

**TWENTY YEARS OF DEMOCRACY:
AN ANALYSIS OF PARLIAMENTARY OVERSIGHT OF THE MILITARY
IN SOUTH AFRICA SINCE 1994**

by
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*Dissertation presented for the degree of Doctor of Philosophy in the Faculty of Military Science at
Stellenbosch University*



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April 2019

DECLARATION

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ABSTRACT

Prior to 1994, the practice of parliamentary oversight of the military in South Africa was extremely limited. The post-1994 shift to liberal democracy characterised by representativeness and constitutionalism brought about significant changes to the state's civil-military relations. Within the paradigm of liberalism, civil-military relations were reshaped to ensure civil-supremacy over the military. Parliament, a central feature of representative democracy, emerged as a key institution to ensure democratic civil-military relations.

This thesis reviews parliamentary oversight of the military in South Africa between 1994 and 2014 in the context of democratic civil-military relations and the associated characteristics of transparency and accountability. Two distinct parliamentary periods characterised the first twenty years of democracy. The first ten years focused on Parliament's legislative function while a shift to its oversight function is observed after 2004. Oversight of the military is reviewed separately for these two periods. The study compiles a list of criteria for the review of parliamentary oversight of the military and applies such criteria to the two identified periods. This criteria include the availability and extensive use of oversight tools such as committee hearings, hearings in the plenary, commissions of inquiry, parliamentary questions (oral and written) and interpellations. For parliaments to thoroughly oversee the military, several focus areas were also identified, including the defence budget, policies, procurement, human resources and the deployment of the military. The study aims to enhance these criteria by looking at lower-order focus areas, including annual and quarterly departmental performance, interdepartmental cooperation, military training and education, gender and racial equality, defence morale and defence infrastructure. Furthermore, potential weaknesses for oversight of the military are identified, including the constitutional and legal powers to do oversight; resources and expertise available to parliaments; the political will to conduct oversight; and, follow-up on parliamentary recommendations.

Through the application of the criteria above, the study finds that during the first two parliaments (1994 to 2004) efforts were made to define defence policy and legislation within the newfound liberal democratic context. After 2004, focus shifted to the institutions' oversight function. Parliamentary processes, structures and oversight-enhancing legislation improved significantly between 2004 and 2014 to enrich the potential for thorough oversight. Based on these improvements, and the relatively elevated levels of oversight already achieved by the defence committees in the First Parliament, a continuously improved level of parliamentary oversight of the military could thus be expected. However, oversight of the military did not improve in line with the institutional scope offered for improvement. There was a shift away from de-politicised, consensus-seeking oversight observed during the First Parliament. Oversight tools were not used optimally, focus areas of oversight not balanced and risks to effective oversight manifested over time. A declining political will to conduct oversight is of specific concern. Low levels of oversight became considerably amplified in the Fourth

Parliament. The quality of oversight therefore showed contextual regression, bringing into question the standing of parliamentary oversight of the military.

SAMEVATTING

Voor 1994 was die praktyk van parlementêre oorsig van die weermag in Suid Afrika uiters beperk. Ná 1994 het die skuif na 'n liberale demokrasie, wat deur verteenwoordiging en grondwetlikheid gekenmerk is, die land se burgerlik-militêre verhoudinge merkbaar verander. Binne 'n liberale paradigma is burgerlik-militêre verhoudinge omskep om burgerlike beheer van die weermag te verseker. Die parlement, wat 'n sentrale rol speel in 'n verteenwoordigende demokrasie wat burgerlik-militêre verhoudinge verseker, het as 'n belangrike instansie na vore getree.

