the state, but it was necessary to decide between the two. A professional soldier must carry out government policy. The only way to avoid this would be to resign from the Defence Force. The vast majority in the SADF supported the National Party anyway, so they were not forced to make a choice.

Major General Marais perceived no problem in the relationship between the SADF and the NP government. He stated that there had been a formal relationship between the civil government and the SADF. The soldiers were functionaries of the government at that time. Whether they were for or against the governing political party, they served without reservation.

The SADF submissions' central focus was a defensive strategy (a total strategy) against a 'total onslaught' by liberation movements with possible Communist backing and support. This theme was evident in both the first and second SADF submissions, and in the response of the SADF Contact Bureau to the TRC Report. Roherty (1992) supports the defensive strategy theme. He saw the 'total strategy' implemented by P. W. Botha, through his instrument of choice, the SADF, as a necessary stabilisation measure.

Captain Imrie spoke about SADF operations and gave an impression that accorded with the above theme. He then related incidents that supported the above theme, of the SADF engaged in a defensive war. At times, very junior officers were in command. The war in South West Africa was a National Serviceman's war. The permanent force comprised approximately 30 000 men. The National Servicemen, though, were well trained and acquitted themselves brilliantly. There was a written undertaking from troops in an operational area, not to abuse the local population. The SADF fed and provided medical treatment to the local population. In Angola, SWAPO camped near a school on one occasion, and the SADF warned the inhabitants of the school to withdraw before they attacked the SWAPO camp. This re-emphasised the SADF's policy to do no damage to civilians.

Others regarded the strategy of the SADF as offensive rather than defensive, and based on maintaining the system and policy of apartheid. Pauw (1991) and Hanlon (1986) both indicated that the National Party and SADF strategy was of an offensive nature. Aboobaker Ismael provided further supporting evidence of this view. He indicated that the SADF had been influenced by National Party politics. It was the army of the National Party. It worked towards the institutionalisation of the apartheid state. It was the tool for fighting the apartheid wars, though it claimed to have fought the external aggression of Communism. MK was claimed to be a tool of this Communist aggression.

The SANDF general also provided supporting arguments in regard to the offensive nature of the SADF strategy. There was a political requirement for the SADF to provide answers to the TRC which they did minimally. The political thread argued by the SADF was defence against an onslaught. Their political processes could not go any further and they were forced to use the military option. The former SADF should have admitted that they were acting in the Southern African area for their own political ends, to which they were giving armed expression. Their submission was historically flawed and politically dishonest. The armed forces enabled the government internally to control and command, through the Joint Management Committees (JMC). The SADF and the Defence Ministry were clearly part of the SSC and the NSMS. The SADF had several external special projects, such as UNITA and RENAMO. Soldiers in active service, even those that worked with RENAMO were now a part of the SANDF.

The representatives of the former SADF, in respect of written documents as well as with regard to interviews, were not forthcoming about issues that were more central to the truth and reconciliation process. Issues were presented in very broad and general terms, and concerned policy, history and strategy, without approaching the core of SADF thinking and activities. The respondents tended to maintain the approach adopted in the submissions to the TRC.

Major General Marais noted that he did not know whether the Defence Force archives held everything the TRC needed. Permission was needed to visit the archives, and there were regulations concerning the keeping and destruction of documents. Before documents were placed in the archives, the choice was made whether to destroy them. The archives contained only documents worth keeping. Even with classified documents, the procedure was to declassify them for the use of the TRC. Over 500 000 South African citizens were involved in the military function, each with

a personal file. It would be impossible to find files on assaults or vehicles destroyed, unless it was known where they were. In this headquarters alone there were over 7 000 personal files. Military crimes were documented in these files.

Captain Imrie approached the issue in a different manner, but also indicated that there was little information, as the SADF had not committed many human rights abuses. The TRC expected the SADF to fall into the same bracket as the SAP. The SADF supported the SAP within the country. The TRC was disappointed because they had no equivalent of Eugene de Kock in the SADF. The SADF did not require short term intelligence and hence did not need to torture anyone. The SADF was much more structured and disciplined than the SAP. The SADF was different in function, composition and attitude. Certain "things went on", but the majority did not know about these things, and would not have approved of them. In large organisations there would always be renegades. Some local situations became uncontrollable. However, this was not part of Defence Force policy. Experience in internal operations was that, almost without exception, there was jubilation from the local population at the SADF entering the area. The SADF wished to co-operate with the TRC, while safeguarding its members at the same time. The four Chiefs accepted moral responsibility for lawful activities of troops. However, the TRC was not satisfied with the details provided.

