

FROM BOLEAS TO BANGUI: PARLIAMENTARY OVERSIGHT OF SOUTH AFRICAN DEFENCE DEPLOYMENTS

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Abstract

Parliamentary oversight of the executive plays a key role in ensuring accountability and is therefore central to the system of checks and balances that characterises liberal democracies. After 1994, South Africa aligned itself with liberal democratic ideals and sought to foster accountability in governance. In the South African Parliament, committees are considered the engine rooms of the institution and are central to the oversight process. Members of Parliament serving on these committees also have specific tools at their disposal to conduct oversight. These include deliberations (debates), posing written and oral questions, oversight visits, special inquiries and external audit opinions. By reviewing the use of these tools in relation to defence deployments, the study on which this article reports aimed to determine the long-term post-1994 trajectory of parliamentary oversight of deployments. The study used the timeline between Operation Boleas (Lesotho, 1998) and the Battle of Bangui (Central African Republic, 2013), two key post-1994 military deployments, as a demarcation for determining the trajectory of oversight. The study found a negative trajectory in terms of the oversight of deployments. In addition, committee meetings dedicated to deployments remained limited. Questions around deployments did not fill the vacuum left by a lack of committee activity. Oversight visits to deployment areas were limited while there was a complete dearth of in-depth analysis of deployments through special inquiries and external audits. The study subsequently noted that the negative trajectory in terms of deployment oversight cannot only be explained by the growing civil–military gap in South Africa, but arguably also contributed to it.

Keywords

Parliamentary oversight; Defence oversight; military deployments; civil-military relations

Introduction

After 1994, South Africa's first venture into the international deployment of its military commenced in September 1998. Operation Boleas, a Southern African Development Community (SADC) military intervention, saw at least 600 South African

National Defence Force (SANDF) and 200 Botswana Defence Force troops cross the border to Lesotho to address the country's deteriorating security situation.¹ Ensuing battles with units of the Lesotho Defence Force resulted in at least 11 SANDF soldiers being killed.² Forward to March 2013 in the Central African Republic (CAR) where approximately 200 SANDF soldiers were stationed for training of the CAR's armed forces (under Operation Vimbezela) and as a protection contingent for the training team. On 22 March 2013, the CAR's capital, Bangui, came under attack from a Seleka rebel force estimated at between 4 000 and 7 000.³ With limited resistance from the CAR's military, the SANDF was forced to face the onslaught. The ensuing Battle of Bangui resulted in 15 South African (SA) soldiers killed and 27 wounded.⁴ These two operations, 15 years apart, resulted in the most significant battle losses for the SANDF after 1994.

Operation Boleas, the Battle of Bangui and many other SANDF deployments between 1998 and 2013, occurred in the context of a democratic South Africa that saw the introduction of systems of checks and balances to ensure government accountability. The separation of powers between the executive, the legislature and the judiciary forms one of the cornerstones of the checks and balances characterising liberal democracies.⁵ Key to this system is the oversight role of the Parliament of South Africa (Parliament), notably its two defence committees, the Joint Standing Committee on Defence (JSCD) and the Portfolio Committee on Defence and Military Veterans (PCDMV). Oversight of the executive reflects one of the primary functions of parliaments around the world, as it aims to ensure that a state's national resources are used efficiently and effectively.⁶ Yet, the need for accountability of military deployments through Parliament was challenged early in South Africa's democratic era. Following Operation Boleas, Deiderik Perk found "parliamentary oversight unable to press the government on the actions of its defence force in times of great urgency".⁷ Similar concerns were raised in 2012, with one Member of Parliament (MP) claiming significant shortcomings in defence accountability to Parliament.⁸ These statements bring into question the long-term efficiency of parliamentary oversight of the military, and specifically the deployment thereof, in the context of its post-1994 liberal democratic shifts.

Research problem

Parliamentary oversight is an essential component of liberal democracy. Both the institution of parliament⁹ and the act of oversight form central parts of a liberal democratic system due to their links to the concept of the separation of powers.¹⁰ Oversight bridges two core concepts, namely accountability and transparency. The aim of parliamentary oversight is to ensure transparency in governance and to keep government accountable to the electorate.¹¹ Several institutions, including ombudspersons and audit institutions, fulfil the function of oversight. However, discussions on public accountability often highlight the central role of parliaments. It is argued that parliaments are effective oversight institutions because of a unique set of tools available to assist in fulfilling the oversight responsibility.¹²

Parliamentary oversight and related accountability are also vital in the context of representative democracy. Representative democracy provides a clear link between the sovereignty of the citizens and state power.¹³ The role that parliaments play in bridging the divide between the electorate, whom they represent, and the military, representing a form of state power, is crucial. Through representation, parliaments play a major role in defining the relationship between civil society and the military in a state. Parliamentary oversight is critical in ensuring not only an accountable military, but also an accountable executive in terms of how the military is utilised. The key research problem in this study therefore revolved around the ability of parliaments, as institutions of representative democracy, to ensure executive accountability for the utilisation of the military and, subsequently, to serve as a conduit for balanced civil–military relations.