Hierdie tesis beoordeel parlementêre oorsig van die weermag in Suid Afrika vanaf 1994 tot 2014 in die konteks van demokraties-burgerlik-militêre verhoudinge en daarmee gepaardgaande kenmerke soos deursigtigheid en verantwoordbaarheid. Twee duidelike parlementêre periodes het die eerste twintig jaar van demokrasie gekenmerk. Gedurende die eerste tien jaar het die Parlement hoofsaaklik op sy wetgewende funksie gefokus, terwyl 'n skuif in fokus na 'n oorsig-funksie ná 2004 merkbaar is. Oorsig van die weermag word in hierdie tesis vir die twee periodes afsonderlik beoordeel. Die studie stel 'n lys kriteria saam wat aangewend kan word om parlementêre oorsig van die weermag te beoordeel en hierdie kriteria word toegepas op die twee geïdentifiseerde periodes. Die kriteria sluit die beskikbaarheid en uitgebreide gebruik van oorsigmeganismes soos komiteevergaderings, sittings in die huise van die Parlement parlementêre vrae (geskrewe en mondelings) en interpellasies in. Vir deeglike oorsig van die weermag is verskeie fokusareas ook geïdentifiseer wat die verdedigingsbegroting, verdedigingsbeleid, verkryging, menslike hulpbronne en die ontplooiing van die weermag insluit. Die studie brei uit op hierdie kriteria deur die insluiting van verskeie laer-vlak fokusareas. Hierdie areas sluit departementele jaar- en kwartaalverslae, interdepartementele samewerking, weermag opleiding en opvoeding, geslags- en rasgelykheid, die moraal van die weermag en verdedigings-infrastruktuur in. Verder word moontlike swakhede van oorsig oor die weermag ook geïdentifiseer, insluitend grondwetlike en wetgewende magte om oorsig uit te voer, die beskikbaarheid van hulpbronne en kundigheid aan die parlementslede, die politieke wil om oorsig uit te voer en opvolg op parlementêre aanbevelings.

Deur die gebruik van bogenoemde kriteria kom die studie tot die bevinding dat gedurende die eerste twee parlementslede (1994 tot 2004) daar gepoog is om verdedigingswetgewing en -beleid te definieër binne die nuutgevonde liberale demokratiese konteks. Ná 2004 het die fokus na die parlement se oorsig funksie verskuif. Skuiwe in parlementêre prosesse, -strukture en wetgewing wat daarop gemik is om oorsig te verbeter, het die potensiaal vir oorsig tussen 2004 en 2014 merkbaar verbeter. Gegewe hierdie vooruitgang, asook die relatief hoër vlakke van oorsig wat bereik is deur die verdedigingskomitees gedurende die Eerste Parlement, was verdere en voortdurende vooruitgang dus te wagte. Oorsig van die weermag het egter nie in lyn met vooruitgang in die instelling verbeter

nie. Oorsig het wegbeweeg van die Eerste Parlement se pogings om oorsig van die weermag te depolitiseer en konsensus-gesentreerd te wees. Oorsigmeganismes is nie optimaal benut nie, fokusareas van oorsig is nie gebalanseer nie en betekenisvolle risikos wat effektiewe oorsig ondermyn het oor tyd duidelik geword. 'n Verminderende politieke wil om oorsig van die weermag uit te voer, was spesifiek kommerwekkend. Lae vlakke van oorsig het veral in die Vierde Parlement uitgestaan. Die gehalte van oorsig het dus agteruitgang getoon wat die algehele stand van parlementêre oorsig van die weermag bevraagteken.

ACKNOWLEDGEMENTS

I would like to thank my supervisors for their input, assistance and sharing of knowledge throughout the process of completing this dissertation. Prof Francois Vreÿ, our regular meetings and your constant contribution made completing this dissertation a pleasure. Prof Theo Neethling, your regular input and prompt response to questions assisted me greatly.

To my wife, Loyde, thank you for your constant encouragement sharing this journey with me. To my parents, Smuts and Mariaan, thank you for your constant prayers, words of encouragement and regular inquiry on progress.

To other friends and family who encouraged me along the way, thank you for your support. To Nicolette, special thanks for sharing ideas and reading through chapters.

I would also like to thank Michellé Basson for editing this dissertation.

Many others contributed and encouraged me along the way, for which I am eternally grateful. Most of all, I am grateful to my Heavenly Father for providing me this opportunity.