In the SADF submissions to the TRC, specific divisions of the SADF, such as the Special Forces and MID were not dealt with in great detail. The special subdivisions, which became embroiled in commissions of inquiry, were dealt with fleetingly. In the case of the Special Forces, it gave rise to the CCB. The MID gave rise to the DDC. Though the press, the Goldstone and Harms Commissions, and some books, made revelations in respect of these special subdivisions, the former SADF generals did not reveal details on these subdivisions or their activities. More importantly, the old

generals did not accept any responsibility for the activities of these subdivisions.

Dr Rocklyn Williams indicated that documentary information regarding that period, from 1960 to 1993, was available on conventional and semi-conventional warfare, for example in Angola. However, documentation on Military Intelligence, covert operations and Special Force operations were missing.

The following extracts and comments demonstrate the extent to which the CCB and the DCC, as extensions of the SADF, were implicated in assassinations and 'dirty tricks' campaigns:

- "It was strongly suspected that the military's CBW programme...had a special covert section producing sophisticated and undetectable poisons, ...for CCB-style assassinations" (Kasrils, 1998, p.430).

- "The CCB network of cells covered the whole of South Africa. It was made up of 'conscious' and 'unconscious' agents. Conscious agents knew they were working for the CCB and the SADF; unconscious agents were hired under false pretences and worked for the CCB without being aware of it. Highly sensitive projects – involving, say, assassination – would be assigned to 'unconscious agents', the Harms Commission heard later" (Laurence, 1990, p.29).

- "Other people, mainly black ones, and perhaps as many as 50, were assassinated between 1977 and 1989. Yet, in retrospect, the killing of Webster was, besides being an appalling waste of human life, a major miscalculation on the part of those who decided to kill him, doubtless the CCB" (De Kock, 1998, p.39).

- "The police officer in charge of the investigation into the May 1989 assassination of David Webster, a Johannesburg academic and human rights activist, stated during a court hearing that he believed that the CCB was responsible for the murder. The CCB was also linked to the killing in September 1989 of Anton Lubowski, a Namibian lawyer and member of the South West Africa People's Organisation (SWAPO)" (Amnesty International, 1992, p.12).

- "The activities of the CCB have contaminated the whole security arm of the State. Their conduct before and during the Commission creates suspicions that they have been involved in more crimes of violence than the evidence shows. These suspicions are not necessarily unfounded. The Commission has been unable to achieve one of its main purposes, namely to restore public confidence in a part of the State Administration" (Amnesty International, 1992, p.14).

- "DCC – Directorate of Covert Collection. A shadowy unit within Military Intelligence, involved, according to Judge Richard Goldstone in December 1992, in third force activities aimed at derailing the peace negotiations between the ANC and the NP. As a result of the Goldstone Commission report, F. W. de Klerk fired 19 military intelligence officers including three generals, four brigadiers and some colonels" (De Kock, 1998, p.307).

- "At the time, there was a general agreement of co-operation between the Special Forces of the Defence Force and the security forces of the South African Police and I had no qualms about supplying these arms. The supply of these weapons to Renamo was part of the attempts by our security forces to destabilise neighbouring states to prevent them from assisting the ANC and PAC" (De Kock, 1998, p.146).

The above suggests that there was some degree of certainty by the public of excesses committed by the SADF, and its subdivisions, Special Forces and Military Intelligence. Nevertheless, the official submission by the Defence Force to the TRC did not offer further disclosure or accept accountability.

There was an obvious lack of disclosure and avoidance of responsibility and accountability. Even the general policy and strategy were presented from a perspective that contrasts with much of the available literature. Dumisa Ntsebeza, the head of TRC Investigations, emphasised this approach of the Defence Force during an interview with a journalist from The Sowetan newspaper. "he realised too late that the South African National Defence Force did not intend co-operating fully with the TRC. ...Army liaison officers spent close to two years frustrating the TRC attempts to get close to its secrets and archives...The Defence Force was as involved in atrocities as the security police, but managed to protect their own" (*Sowetan*, 1999, July 23).

Ronnie Kasrils, the former Deputy Minister of Defence, expressed similar feelings. "Most revelations emanated from the former security police. Few former Defence Force members were forthcoming. They were a tight-knit circle with strong loyalties to one another, operating according to the CRAFT principle. I was told this stood for 'Can't remember a f...ing thing'" (Kasrils, 1998, pp.423-424).