Aim of the study

After 1994, South Africa introduced a new constitution based on the values of freedom, civil liberties, human rights, equality, the implementation of a system of universal suffrage and electoral representation, as well as the entrenchment of a separation of powers between the executive, the legislature and the judiciary. These changes align with the fundamental building blocks of liberal democracy.¹⁴ Oversight of executive practices by Parliament, including the deployment of the military, is therefore a key means of achieving accountability and a responsive executive as envisaged in liberal democracies.

The primary aim of the study reported here was to review parliamentary oversight of SANDF deployments between 1998 and 2013 in order to determine the trajectory of such oversight practices. In order to establish this trajectory, two lower-order questions required attention:

- First, what are the means through which parliaments can conduct oversight, including oversight of the deployment of the military?
- Second, to what extent were these means of oversight utilised in South Africa between 1998 and 2013?

Theoretical foundation and research approach

The focus of the study on parliamentary oversight of defence deployments in South Africa traversed two sets of theoretical foundations.

First, liberal democracy and its envisaged outcomes of transparency and accountability underpinned the approach of the study. Parliament as an institution, and the act of oversight, are essential to the concept of the separation of powers, a key feature of liberal democratic systems.¹⁵ As noted, South Africa's post-1994 Constitution aligns with the ideals of liberal democracy. The 1996 Constitution and subsequent legislation and policies, such as the 1996 White Paper on Defence and the 2002 Defence Act (No. 42 of 2002), also point to efforts to ensure civil control and civilian oversight of the military. The process of parliamentary oversight in South Africa after 1994 should

therefore be viewed in the context of liberal democratic shifts to improve transparency and accountability.

Second, oversight of defence deployments is important in defining civil–military relations. Burk highlights the link between civil–military relations and liberalism by noting security of individual rights as one of the cornerstones of liberalism.¹⁶ The provision of security, including protection from external threats, falls within this ambit of rights, and requires some form of military force. This requirement must, however, be balanced with another liberal requirement, namely that power is not abused and sovereignty remains. As such, a structure of civil control of the armed forces is necessary for democratic civil–military relations.¹⁷ After 1994, principles of democracy underpinned South Africa’s approach to civil–military relations as is evident in the 1996 White Paper on Defence, fittingly titled “Defence in a Democracy”. Parliament’s central role in ensuring democratic civil–military relations is reflected in the White Paper on Defence as it states the institution “has a range of significant powers regarding military affairs in order to assert democratic control over the armed forces and defence policy”.¹⁸

In terms of methodology, the study relied mainly on secondary sources in the form of committee minutes from Parliament’s defence committees compiled by the Parliamentary Monitoring Group (PMG). This is largely due to the unavailability of formal committee minutes from Parliament for the years under consideration. Context is further provided based on information obtained through interviews with nine former MPs involved with Parliament’s defence committees. The information collated from these sources is presented along two thematic lines. First, a broad overview of legislation and policies in South Africa is provided to highlight the country’s approach to oversight of deployments. Second, the usage of recognised parliamentary oversight tools, which are also used to oversee defence deployments, is reviewed.

The South African approach to defence deployments and oversight

South Africa’s adherence to liberal democratic values in relation to the utilisation of the military is evident in legislation. Section 198(d) of the 1996 Constitution states national security “is subject to the authority of Parliament and the national executive”. This immediately highlights a balance of powers in terms of the state’s ‘hard power’. This aim to balance power is also evident in further legislation guiding defence deployments, with specific tasks envisaged for Parliament.

Section 201 of the Constitution states that the President may authorise the ‘employment’ of the Defence Force (1) in co-operation with the police service, (2) in defence of the Republic, and/or (3) in fulfilment of an international obligation.¹⁹ Later legislation – section 18(1) of the Defence Act (No. 42 of 2002) – also permits the Minister of Defence to authorise the employment of the Defence Force for service inside the Republic or in international waters.²⁰ These provisions are in line with directives in section 227 of the Interim Constitution (1993).²¹ Existing legislation thus highlights executive dominance in terms of defence deployments, as is confirmed by Peters and Wagner noting, “South Africa to have no *ex ante* parliamentary veto power ...”²²

While *ex ante* parliamentary veto power over defence deployments is not prescribed in SA legislation, this does not imply that Parliament has no role to play. In line with efforts to ensure checks and balances, post-1994 legislative amendments make specific provision for Parliament's role in the oversight of defence deployments.