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	African National Congress
APLA	Azanian People's Liberation Army
AGSA	Auditor-General of South Africa
ATC	Announcements, Tablings and Committee Reports
BMATT	British Military and Training Team
BRRR	Budgetary Review and Recommendations Report
CAR	Central African Republic
CESS	Centre for European Security Studies
CODESA	Convention for a Democratic South Africa
DCAF	Geneva Centre for Democratic Control of Armed Forces
DIRCO	Department of International Relations and Cooperation
DMV	Department of Military Veterans
DOD	Department of Defence
DODMV	Department of Defence and Military Veterans
DPME	Department of Planning, Monitoring and Evaluation
DPW	Department of Public works
ENE	Estimates of National Expenditure
GDP	Gross Domestic Product
HIV/AIDS	Human immunodeficiency virus infection and acquired immune deficiency syndrome
IPU	Inter-Parliamentary Union
JSCD	Joint Standing Committee on Defence
MK	uMkhonto we Sizwe
MSDS	Military Skills Development System
MP	Member of Parliament
NAO	National Audit Office (United Kingdom)
NATO	North Atlantic Treaty Organisation
NCACC	National Conventional Arms Control Committee
NCOP	National Council of Provinces

NGO	Non-Governmental Organisation
PCDMV	Portfolio Committee on Defence and Military Veterans
PMG	Parliamentary Monitoring Group
SA	South Africa
SADF	South African Defence Force
SANDF	South African National Defence Force
SAPS	South African Police Service
SDPP	Strategic Defence Procurement Package
SCOPA	Standing Committee on Public Accounts
SSC	State Security Council
SSR	Security Sector Reform
TBVC	TBVC states (Bophuthatswana, Ciskei, Transkei and Venda)
UDF	Union Defence Force
UK	United Kingdom
UN	United Nations
VVIP	Very Very Important Person

CHAPTER 1 INTRODUCTION

1. Introduction

The separation of powers between the executive, legislature and judiciary forms one of the cornerstones of the system of checks and balances characterising liberal democracies (Bellamy, 2005, p. 257; Mojapelo, 2012, pp. 37–39). Crucial to this system is *oversight*, through which the legislative branch holds the executive to account to ensure “efficiency, economy and effectiveness of government operations” (Yamamoto, 2007, p. 9).

As a practical means of executing oversight to ensure accountability, most legislatures¹ make use of a committee system. Committees are tasked with, *inter alia*, examining the administration of government, which includes oversight of the military (Strøm, 1998). The committee system does, however, portray certain weaknesses. In his 1978 publication titled *Comparative Legislatures*, Michael Mezey (1979, p. 91) notes, in the context of reactive legislatures, that the strength of committee arenas is often inversely related to the strength of the executive. More recently, this concern was highlighted in the context of parliamentary oversight of the military by the Geneva Centre for Democratic Control of Armed Forces (DCAF) which noted that parliamentary defence and security committees are traditionally characterised by a lack of transparency and strong involvement of the executive (DCAF, 2006, p. 1). Transparency International raised similar concerns following a 2013 evaluation of the quality of legislative oversight of the military in 82 countries, concluding that a poor transparency in oversight of the military is a global concern. The study revealed that while parliamentary oversight of the military is common practice, it has become increasingly “illusory” (Cover & Meran, 2013, p. 3).

With the advent of democracy in South Africa in 1994, the country’s legislative paradigm shifted, aiming to conform to the ideals of democracy, specifically its system of checks and balances. In contrast to the pre-1994 period, post-1994 South Africa placed significant emphasis on the role of parliament and its oversight function. This included the rejuvenation of parliamentary oversight of the military. The question should thus be raised to what extent South Africa, as a young democracy, was able to circumvent the globally recognised challenges to parliamentary oversight of the military?

¹ Although the term Parliament is preferred for this study, it may be used interchangeably with the terms ‘assembly’ and/or ‘legislature’. The reason for preferring to use the term ‘parliament’ is twofold. First, it relates more directly to the South African case study and, second, it allows for a broader interpretation of the actions conducted by such institutions. The term legislature may, for example, presuppose a focus on the legislative tasks of parliaments to the exclusion of its oversight role.