The avoidance of disclosure and accountability by the former SADF leadership is emphasised by Laurence as well as De Kock. "There was a similar bid by authorities in the upper echelons to evade accountability. The cries of ignorance by Malan and his top generals were echoed in protests of innocence as the buck was passed down the line in the council" (Laurence, 1990, p.50).

"In other words, De Kock was, in most cases, merely the executioner. This was the case to a much larger extent, I believe, than he would like to admit, even though his admission of this is one of the points on which his chance of full or partial amnesty depends. Those for whom De Kock took the blame during his trial were police and military generals as well as members of the former Nationalist government" (De Kock, 1998, p.23).

Ronnie Kasrils said that the submission was did not have substance. As the Deputy Minister of Defence, he appeared before the TRC and the press, and placed this submission in context. He stipulated that it went on public record that this submission had nothing to do with the new military, the SANDF.

Major General Mortimer indicated a number of problems with disclosure and accountability. A great volume of information had been collected from many areas and about many people over that 34 year period. It was impossible for one person to know everything, and would take years to research everything. He noted that the SADF did not trust the TRC, and felt that they were biased. Personally, he felt that it was a waste of time. Chief Meiring felt that the TRC should be helped. There was a problem regarding the cross border raids, as the TRC Act did not cover these, and an SADF submission in this regard might have implicated people who might still apply for amnesty.

It could be argued that in general, despite evidence to the contrary being publicly available, the former SADF generals sought to avoid disclosure and accountability in respect of activities of the SADF during the period 1960 to 1993. This was strongly indicated by the content of their submissions to the TRC. The former SADF leaders who were interviewed were more forthcoming about possible human rights abuses committed by the SADF, but gave no details and made no admissions of guilt.

Major General Mortimer stated strongly that people do not learn from the past, and therefore problems cannot be prevented in that way. In a similar situation, the SANDF would do the same thing. The SADF knew about the Rhodesian problem of people being killed in crossfire, but this did not stop them from doing the same thing. They also knew of the Portugese destroying villages, yet in Kassinga there was a similar problem. It was not a 'rub out', but was labelled as such and thus an embarrassment to the SADF. A vast number of lessons have to be learnt. No one wants to repeat the shameful episodes of the past. In Namibia and in counter-insurgency in the Caprivi, there were possible episodes. Soldiers would try to do the job as well as possible. Once an order was given for example, for suppression, then it would be obeyed. This would then result in unsavoury episodes. The Defence Force should not be involved in counter-insurgency activities.

Major General Marais emphasised the belief that the TRC was not neutral and that the TRC process had in fact harmed future relations within the amalgamated Defence Force. He said that the absence of a disclosure process would have done more for reconciliation.

The SADF failed to acknowledge its past. This reaction by the military to a truth and reconciliation process is not unique to South Africa. The Latin American experiences reflect a similar problem.

In Argentina in 1983, the civilian President repealed a self-amnesty law of the former military government. The 'National Commission on the Disappeared' was established, which sought to uncover the truth behind disappearances. Trials began and military officers went to court. Junior officers in the military protested and the president was compelled to effectively restrict prosecutions to the senior officers only (Mendez, 1994).

In March 1985, civilian rule was reinstated in Uruguay. Torture victims launched prosecutions against their torturers. Subpoenas were issued to soldiers, but the military refused to obey the subpoenas. The government then issued amnesty for torturers (Weschler, 1994).

In Chile, a military dictatorship ruled from 1973 to 1990. In 1990 the civilian president established a National Commission on Truth and Reconciliation. Prosecutions were difficult because the military government had passed an amnesty law covering the period of the worst excesses, from 1973 to 1977. Further investigations were also hampered by the lack of co-operation by the military (Zalaquett, 1994).

In the El Salvador experience, the Commission of Truth consisted of three foreigners. One of the reasons for this was to reduce the chances of the Commissioners being pressured by the military in carrying out their tasks (Canas, 1994).

In the event of the military being involved in repression, the consistent reaction was to avoid disclosure and accountability.

6.2 Institutional Implications

Two distinct frameworks emerged in considering the institutional implications of the Defence Force submission to the TRC. The first framework would be one rooted in the argument of Aryeh Neier. He argued essentially that the truth and reconciliation process was a necessary step in the transformation of a society. Should this step not occur, in the long term that particular society would experience the repercussions of missing that vital stage of development.