Section 201(3) of the 1996 Constitution states that, should the Defence Force be employed, the president must inform Parliament of –

- the reasons for the employment of the Defence Force;
- the place of employment;
- the number of personnel involved; and
- the period of employment.

Furthermore, subsection 18(2)(e) of the Defence Act also advises the president or minister to inform Parliament of the expected expenditure of the relevant deployment. Section 201(4) of the 1996 Constitution further notes, “[i]f Parliament does not sit during the first seven days after the defence force is employed ... the President must provide the information required to the appropriate oversight committee.”²³ These requirements clearly aim to provide Parliament with the relevant information to conduct oversight of the executive's utilisation of the Defence Force. This does, however, raise the question about the *ex post* powers of Parliament in terms of defence deployments.

In order to determine Parliament's *ex post* powers of deployment, two provisions of the Interim Constitution should be considered. In terms of Schedule 6 (Transitional Arrangements, Clause 24) of the 1996 Constitution, sections 224 to 228 of the Interim Constitution remain in operation. These sections have specific bearing on the role of Parliament vis-à-vis defence deployments. First, the JSCD was tasked specifically with the review of deployments. Section 228(3)(a) confirms the establishment of the JSCD while section (3)(d) notes, “[the] Committee shall be competent to investigate and make recommendations regarding the budget, functioning, organisation, armaments, policy, morale and state of preparedness of the National Defence Force ...”²⁴ Section 228(4)(b) further highlights the importance of the JSCD in oversight of deployments by stating that, when Parliament is not in session, the “President shall summon the joint standing committee referred to in subsection (3) to meet expeditiously, but not later than 14 days after the commencement of such employment, and shall inform the committee of the reasons for such employment”.²⁵

Second, section 228(4) of the Interim Constitution stipulates:

Parliament may by resolution terminate any employment referred to in 227 (1) (a), (b) or (e), but such termination of employment shall not affect the validity of anything done in terms of such employment up to the date of such termination, or any right, privilege, obligation or liability acquired, accrued or incurred as at the said date and by virtue of such employment.²⁶

The latter section of the Interim Constitution is crucial as it provides Parliament with a potential overriding directive for influencing defence deployments *ex post*. This approach demonstrates alignment with the envisaged post-1994 system of checks and balances and the centrality of parliamentary oversight.

Tools available for parliamentary oversight of defence deployments

Given that the post-1994 legislative scope provided for parliamentary oversight as a means of balancing executive dominance, parliamentary capacity to conduct such oversight is required. Existing literature highlights the importance of parliamentary committees in the oversight process. It is commonly held that committees are the ‘engine rooms’ of parliaments and that these committees contribute substantially to the effectiveness of parliaments.²⁷ Given the important role prescribed for the JSCD in overseeing defence deployments, it is essential to consider the tools that are available at committee level to effect such oversight.

International literature and reviews of global parliamentary practices reveal broad consensus on oversight tools available to committees. Tools most commonly referenced are committee hearings, commissions of inquiry (including ad hoc committees) as well as parliamentary questions and interpellations. These tools are evidently derived from organisational procedures and are not necessarily resulting from existing theory. They nonetheless provide accepted empirical indicators for oversight within which to locate tools for oversight of the military. Research on such oversight has been conducted by, inter alia, three reputable international institutions, namely the Inter-Parliamentary Union (IPU), the Centre for the Democratic Control of the Armed Forces (DCAF) and Transparency International.²⁸ A review of analyses by these institutions allows for the identification of five specific oversight tools that are central to oversight of defence, including deployments.

- *Defence committee debates.* The aim of debates is to influence a committee’s collective decision on a specific aspect of defence governance. Such debates allow a unique opportunity for obtaining facts on military affairs, including deployments, from the executive or addressing defence-related aspects of major concern.
- *Parliamentary questions.* Questions from MPs to the executive can be submitted either orally or in written form. The significance of questions lies in the opportunity afforded to MPs to raise military-related concerns and receive timely responses. Parliamentary questions offer an opportunity for continuous oversight of defence deployments.
- *Special defence inquiries.* Special inquiries are characterised by in-depth engagement in terms of specific defence-related aspects. During special inquiries, parliamentary committees often engage expert opinions and may subpoena certain role players. Following an inquiry, a formal report is published. Inquiries of this nature can be done by parliamentary defence committees, multiple committees, subcommittees or ad hoc committees.

- *Oversight visits.* Oversight visits for defence purposes relate to visits by MPs (often as a committee) to military units and/or operational deployment areas in an effort to familiarise themselves with matters at ground level.
- *The use of external audit.* External audit may be outside the scope of parliaments, but could play an important role in effective oversight. Practically, this would include calling external auditors (or state auditors) to appear before parliamentary committees or requesting in-depth analysis from such auditors. Audits may include financial and non-financial aspects.