2. Rationale for the study

Prior to 1994, South Africa's legislative oversight of the military was relegated to a point of non-existence. Sylvester (2011a, pp. 11–12) notes a number of factors contributing to this. Firstly, recommendations of the 1966 Verster Commission did away with the Defence Secretary and replaced him with the Chief of the Defence Force as the primary accounting officer. This resulted in executive dominance in terms of civil control of the military. Secondly, during the 1980s, defence expenditure escaped parliamentary scrutiny as the majority of defence acquisitions were channelled through the Special Defence Account, an account free from parliamentary oversight. The advent of democracy in 1994 brought about significant changes to the country's legislature to ensure increased oversight capacity in line with that of modern liberal democracies. This was reflected in, for example, legislative amendments such as the Interim Constitution (RSA, 1993, Schedule 4) that emphasised the separation of powers "with appropriate checks and balances to ensure accountability." In practical terms, parliament's oversight role was increasingly executed through the development of a robust committee system, often referred to as the 'engine rooms' of the institution (Ngculu, 1996, p. 180). Although initial teething problems in providing oversight were experienced after 1994, authors like Calland (1997, p. 15) noted that certain committees showed immense progress in its interaction with the executive. In his 1998 dissertation, Fisher (1998, pp. 78–79) also noted a number of strengths of committees during the first years of existence, including that they were often innovative, delivery-oriented in nature and that they added efficiency to deliberations on legislation. These developments formed part of a number of increased legislative and oversight advances during the first and second parliaments (1994 to 2004).

Despite the developments around the committee system after 1994, a number of concerns have been raised by scholars and Members of Parliament (MP). Hasson (2010) points to 'a changing tide' in the South African Parliament (hereafter Parliament) mirroring Mezey's (1979) observation that the strength of committee arenas is inversely related to the strength of the executive. Former African National Congress (ANC) MP, Johny de Lange, similarly noted in 2006 that "the dynamism of committees have disappeared" (Hasson, 2010). This sentiment was also highlighted by another former ANC MP, Andrew Feinstein (2007, p. 260), claiming the need for constitutional protection of some oversight committees from political influence. Feinstein claims that a number of the advances made in the first years of democracy were largely undone by parliament's handling of the 1999 Strategic Defence Procurement Package (SDPP) (News24, 2014). He argues that Parliament failed to hold the executive to account, raising serious concerns regarding its capacity to sustain effective oversight. These views thus raise the question whether South Africa, despite initial advances after 1994, started to fall victim to what Transparency International refers to as 'illusionary oversight' (a general lack of transparency in oversight). This question is compounded by two other factors:

- A widely held perception that parliamentary oversight of the military has declined. This is reflected in statements by MPs and industry experts alike.

- A perceived decline in the literature related to parliamentary oversight of the military in South Africa. The majority of studies on civil-military relations in South Africa, including those focusing on aspects of parliamentary oversight, stem from the immediate post-1994 era, while analytical literature on the third and fourth parliaments is limited.

In addition to questioning general oversight capacity, the question on the quality and standing of parliamentary oversight of the military can also be answered by looking outside the realm of parliament and focussing on the military. In reviewing the South African military in the post-1994 period, the most disconcerting summary came in the 2014 Defence Review, which states that “the Defence Force is in a critical state of decline” (Defence Review Committee, 2014, p. ix). Parliamentary oversight of the military is an essential tool in preventing such decline. The statement in the Defence Review thus raises the question whether ‘parliamentary oversight of the military’ remains strongly entrenched and effective?

The rationale of the study thus stems from a contrast between the rise and perceived effectiveness of parliamentary oversight of the military in the immediate post-1994 period, and the perceived void in parliamentary oversight identified by former MPs and deduced from the 2014 Defence Review.