Jose Zalaquett, on the other hand, argued that at times the political need to forget and to move on superseded the need for disclosure of the truth, the acceptance of accountability and the development of reconciliation. The political turbulence at the particular time of transition demands forgoing a truth and reconciliation process in order to achieve political stability.

These two conflicting arguments could be seen in the truth and reconciliation process and in the related transformation changes by the SANDF. In fact, the interviews with old SADF personnel and personnel of the new SANDF, projected two facets of Jose Zalaquett's argument.

The old SADF felt that the truth and reconciliation process was unnecessary and had done more harm than good. They regarded the TRC as being completely biased in favour of the ANC. They cited the fact that only two people at the top levels of the TRC were not ANC aligned. They felt that if matters were left alone, that would have contributed greatly towards the reconciliation process within the new Defence Force, the reconciliation and unison of the old SADF members with the former members of the liberation movements.

The leadership of the SANDF who were former liberation movement members, incorporated the second facet of Jose Zalaquett's argument. They distanced themselves from the SADF submission to the TRC. They considered themselves and the SANDF as having no role in this regard, since it was an issue between the old generals of the SADF and the TRC.

They avoided comment on the interaction between the SADF and the TRC, on the basis that it would be detrimental to the unity that was being forged in the new SANDF. It would be detrimental to serving soldiers, who were former members of the SADF and who had now shifted their loyalty to the new Constitution and new government. This accorded with what

Hyden (1992) referred to as the governance component of trust, which was the extent to which individuals and groups co-operate, and that cuts across basic divisions. There was a crossing of the divisions imposed by race and political background. A common purpose existed in the support of a common Constitution. Jorgenson (1993) refers to a similar concept when he talks of political loyalty and the will of the people, in the hierarchical mode of governance. The reasoning differed from that of the old SADF generals, but the outcome was the same; the choice of immediate political stability within the ranks of the SANDF as opposed to a deeper truth and reconciliation process that might have had a stronger transformation effect upon the SANDF.

The new SANDF leadership felt that the truth and reconciliation process had occurred too late, in 1997, considering that they had been struggling with issues of integration from as early as 1994 and had overcome most obstacles.

Dr Williams argued this view strongly and said that the values and principles that the TRC sought to put in place within the SANDF were already in place. In 1994, the SANDF tried to bring in these values by means of the White Paper on Defence and several transformation initiatives. The TRC was also not focused on institutions. New revelations of human rights violations would not have a broad impact. Professional work in the SANDF would continue. Possibly devastating revelations would cause some problems within the SANDF; however, many SADF members that worked in Special Forces and Military Intelligence had left. The transformation process had progressed well and would not be overturned. The SANDF had to be pragmatic and practical. Though the cohesion of the officer core could not be described as fragile, a psychologically cathartic process could result in damage. If the TRC had started in 1993 during the integration process, there might have been

more success. The timing of the TRC was bad. The opportunity for disclosure was lost three and a half years ago.

The SANDF as an institution could develop in more than one way in the future. The way to be followed could be greatly influenced by the current interaction between the military and the truth and reconciliation process. The choice by the new SANDF leadership to avoid the truth and reconciliation process was done consciously and with other priorities in mind. The SANDF saw it as a means to maintain the loyalty of the former SADF soldiers, and to maintain unity in a recently integrated national Defence Force. However, they were sensitive to problems of the past persisting within the newly transformed institution. Hence they engaged vigorously in ensuring that the processes and traditions of democracy were internalised within the institution. The White Paper on Defence, the Civic Education Guidelines and progressive military doctrine and disciplinary codes were means to this end. An explicit democratic legal, constitutional and ethical framework had been created, within which the SANDF and its personnel would operate.

The existence of civilian oversight of the military, through the Parliamentary Committee on Defence was an additional safeguard. Hyden (1992) highlights the importance of citizen influence and oversight. The military needed to share information with the public, adhere to the law and be accountable for decisions and actions. The new SANDF leadership also noted that many SADF members linked to the more notorious sections of the Defence Force, such as Special Forces and Military Intelligence Division and their subdivisions had actually left the Institution. In future other former SADF members who had not transformed with the institution would be likely also to leave through the process of natural personnel attrition or as and when the SANDF made further cutbacks on personnel.

With time, the approach of the new SANDF leadership would be vindicated or not vindicated. In the context of Jose Zalaquatt's argument, the SANDF had chosen correctly in ensuring stability within the Defence Force in the immediate future and at the same time preventing a recurrence of the excesses of the former SADF. Aryeh Neier's argument in regard to this particular scenario, would show that the institution of the Defence Force did not undergo a process whereby there was disclosure and acceptance of accountability and the building of reconciliation. The question that needs to be answered, is whether this will return to haunt the new SANDF in the future.