Reviewing oversight of defence deployments in South Africa

Based on the internationally recognised oversight tools available to parliamentary committees, the utilisation of these tools at committee level can be reviewed to determine the level of oversight of defence deployments. Specific attention should be paid to the role of the JSCD, given its constitutional mandate, but peripheral oversight of deployments by the PCDMV may also be considered. The review relates to committee activity on deployments between 1998 and 2013 (see Table 1 for deployments considered by Parliament).

Defence committee debates

Given executive privilege in terms of defence deployments, Parliament is generally informed in writing of such deployments immediately after commencement. Letters from the Presidency are then published in Parliament's Announcements, Tablings and Committee (ATC) Reports and referred to the JSCD.²⁹ As such, committee debates around deployments occur most frequently as part of discussions around presidential letters of employment.

Operation Boleas was the SANDF's first major regional deployment, as part of a SADC regional peacekeeping force. The security situation in Lesotho decreased significantly after King Letsie III disbanded the Parliament of Lesotho, resulting in widespread dissatisfaction by opposition parties and a mutiny by some Lesotho Defence Force soldiers. The SANDF's entry of Lesotho on 22 September 1998 followed a request by the Prime Minister of Lesotho, Pakalitha Mosisili, who called for intervention by the SADC.³⁰ Given South Africa's post-1994 shift to a system of enhanced checks and balances, an opportunity existed to entrench in-depth parliamentary oversight of the deployment of the SANDF. However, challenges to effective oversight were immediately apparent. Parliament's ATCs reveal that the presidential letter of deployment to Lesotho was received on 22 September 1998.³¹ Yet, the JSCD only deliberated on this deployment more than a month later, on 2 November 1998.³² This was a rather extensive briefing by the Deputy Minister of Foreign Affairs, the Deputy Minister of Defence, and the Operational Commander. Nonetheless, the inaction by Parliament in the first month after deployment showed a lack of immediate oversight capacity. This sentiment was shared by an opposition MP, Mr Smit, who "thanked the SANDF for the informative briefing and stated the fact that the National Party had asked for such a meeting already on the 26 [of] October".³³

Following Operation Boleas, the SANDF's next major foreign deployment came in the form of a peacekeeping deployment to Burundi in October 2001.³⁴ This operation also escaped elevated levels of oversight. According to the ATC, the presidential letter of deployment for the SANDF mission to Burundi was submitted to Parliament only two days after the deployment date of 29 October 2001.³⁵ On 30 October 2001, the JSCD held its first meeting, which touched on the Burundi deployment. Subsequent meetings on the deployment were held in November 2001 and March 2002.³⁶ While this sequence of events highlights a more structured oversight approach than, for example, in the case of Operation Boleas, concerns did emerge. The haste with which the deployment took place did not allow for thorough engagement by Parliament. A Cabinet Memorandum approving the deployment was only signed in February 2002.³⁷ Furthermore, in the first JSCD meeting on the deployment, MPs raised concern about not being briefed properly on the deployment and having to rely on media reports for information.³⁸ This process exposes that, even when constitutional protocol was followed, it did not necessarily ensure thorough oversight.

Of specific concern regarding the work of the JSCD is that, except for the limited oversight of deployments to Lesotho and Burundi, further debates around deployments were limited. Committee meetings on the SADC Mutual Defence Pact and the White Paper on Peacekeeping (1999) dealt with aspects of deployments, but not with specific deployments. These meetings were rather concerned with policy directives on deployments and skipped oversight of actual SANDF deployments. The lack of oversight is of specific concern given that Parliament's ATCs reveal several presidential letters for a number of deployments to, inter alia, Angola, Tanzania and the Democratic Republic of the Congo (DRC) (in 1998), Mozambique (1999–2001), the Comoros (2001) and Iran (2004). Thus, while the executive complied with the formal legislative requirements for military deployments by informing Parliament, the legislature did not deliberate on all of these deployments.

Parliament saw an important shift in focus from legislation to oversight from the Third Parliament (2004) onwards. In 2004, Parliament's presiding officers noted the "increasingly important oversight role" of the institution.³⁹ The Strategic Plan for the Third Parliament also reaffirms the shift in focus by emphasising the institution's development of the Parliamentary Oversight Model.⁴⁰ With this institutional shift in mind and with two committees overseeing defence, the potential for quality oversight of the military increased considerably. This also raised the potential for parliamentary focus on defence deployments.

Despite an institutional shift to focus on oversight, a review of presidential letters published in the ATC after 2004, and debates on these letters in the JSCD, reveal significant shortcomings. Table 1 reflects the number of meetings held between 2004 and 2013 where such letters were considered. Visible shortcomings include the fact that several years (2004, 2009, 2010, 2012) saw no debates on deployment letters. Furthermore, on at least four occasions, the JSCD could not make a decision on deployments due to the lack of a quorum. It can therefore be concluded that the consideration of deployment letters happened only on an ad hoc basis and, when deliberated, it was often delayed in relation to the actual deployment dates.