3. Aim of the study

This study aims to provide an analysis of twenty years of parliamentary oversight of the military in South Africa by contrasting initial developments in the immediate post-1994 period (1994 to 2004) to developments of the third and fourth democratic parliaments (2004 to 2014). The primary aim of this analysis is to determine the status of parliamentary oversight of the military in South Africa between 1994 and 2014.

4. Formulation and demarcation of research problem and objectives

The primary research problem revolves around the quality and standing of parliamentary oversight of the military in the South African Parliament during the first twenty years of democracy. The study is guided by the following research questions:

- What are the distinguishing features of successful democratic parliamentary oversight of the military?
- How does South African Parliamentary oversight of the military compare to international benchmarks and international best practice?
- What changes can be observed in relation to the oversight of the military when comparing the first two parliaments (1994 to 2004) to the third and fourth parliaments (2004 – 2014)?
- What are the ‘views from the inside’ on parliamentary oversight of the military?

5. Anticipated contribution of the study

Constant review of parliamentary oversight of the military is essential given the important role of the institution in ensuring the maintenance of healthy civil-military relations and the optimal functioning of military forces (Kotia, 2011, p. 57; Pelizzo, Stapenhurst, & Olson, 2006, p. 6). This study may firstly assist in raising the prominence of the debate on parliamentary oversight of the military in South Africa. Secondly, the study may assist in internalising international measuring instruments on legislative oversight of the military. By viewing oversight of the military in South Africa alongside oversight in other countries, the applicability of international measuring instruments becomes apparent. Views from former and serving MPs can further provide clarity on the applicability of these instruments. Measuring instruments for effective parliamentary oversight of the military can subsequently be refined to find applicability to the South African Parliament. Thirdly, on a more pragmatic level, the study may be of value to parliamentary officials in determining factors that contribute to ineffective parliamentary oversight of the military. Countermeasures to such inefficiencies can subsequently be developed.

6. Literature review

The literature review for this study is thematically structured. First, it addresses the **political theories** (theories of democracy and its substructures) that underpin the parliamentary system of governance. This includes reference to the principle of parliamentary oversight and civil-military relations. Second, a broad range of literature dealing with **international best practice** of parliamentary oversight of the military is consulted. This section of the review refers to both analytical and case-study literature and is used to identify traits of successful oversight. Third, the focus shifts to literature dealing specifically with the **South African Parliament**. This last section of the literature review is structured chronologically, with an underlying aim of differentiating between oversight of military in the immediate post-1994 period (1994 – 2004) and that of subsequent oversight in the third and fourth parliaments (2004 – 2014).

6.1 Setting the theoretical framework

The title of this study suggests the study of two separate yet overlapping aspects, namely *Parliament* as an institution and *oversight* as a practice. It is thus of value to explore theoretical roots that underpin both the institution and the practice in order to determine a theoretical framework for the study. This should then be viewed along the concept of civil-military relations to highlight the unique relationship between democracy and the military.

6.1.1 Rooting parliamentary oversight in theory

Parliaments (and other forms of representative legislatures) are a natural outflow of representative democracy. Representative democracy is an indirect form of democracy whereby the people elect representatives to act on their behalf in government. There is thus a close link between the democratic electoral process and the legislative institution (Damgaard, 2000, pp. 7–8; Nijzinkm & Piombo, 2004, p. 2). The pluralist view of democracy is of particular importance in explaining parliaments. This relevance stems from the focus of pluralist thinkers such as John Locke and Charles-Louis Montesquieu whose writings are linked to the concept of the ‘separation of powers’ (Fisher, 1998, p. 44; Yamamoto, 2007, pp. 9–10). The aim of the separation of powers is to create a system of checks and balances in government (Adar, 2009, p. 6; Bellamy, 2005, p. 257). Montesquieu (1748) expanded on Locke’s two-tier separation of powers and defined the modern day *trias politica* that refers to a separation between three independent powers, namely the legislature, the judiciary and the executive. The pluralist view holds that legislatures play a crucial role in stabilising democracies and reflect one of the most crucial organisational instruments of democracies, namely ‘an elected government’ (Alford & Friedland, 1992, pp. 72–73). The concept of the separation of powers thus underscores the creation and functioning of parliaments. Closely linked to the focus on representative democracy is the rise of constitutionalism during the eighteenth century. The rise of constitutionalism reflected a link between constitutional democracies and the advocacy of strong parliaments (Ziegler, Baranger, & Bradley, 2007). One of the main functions of parliaments in this democratic setting is that of oversight.