In the future, this lack of acknowledgement of the past could lead to the institution engaging in actions outside the legal, ethical and constitutional framework of the Defence Force. Soldiers who had never felt the need to disclose the truth or be held accountability could fall back into that pattern in time, especially during a period of crisis. If some soldiers do not feel that they had done wrong in defending apartheid and by engaging in human rights violations, then there was a great likelihood that they would repeat such behaviour when placed in a similar situation, such as conflict or war.

The unleashing of undemocratic forces and practices within the institution would not necessarily be the result of a single event. It could be a gradual process, whereby sectors of the SANDF that were opposed to transformation of themselves and the institution could gradually undermine the approach and ethos of the SANDF as advocated by the new leadership. This gradual resistance to change could present itself in various forms within the institution.

The SANDF general said that the SADF had become a politically dominated Defence Force in the past. Currently there were measures in place, including the Law of Armed Conflict, International Conventions of War, Constitution, Bill of Rights, and others. Previously, there was no Bill

of Rights, no Code of Ethics and no Doctrine. The White Paper on Defence and other measures served to bind the SANDF into the community. The greatest threat to the Defence Force was to be involved in the control and suppression activities internally.

The SANDF general emphasised that the current practice was to maintain a Battle Diary according to international convention. Should there be a Commission of Inquiry in events on the battlefield, the Battle Diary would be a source of information. The procedure sometimes, in the past was for soldiers killed in action to be officially declared as having died of multiple injuries or drowning in the Pretoria area. In the instance of the Lesotho operation, families were informed exactly how soldiers died and thus were able to accept it far better.

Aboobaker Ismael discussed measures taken within the SANDF to ensure that there was no repeat of the excesses of the SADF. These measures, included a thorough revision of the:

- Defence Act,
- Military Disciplinary Code,
- justice system within the military,
- policies with respect to the functioning of the force, and
- training.

Ismael emphasised that underlying all this, was the kind of culture that existed in MK and APLA compared with the old SADF culture. MK soldiers were encouraged to ask questions as to what they were doing, and to understand their goals. This served to motivate them. In the SADF, conscripts were simply told what to do. If they disobeyed orders, they were severely dealt with. The SANDF's intention is to be a disciplined force, based on an understanding of its goals and objectives as a professional force committed to the ideals of democracy, and to the defence of the nation.

The new SANDF leadership put in place measures to attempt to avoid a similar situation as that experienced by the SADF, and to overcome resistance to change. The measures embodied in the Constitution were, White Paper of Defence, Civic Education Guidelines, Military Disciplinary Code, Military Doctrine, Operational Orders and in military policy. The essential thrust of these measures was to ensure that the following democratic practices persist within the Defence Force:

- Accountability – This concerns the effectiveness with which the governed can exercise influence over their governors (Hyden, 1992). Soldiers now have recourse to the Constitution and civilian authority, should they be ordered to engage in irregular activities. There was also the issue of accountability and control with respect to other stakeholders. The SANDF would have to be accountable to, and be under the control of, the civilian government. Political figures within the civilian government would direct the SANDF as an institution (Peters, 1989);

- Authority – the concerns the extent to which leaders respect rules or change them in ways that are acceptable to the governed (Hyden, 1992). Military leaders are bound within a democratic constitutional, legal and ethical framework. They were responsible to and needed to be responsive to, the civic public realm (Hyden, 1992). The SANDF shared true information with regard to the deaths of soldiers in combat, as opposed to the occasional practice of the former SADF of declaring a soldier as having died in Pretoria, in circumstances which were not the case;

- The non-partisan nature of the SANDF was emphasised. The role of a public organisation was to engage in neutral implementation on the basis of political preferences (Jorgenson, 1993). Aboobaker Ismael counter posed a non-partisan, apolitical approach. He indicated that

they wished to achieve non-partisanship because an apolitical stance was not an achievable phenomenon. "The belief that politics and administration in government can be separated is a myth that should die a quiet death" (Mintzberg, 1996, p80). There was also the issue of individuals abusing their positions and power for partisan gain, which was relevant to a military force that had a recently integrate warring political movements and parties (Kernaghan & Dwivedi, 1983);

- Transparency was also being achieved through informing soldiers as to what their goals are. There was an attempt to move away from a situation in which information was concentrated with senior officials (Swilling & Wooldridge, 1997);

- Ethical conduct was a requirement by the new SANDF. The 'ethic of structure' argued that the organisation and not the individual must be held responsible for actions. In the instance of the SANDF, as part of the operational orders, it was stated explicitly that women and children are not to be harmed during combat actions. Should an individual contravene this clear policy of the institution he/she served, that individuals be held accountable over and above the institution in which he served (Thompson, 1992). Soldiers would also be expected to adhere to the ethical elements of military doctrines and conventions. This would clarify the values involved in their decision making (Caiden, 1983).