Table 1: Meetings by the JSCD to consider presidential deployment letters 2004–2013

Year	Letters considered	Outcome
2004	None	-
2005	All external deployment ⁴¹	Letters adopted
2006	Comoros deployment ⁴²	No quorum to adopt letters
	DRC deployment ⁴³	No quorum to adopt letters
	Lesotho deployment ⁴⁴	Letter adopted
2007	DRC and Burundi deployments ⁴⁵	Letters adopted
	West Indies, Nepal and Mozambique ⁴⁶	Letters adopted
	Uganda deployment ⁴⁷	Letter adopted
2008	Darfur and deployments with SAPS ⁴⁸	Adoption postponed
2009	None	–
2010	None	–
2011	DRC, CAR, Mozambique deployments ⁴⁹	No quorum to adopt letters
2012	None	–
2013	Deployments with SAPS and Mozambique ⁵⁰	No quorum to adopt letters
	All internal and external deployments ⁵¹	Inconclusive, but quorum was achieved

In addition to the ad hoc consideration of presidential deployment letters, dedicated committee meetings dealing with specific SANDF deployments remained limited between 2004 and 2013. The JSCD only held two such meetings dealing with SANDF deployments – those in the DRC (2006)⁵² and in the CAR (2013).⁵³ Over the same period, the PCDMV held three dedicated meetings related to deployments. An extensive briefing was received on all peacekeeping operations in 2004.⁵⁴ In 2005, the PCDMV received a briefing on SANDF missions in the DRC, Sudan and Burundi,⁵⁵ and in 2010, a briefing on border deployments was presented.⁵⁶ The review of letters and sporadic meetings on deployments over a 15-year period paints a concerning picture. It started in 1998 with serious concerns around oversight of Operation Boleas. Limited consideration of presidential letters of deployment is evident in subsequent years. In December 2012, the SA government made a choice not to withdraw a small SANDF training team in the CAR, but rather to reinforce them with additional forces to ensure their safety and the safety of SA weapons and equipment in the CAR. This deployment, like many before it, also escaped parliamentary oversight. The subsequent advance of the Seleka rebels and the Battle of Bangui only saw *ex post* parliamentary oversight. No progress in terms of the committee’s oversight process over this period is thus apparent.

The review of committee activity above, specifically that of the JSCD as the vehicle for deployment oversight, shows that the committee lacked capacity to foster robust debate. An MP interviewed indicated that parliamentary scheduling clashes contribute

to a lack of opportunities for the JSCD to get together.⁵⁷ This would, to some extent, explain the limited engagement on deployments. However, the large number of deployments not considered over a prolonged period, points to a shortcoming in the parliamentary will to engage defence deployments actively. This shortcoming is perhaps best illustrated by debates around Operation Boleas and the Battle of Bangui. Following both deployments, only one meeting was held by the JSCD. These two deployments, with significant battle losses, received scant oversight attention as opposed to other less casualty-prone deployments. Single-meeting reviews, with limited scope for debate, highlight a lack of oversight. The 2013 JSCD meeting following the Battle of Bangui illustrates this point well as, following a briefing by the Minister of Defence and one round of questions from MPs, the meeting was called to a close. Some MPs argued, “[m]embers wanted to return to their constituencies and had flights booked.”⁵⁸

Interviews with former MPs also highlight the lack of robust debate on deployments. Key challenges noted by MPs were delays in discussions of presidential letters and, where such letters were considered, these were merely ‘box-ticking exercises’.⁵⁹ An MP further noted that the Chief of the SANDF or the Chief of Joint Operations was hardly ever present to be interrogated on deployments.⁶⁰ Several MPs again pointed to the lack of oversight of the Battle of Bangui in particular as illustrating the weakness of oversight of deployments and commenting that it did not contribute to a broader debate in the SA public.⁶¹

*Parliamentary questions*⁶²

Parliamentary questions, both oral and written, allow MPs an alternative avenue through which to gather information and exercise oversight of defence deployments. A review of Parliament’s oral and written questions revealed that 2 035 oral and written questions on defence were posed between 1994 and 2013 of which 222 (10,91%) related directly to deployment matters.⁶³ As a point of departure, it should be noted that, prior to Operation Boleas in 1998, questions were used to a limited extent with 25 questions related to deployments posed between 1994 and 1997. This trend continued until the end of the First Parliament (1999) after which parliamentary questions were increasingly used. Crucially, only three oral questions and no written questions related to Operation Boleas were posed in the year after the deployment (1999).