The practice of oversight also finds its roots in the democratic practices noted above. As already stated, the separation of powers aims to create a system of checks and balances in government (Adar, 2009, p. 6; Bellamy, 2005, p. 257; Mojapelo, 2012, pp. 37–39). It is thus unsurprising that the role of parliaments has expanded beyond merely legislating to include various tasks such as oversight of the executive branch of government (Johnson, 2005, p. 3; Strøm, 1998, pp. 29–30). The link between oversight and democracy is further highlighted through the values portrayed in the concept of liberal democracy, including freedom, civil liberties, human rights, equality and constitutionalism (Alford & Friedland, 1992, p. 42; Hudson, 1999). Through oversight of the executive, parliament strengthens adherence to these values.

From the above it is clear that there is a very strong link between parliaments and democracy. Similarly, the practice of oversight is linked to democratic practices and values. It thus follows naturally that the roots of a study on parliamentary oversight be found in theories of democracy. Theories of democracy include a number of opposing views and interpretations. Of specific value to this study is the pluralist view of democracy. The reason for this is the already stated link between parliaments and the ‘separation of powers’, a concept stemming from early pluralist thinkers such as Locke and Montesquieu (Adar, 2009, pp. 6–8; Alford & Friedland, 1992, pp. 113–135; Bellamy, 2005). The pluralist view of democracy ties with this study as it is closely linked to liberal democracy, the

latter which also emphasises checks and balances. The evolution of the pluralist interpretation warrants specific attention in this study, notably Dahl's reference to 'polyarchies' that refers to a democratic system of governance (rule by the many). Dahl sought to separate polyarchies from the classic interpretation of democracy (rule by all citizens) (Dahl, 1956, pp. 63–90, 1982; Krouse, 1982, p. 442). There is also a link between polyarchies and liberalist values, specifically in relation to Western polyarchies. This link is essential to the study as polyarchies place significant emphasis on the institutions that enforce accountability (including parliaments).

In his work on polyarchies, Lijphart also focuses on the differentiation between majoritarian and consensus democracies. Majoritarian democracies are closely linked to the parliamentary system (Lijphart, 1999, pp. 9–47). The value of a focus on the majoritarian democracy to this study is that it allows for the utilisation of Lijphart's research on central features of majoritarian democracies. This proves valuable in the study's comparative element whereby various majoritarian characteristics can be compared across the cases (parliaments) to be studied.

6.1.2 Civil-military relations: Defence and democracy

Given the theoretical foundations of the study in theories of democracy, the link between democracy and the military should also be explored in terms of its theoretic underpinnings. In terms of theoretical roots, the work of Samuel Huntington (1957) on civil-military relations serves as an authoritative point of departure as it highlights the concept of civil control of the military within the scope of democracy. Civil control of the military primarily refers to the subordination of the armed forces to the executive branch of government (Aldis & Drent, 2008; Feaver, 1996). Huntington notes that, after the Second World War, a number of aspects characterised civil-military relations, specifically the subordination of the military to civilian political leadership and minimal involvement of the military in politics. For effective civil control of the military, there needs to be a high degree of relative autonomy of the military. Huntington notes that new democracies (states that shifted towards democracy between the 1970s and 1990s) have, in general, been successful in maintaining effective civil-military relations (Huntington, 1995). Janowitz (1960), however, observes a closer relationship between politics and the military brought about by changing security and political dynamics. In the post-Cold War period there has been further expansion on the closer relationship between the military and civil powers. This is reflected in Schiff's model of concordance that refers to a 'partnership' between role players (Schiff, 2009). The debate has thus shifted to finding the optimal balance between the military and civil powers. What has remained constant, however, is the principle that the military serves the state.