- Responsibility was another principle inculcated into the ranks of the SANDF. A dynamic tension exacted between objective responsibility and subjective responsibility. Objective responsibility functions 'upward' in relation to commanders and leadership whereas subjective responsibility functions 'outward,' in relation to the Constitution and 'inward' in relation to a sense of conscience (Kernaghan & Diwivedi,

1983). In the event of an unconstitutional order a soldier could choose to follow his conscience rather than the orders of his commanders.

Should these measures fail, there is a great likelihood that the SANDF would commit the same mistakes that the SADF did. The amalgamated SANDF, which is a combination of what Perlmutter & Bennet (1980) conceptualised as the praetorian soldier (within the SADF) and the revolutionary soldier (within the MK), should become an institution composed of professional soldiers. In the event of a failure of the progressive changes initiated by the new SANDF leadership, the praetorian soldier might dominate the institution. As there was no clear distinction between the policies and practices of the SADF and the National Party, this might also become the case between the SANDF and the majority governing party.

This dynamic tension between the approach of attaining non-partisan professionalism among soldiers as opposed to the supporting of a particular political ideology by soldiers was referred to by the SANDF general during the interview. He pointed out that the perspectives of Breytenbach and Magnus Malan provided the contrast between the professional soldier and the high ranking generals. Soldiers such as Breytenbach wished to be the best military soldiers possible, no matter the circumstances, while the high ranking generals sought to use the military for all manner of political machinations.

In the event of Zalaquett's argument being the more valid one in the existing circumstances, the SANDF would progress in time and the choice of political stability over justice would be vindicated. SA would have a successful Defence Force that had internalised democratic traditions and practices. However even in this situation there would still be the issue of history. At the public level knowledge of history would not be complete with regard to the Defence Force, as the bulk of the facts had been

withheld. Also, at the level of military history, there would be a vacuum as there was no detailed record of many of the SADF actions between 1960 and 1993. The new soldiers would not have a complete historical resource base from which to draw lessons and practices. They would also not understand where and why certain cultures and practices originated within the Defence Force.

The new leadership of the SANDF did agree that the issue of history would, be affected, though they indicate that the TRC Report's findings and conclusions would be likely to serve as a record of public history. In some senses it was the price that the new SANDF paid for political stability within the ranks. In future, the institution might rewrite this particular period of history from a perspective that was not perceived as controversial, particularly by the Defence Force.

Dr Rocklyn Williams stated that the history of the Defence Force during the period in question would be reflected not by the SADF submissions, but by the TRC Report. The SANDF had been in existence for five years. Much will be written and passed on about the last five years, through ideologies and myth making.

The SANDF general also noted issues related to the historical record of the SA military between 1960 and 1993. The raid on Maseru, for example, needs to be related truthfully. Details of the number of those killed, who in fact were terrorists needs to be clarified as well as how orders were followed and where wrong was done. The number of planned operations, and which were successes and which were failures should be stated and apologies made appropriately. Current soldiers needed to know the true version of history to find out by investigating the tactics employed. At a public history level the action was also a distortion. And it is important that what happened is not forgotten. The old foundation was inherited in terms of administration. The bringing about of change by means of affirmative

action and gender balances would be necessary. The test in the future would be with regard to military science and history, when the SANDF prepared to execute military tactics and it would be important to learn from previous military mistakes. future? Successes, whether by the SADF or the liberation movement, could be used as guides for the future.

The suggestion of an internal truth and reconciliation process within the Defence Force, in order to elicit full disclosure and follow this with reconciliation, was not regarded as useful by either the old SADF generals or the new SANDF leadership. They could not see any value in it. The old generals seemed to regard anything related to a truth and reconciliation process as threatening, even if it were held behind closed doors within the institution. As an internal process, restricted to the scrutiny of the new integrated SANDF, the problem of a lack of amnesty for cross border operations would be overcome. Nevertheless, the idea was not received very well. The new SANDF leadership felt that they had put in place all the necessary measures to ensure that past excesses would not be repeated and that the integration process would proceed with increasing success. An internal truth and reconciliation process in their view would create unnecessary problems.