From 2000 onwards, a significant increase in the number of questions around internal and external deployments of the SANDF can be observed (see Figure 1). While some questions related to external deployments in Mozambique and the DRC, the vast majority of oral and written questions related to border safeguarding deployments and internal deployments with the South African Police Service (SAPS). Crucially though, the Second Parliament (1999–2004) saw an increased use of parliamentary questions on deployments. During the Third Parliament (2004–2009), this trend decreased significantly with limited questions posed. This trajectory of questioning is in contrast to statements by Parliament’s presiding officers, namely that the institution intended on focusing increasingly on oversight from 2004 onwards. During the Fourth Parliament (2009–2013), questions on deployments also remained limited, except for 2013 when 29 questions were posed. The majority of these referred to the Battle of Bangui.

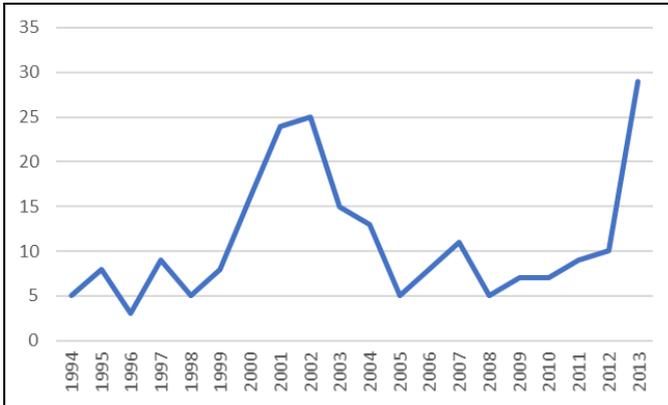


Figure 1: Frequency of parliamentary questions related to operations (1994–2013)

Further analysis of parliamentary questions raised two additional concerns regarding accountability for deployments. First, the number of oral questions related to deployments decreased significantly over time (see Figure 2). From 1994 to 2002, most questions on deployments were posed as oral questions to a member of the executive during a sitting of the houses of Parliament. From 2002 onwards, most questions related to deployment were posed in written format. This is significant as it raises the concern that members of the executive were not brought before the houses of Parliament to answer regularly on deployments. For example, only three oral questions on the SANDF’s involvement in the CAR were posed in 2013.

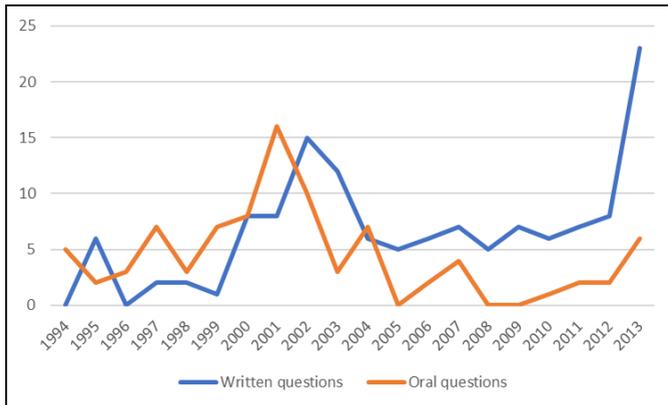


Figure 2: Written and oral questions on defence deployments (1994–2013)

Second, a review of questions on defence deployments reflected a significant disparity between questions posed by MPs from the ruling party and those from opposition parties. Of the 222 questions related to defence deployments between 1994 and 2013, only 32 (14,41%) were from MPs of the ruling party. Furthermore, notably after 1998, the majority of questions put forward by MPs from the ruling party were oral questions. From 1998 to 2013, ruling-party MPs posed 26 questions related to deployments of which 23 (88,46%) were oral questions. This is significant as it reveals that, except through formal sittings of the houses of Parliament, MPs from the ruling party showed little willingness to question the executive on deployments. This also undermined an effort at continuous oversight achievable through written questions. This approach was particularly evident in questions around Operation Boleas and the Battle of Bangui. Ruling-party MPs posed no oral or written questions related to these two deployments.⁶⁴ In-depth inquiry on deployments was therefore left to opposition MPs.

Context on the use of parliamentary questions is important. An MP interviewed noted that the limited utilisation of questions by ruling-party MPs is generally a function of politics and not a function of work ethics, as it is normal for ruling-party MPs not to reflect overly negative on departments. It is thus a self-imposed restriction.⁶⁵ Other MPs noted that increased focus on social spending and economic development took the focus away from defence and may have resulted in a decrease in the number of questions asked.⁶⁶ While the above reasons offer mitigating circumstances for the low number of questions posed by ruling-party MPs, some MPs stated that the low number of questions asked was directly related to a lack of political will to conduct oversight. They argued that written questions were generally not forthcoming from ruling-party MPs largely due to party loyalty.⁶⁷ The differentiation between Parliament and the executive thus became convoluted and accountability suffered.

Based on a review of parliamentary questions, it is evident that this tool was not optimally utilised to oversee deployments. Questions remained limited, except in the Second Parliament, and did not show continuous oversight efforts. Limited oral questions reflect poor levels of engagement with members of the executive through the houses of Parliament, and ruling-party MPs showed limited interest in oversight of deployments.

Oversight visits

Interviews revealed that MPs generally perceive oversight visits as a positive oversight tool and that they find conducting such visits to be constructive.⁶⁸ The value of oversight visits in terms of deployments of the SANDF is that MPs come into contact with the operational realities of deployed forces. This, in turn, shapes questioning to departmental officials and, ultimately, parliamentary recommendations.

The Rules of the National Assembly (Rule 61) note that a report should be submitted to the National Assembly by any committee on its activities, including oversight visits.⁶⁹ For an oversight visit to have an impact, the publishing of a committee report is thus a prerequisite. However, a review of Parliament's ATCs, in which oversight visit reports

are published, showed limited engagements related to deployments. Between 1998 and 2013, only two tabled reports dealt directly with oversight of deployments. First, in October 2005, a joint PCDMV/JSCD oversight visit to SANDF forces deployed in the DRC was conducted.⁷⁰ Second, in April 2010, the PCDMV conducted an oversight visit to various border areas to review border safeguarding deployments.⁷¹ Other oversight visits may have related indirectly to defence deployments. For example, in 2001, the PCDMV and JSCD jointly conducted an oversight visit to Nigeria focusing on, inter alia, peacekeeping in Africa, force preparation, border control and parliamentary oversight of the military.⁷² In 2011, the JSCD conducted an oversight visit to Pretoria, which included a briefing by the Chief of the Navy on the threat of piracy.⁷³ In 2013, the PCDMV visited various military bases around the country.⁷⁴ While aspects related to deployments formed part of the latter oversight visits, it is crucial to note the limited number of oversight visits dedicated specifically to deployments or taking place in deployment areas. This resulted in a lack of first-hand knowledge of perilous and expensive SANDF operations as well as a limited first-hand understanding of force preparation.

The concepts of deployment and force preparation are highly intertwined. The JSCD has a special role to play as section 228(3)(d) of the Interim Constitution provides specifically for the committee to oversee the “state of preparedness of the National Defence Force”.⁷⁵ The value of oversight visits to understanding force preparation was highlighted in, for example, the JSCD’s 2005 Report following its visit to the DRC. During this visit, observations were made regarding the function, logistics and discipline of the SANDF, and practical challenges faced.⁷⁶ Despite the value of such visits, it is crucial to note the limited extent to which the JSCD conducted oversight visits of any kind between 1998 and 2013. A review of JSCD activities revealed that almost all its oversight visits occurred in the time of the Third Parliament (2004–2009).⁷⁷ The dearth of oversight visits by the JSCD was raised as a concern by MPs during the Fourth Parliament (2009–2014). At a meeting on 12 June 2013, MPs from the ruling and opposition parties highlighted “the importance of this committee going out to do oversight”.⁷⁸ MPs also expressed frustration with the long process of receiving approval for such visits. The non-utilisation of oversight visits to deployments is reflected in the fact that no deployment-specific oversight visits followed Operation Boleas and neither did any such visits take place in the years preceding the Battle of Bangui.

The broader context of the utilisation of oversight visits as an oversight tool is also important. The tool was used with increasing regularity in Parliament, specifically since the Third Parliament (2004). For example, between 2004 and 2013, the PCDMV conducted ten oversight visits and the JSCD, a total of three. In addition, these two committees conducted two external study tours.⁷⁹ However, despite oversight visits being viewed as a positive oversight tool and being utilised increasingly, such visits did not focus on defence deployments.

Special defence inquiries

Special defence inquiries are characterised by in-depth engagement in specific defence-related aspects and may include inquiries into deployments. A review of

JSCD and PCDMV activities revealed that special inquiries, either at committee or subcommittee level, were highly underutilised between 1998 and 2013. Special inquiries were only conducted by the PCDMV in relation to arms acquisitions in 1999⁸⁰ and a review of the 1998 Defence Review in 2004.⁸¹ The JSCD conducted one special inquiry into the language policy of the Department of Defence in 1999.⁸² Of these, only the PCDMV's 2004 inquiry into the Defence Review touched on aspects related to deployments, largely associated with the deployability of HIV-positive SANDF members.