A Defence Force issue that might give rise to some of the problems discussed is the requirement to deplete the permanent force by 20 000 personnel. The new leadership would logically, use this opportunity to consolidate stability by persuading soldiers who do not adhere to the new military professional and democratic ethics and practices to leave the force. These elements would anticipate this, and would begin to become disaffected, and possibly, to create problems within the ranks of the SANDF. The old generals regarded the cutbacks of personnel as a problem and indicated that this creates great uncertainty and concern, especially among the former SADF soldiers.

Major General Mortimer indicated that the Defence Force experiencing a difficult period. The bringing together of seven forces and the IFP was problematic. The Defence Force also faced budget limitations, which was always a problem after a war. The government, not foreseeing a war limits the budget. Ten years from 1994, the true situation of the Defence Force will be known. The retrenchment of 20 000 people from the Defence Force could cause a further revolt as personal lives ad lifestyles are at stake. After that process there would be an improved Defence Force. Some aspects of the new Defence Force were better improved but it was still not a 'happy' force.

Captain Imrie noted this concern. He said that one anxiety of former statutory (SADF) members was that the cutbacks in the number of soldiers employed would affect them, more than it would others.

Recommendations

This issue of cutbacks in the SANDF would probably be the first real test of the governance and management abilities of the new leadership as well as the unity and cohesion of the ordinary soldiers. The new SANDF leadership could alleviate the situation in the following ways:

- through budget shifts and savings to keep the cutbacks to the minimum;
- through strategic management measures by finding effective functions for as many personnel as possible;
- by ensuring that the process of cutting back on personnel is transparent and according to criteria, so that it is broadly accepted among the soldiers;
- by assessing the key criteria which hinged on the future requirements of the Defence Force, and the level of military professionalism, skill, ability, and non-partisan loyalty; and

- by ensuring that the process of cutbacks in personnel is effected quickly, efficiently and sensitively. Personnel should not be left indefinitely to dwell on an uncertain future.

CHAPTER 7 : CONCLUSION

The last stage of the truth and reconciliation process is the Amnesty Phase. This is scheduled to end in March 2000. In the report of the TRC of November 1998, the Defence Force is noted as having been one of the least co-operative institutions and as having revealed little of its past activities. This situation is unlikely to change by March 2000. This date would also effect the cutting of the last formal links between the old SADF generals and the new Defence Force.

With the success of the progressive changes effected by the new SANDF leadership, through the White Paper on Defence, new military doctrine, discipline and practice, and the Civic Education Guidelines, the Defence Force would be a source of pride for the people of Democratic SA. The new SANDF, operating within a legal, ethical and constitutional framework, would be a force for the defence of the sovereignty of the country and not a threat or alternative power base for the civilian government.

Even in the event of Aryeh Neier's argument being true, there could still be opportunities in the future to engage in the process of truth and reconciliation in respect of the Defence Force. In the future, with much of the old guard SADF members having left the Defence Force, and with the integration process having consolidated, the environment for such a process would be much more stable. Dr Williams of the Defence Secretariat mentioned that in the heterogeneous South African context, with time there would be individuals who would talk of the past activities of the SADF. As soldiers who participated in extra-ordinary activities of the SADF retired or became disaffected they would speak out and there would be disclosure.

The following sentiment was expressed at the end of a three-day conference that reviewed the successes and failures of the TRC. "Witwatersrand University professor Deborah Posel said one of the clear outcomes of the conference was the recognition that the TRC was just a beginning. There has been a huge consensus that if we're serious about truth and reconciliation that we have processes and not events" (*Star*, 1999, June 17). In his speech during the Special Debate on the Report of the Truth and Reconciliation Commission in parliament, former President Mandela, said that, "The TRC is an important component in that process, and its work is a critical milestone in a journey that has just started" (Mandela, 1999, p.1). Clearly, the TRC is the first stage in a longer-term process. The Defence Force might be revisited in coming years as more information becomes available and there might be the opportunity for a fruitful truth and reconciliation process with respect to the Defence Force.