The lack of special inquiries, specifically by the JSCD, is of concern given the committee's constitutional directive to 'investigate' and 'make recommendations'. Concerns in terms of the limited number of special defence inquiries were confirmed by MPs who noted few inquiries and the underutilisation of subcommittees to conduct special investigations. Crucially, interviewees also highlighted that even significant military events, such as Operation Boleas, shootings in military bases and the SANDF losses in the CAR did not result in special inquiries.⁸³ As noted, both Operation Boleas and the Battle of Bangui were followed by one JSCD meeting each. Although these meetings did not comprise in-depth inquiries, they present stark contrasts in oversight. Following Operation Boleas, the JSCD meeting comprised a briefing by the Deputy Minister of Foreign Affairs, the Deputy Minister of Defence, the Chief of the SANDF, the SANDF's operational commander and other SANDF commanders. The briefing referred to 'weak points identified' and 'lessons learnt' by the SANDF.⁸⁴ In contrast, the 2013 JSCD meeting on the Battle of Bangui comprised a briefing by the Minister of Defence and limited responses to some questions by the Chief of the Joint Operations Division.⁸⁵ This comparison underscores the notion that not only was special inquiries lacking, but limited inquiry into the two most significant battle losses for the SANDF showed contextual regression.

The use of external audit

External audit opinions utilised by Parliament were mostly those of the Auditor-General of South Africa (AGSA). While AGSA focuses largely on auditing public sector expenditure and performance, it also produces "reports on discretionary audits, performance audit, and other special audits are also produced".⁸⁶ As such, AGSA can be called upon to provide an objective external investigation into specific deployments and provide such information to Parliament to assist its oversight function.

Between 1998 and 2003, no direct briefings by AGSA to the JSCD or PCDMV were recorded. On only three occasions did committee minutes refer to AGSA's input on the budgets of the military.⁸⁷ Ad hoc presentations to the committees were made between 2004 and 2008, also related to budgetary and performance assessments. From 2009 onwards, input from AGSA to the PCDMV and the JSCD became institutionalised with annual presentations made to Parliament on defence matters. Crucially, though, these audit options related almost exclusively to AGSA's annual audit reports on the finances and performance areas of the Department of Defence. A former MP interviewed confirmed the incremental use of the AGSA's work by Parliament's defence committees,

but also noted that this was largely limited to one engagement per year during the annual report reviews.⁸⁸ No special audits specifically dedicated to deployments were completed by AGSA and presented to Parliament between 1998 and 2013, nor was there any evidence of such audits being commissioned by Parliament.

Conclusion

South Africa's post-1994 shift to liberal democracy, notably the separation of powers, provided a platform for thorough parliamentary oversight of the executive. Parliament's oversight role became increasingly prioritised, as is evident from the growing focus on committee work and the 2004 decision by presiding officers to focus on the oversight function of the institution. Clear constitutional provisions and parliamentary rules further provide specifically for parliamentary oversight of defence deployments.

The study reported here drew from accepted empirical indicators of parliamentary oversight to review Parliament's oversight of defence deployments. These indicators reveal that JSCD and PCDMV meetings dedicated to deployments remained limited while the adoption of presidential deployment letters occurred on an ad hoc basis and were often delayed. Parliamentary questions regarding deployments did show an increase in some years, but failed to fill the oversight vacuum left by a lack of committee activity. Oversight visits to deployment areas were lacking; therefore, not contributing to MP's exposure to and oversight of deployments. There was also a lack of in-depth analysis of deployments, both in terms of special inquiries and of the work of AGSA. The absence of special investigations by committees is of specific concern in cases of importance to the SANDF's operational capacity, such as Operation Boleas and the Battle of Bangui. A lack of special investigations indicates that not even major battle losses were an incentive for increased oversight of deployments. Based on this analysis, the study found that, between 1998 and 2013, parliamentary oversight of defence deployments reflects a negative trajectory with decreasing levels of oversight over time.

The negative trajectory of oversight of defence deployments points to specific concerns around South Africa's adherence to liberal democratic values. While Parliament continues to function and provide a platform for oversight, the depth of this oversight can be questioned, as per the outcome of this study. This detracts from the liberal democratic principles of accountability and transparency. The central implication of this want of accountability and transparency is executive dominance. The notion of a true separation of powers with effective power balances between the different spheres of government thus comes under pressure. Furthermore, although not the main aim of the current study, it becomes evident that the notion of executive dominance is central to the negative trajectory of oversight. Several interviews with MPs as well as concerns regarding the use of parliamentary questions, point to a lack of political will to hold the executive to account.

The declining oversight of military deployments also has a negative effect on civil-military relations. As noted, declining oversight diminishes accountability and transparency; thus, limiting contact between the electorate (as represented by MPs) and

the military. Furthermore, while Parliament should serve as a nucleus for debate, limited information around military deployments become available due to limited oversight. The decline in oversight therefore contributes to the distancing of civil society from the use of the military. This conclusion is in line with findings by, for example, Heineken, Gueli and Neethling who point to a growing civil–military gap in South Africa.⁸⁹ The negative trajectory in terms of oversight of deployments can therefore not only be explained by the growing civil–military gap in South Africa, but it arguably also contributed to it.

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