On completion of the Amnesty Phase in March 2000, there is the issue of follow up of investigations and prosecutions by the Public Prosecutor's office. "Accountability does need to be established and where evidence exists of a serious crime, prosecution should be instituted within a fixed time-frame" (Mandela, 1999, p.4). This process would probably preface a new chain of events by which the Defence Force is unlikely to be untouched. The national and international perception is that they were involved in many atrocities and unlike the SAP, the SADF has managed mainly to largely keep its past activities secret. "The official response to the Harms Commission and the Kriegler judgement underlined the impunity enjoyed by the covert units of the South African State. Judge Harms and Judge Kriegler between them uncovered evidence of murder, poisoning, kidnapping, arson, perjury and destruction of evidence by members of the South African Police and South African Defence Force. Yet not a single prosecution has resulted" (Amnesty International, 1992, p.14).

The problem that currently faces the SANDF is two-fold. Externally there is a perception by the general public that the Defence Force does not wish to make disclosures of past activities nor to be held accountable for them. The public is uninformed of the finer details of the integration process and the distinction between the new leadership, the old leadership and the exact nature of the connection between the Contact Bureau, Nodal Point and the SANDF and the former SADF. The public perceives a single existing institution, the Defence Force as being reluctant to co-operate with the TRC. Dumisa Ntsebeza, the Head of TRC investigations, refers to the Defence Force as being merely involved in atrocities, without drawing a distinction between the SANDF and SADF (*Sowetan*, 1999, July 23).

Ronnie Kasrils, former Deputy Minister of Defence notes the contradiction that George Meiring was Chief of the SANDF in 1997, when he led a delegation to make a submission to the TRC with regard to past SADF activities. The motivations of the new SANDF leadership for not forcing former SADF members to disclose information and to accept accountability are not well known publicly. Hence the tendency is for the existing institution, the SANDF, to carry the public stigma of misrepresenting the past.

With regard to the this problem of national and international public image of the Defence Force, the following actions are recommended:

- The new leadership should, in a sensitive manner, create an awareness in personnel as well as the public, of the basic circumstances around the integration of the Defence Force and the interaction of the SADF with the TRC. This would be a far more constructive method than permit uninformed perceptions and rumours to continue;
- The new leadership should accept political accountability for extra-ordinary actions by the SADF, both inside the country and outside its

borders. This would improve civil-military relations as well as improving political relations with neighbouring countries including Angola, Mozambique and Namibia, that still suffer from the effects of the war waged against them by the SADF in defence of apartheid;

- The acceptance of such accountability and responsibility would demonstrate maturity and consolidate a democratic culture within the military establishment. It would also facilitate reconciliation in Southern Africa.

APPENDIX 1

Guide for Interviews: SANDF /SADF personnel and other experts.

Former SADF members who were integrally part of the process of developing and presenting a submission to the TRC were approached for interviews. Also SANDF members whose position within the Defence Force allowed them to observe and influence the future of the SANDF were approached for interviews.

1. How well was the issues of disclosure and accountability dealt with by the SADF submission to the TRC? Could the submission have been more frank and open? Could the submission have objectively noted successes and failures experienced by the SADF?

2. What are the future institutional implications of the Defence Force *submission to the Truth and Reconciliation Commission? What are the* implications for :

- Unity and loyalty (Are there existing stresses and tensions in the ranks?)
- Governance within the SANDF (Is the new SANDF regarded with the same suspicion as the TRC was?)
- Organisational Management
- Ethical Practices
- Accountability and responsibility

3. What are the broader implications for a democratic South African society?

- Civil-military relations.
- Government-military relations.

4. General comments

APPENDIX 2

List of former SADF members and current SANDF members interviewed. Name, rank and date of interview is included. All those listed were interviewed at the SANDF Headquarters, Armscor Building, Pretoria, except for the former Deputy Minister of Defence, Ronnie Kasrils. Kasrils was interviewed telephonically.

1. Mr. Aboobaker Ismail (Chief of Policy and Planning in the Defence Secretariat. This post carries a rank equivalent to that of a Deputy Director General), 10 August 1999.

2. Anonymous (Former MK member, now a General in the SANDF), 4 August 1999.

3. Captain [SA Navy] (retired) J.B.M Imrie (Secretary of the SANDF Nodal Point for the TRC), 2 August 1999.

4. Ronnie Kasrils (Former Deputy Minister of Defence. Minister of Water Affairs and Forestry), July 1999.

5. Major General (retired) D.R. Marais (Convenor of the SADF Contact Bureau for the TRC), 3 August 1999.

6. Major General (retired) B. Mortimer (Presenter of the first SADF submission to the TRC), 5 August 1999.

7. Colonel (Dr) Rocklyn Williams (Director of Operational Policy in the Defence Secretariat), 12 August 1999.

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