The dynamics and development of the concept of civil-military relations as noted above should also be viewed within the context of the unit of analysis (the Parliament of South Africa), given the intrinsic post-1994 link between democracy and civil-military relations. Prior to 1994 South Africa was characterised by a the lack of accountability to Parliament and significant military influence on the executive (Ferreira, 2007; Griffiths, 1995). To fully understand changes in civil-military relations after

1994, it is crucial to focus on the democratisation of the country. First, the shifting concept of national security should be considered. Until the end of the Cold War, national security was largely viewed through the realist focus on state-power and a specific inter-state perspective of security matters. As such, the state was central to security thinking prior to 1994 (Williams, 2002: 213). Thereafter, the scope of national security expanded to become more inclusive of human security (Buzan, 1991; Cawthra, du Pisani, & Omari, 2007, pp. 15–20; Hough, 2003). This theoretical shift is essential for the study as South Africa's security architecture clearly aligned itself with the international trend of focusing on human security (Ferreira, 2007; Nathan, 1998). Second, principles of democracy underpinned South Africa's approach to civil-military relations in the post-1994 period, in line with the guidelines of 'objective civilian control' as put forth by Huntington (1995, p. 9). This was particularly evident in the 1996 White Paper on Defence (RSA, 1996b), fittingly titled 'Defence in a Democracy'. The White Paper was drafted through a highly inclusive process and based on the inflexible principle of stable civil-military relations (Williams, 2002, p. 205–207).

There are, however, factors that impact negatively on general civil-military relations, specifically the paradox between political and military leaders (Gray, 1999, pp. 58–68). Gray notes aspects such as 'distinctly different responsibilities', 'variances in culture or ethos', and 'reciprocal ignorance' as factors dividing political leaders from their military counterparts. It is thus evident that military-minded MPs are required to enhance effective civil-military relations. Kotia (2011, p. 66) also notes a lack of expertise and information on defence matters by political leaders as a factor inhibiting civil-military relations. These factors indicate that while civil-military relations observed in democracies relate closely to objective civilian control, it is not without challenges.

Given the link between democracy and developments in civil-military relations as well as the applicability thereof to the unit of analysis, it is of value to review other cases within this parameter.

6.2 Parliamentary oversight of the military and determining international best practice

This section is presented in two phases. First, literature aimed at defining and expanding on the *concept* of parliamentary oversight of the military is presented and, second, a range of literature dealing with international best *practice* is provided.

6.2.1 Conceptualising parliamentary oversight of the military

While the previous section explored literature related to the theoretical underpinnings of oversight, it is essential to also conceptualise the broader concept of parliamentary oversight. Parliamentary oversight joins two core concepts, namely *accountability* and *transparency* (Bucur-marcu, 2009; Hänggi, 2003; Yamamoto, 2007). These concepts represent the desired natural outflows of oversight. Given the focus of the study on parliament, the concept of oversight should be placed in the sphere of public accountability (Lastra & Shams, 2000; Scott, 2000). The aim of parliamentary oversight is to

ensure transparency in governance and to keep government accountable to the electorate (Fisher, 1998). The question then arises as to why a parliament, in particular, assumes such a prominent role in effecting oversight and public accountability?

While a number of institutions such as ombudspersons and audit institutions fulfil the function of oversight, discussion on public accountability often highlights the central role of legislatures (Olson, Stapenhurst, Pelizzo, & von Trapp, 2008; Yamamoto, 2007). It is argued that parliaments are effective oversight institutions because it has a unique set of tools available to assist in fulfilling this task. These include, *inter alia*, parliament's ability to express views on the public sector and its policies; parliament's powers to remove certain office bearers; inquests through committees of inquiry; inquests through specialised parliamentary committees; and, public hearings (Damgaard, 2000; Yamamoto, 2007). Pellizo (in Olson *et al.*, 2008, p. 30) points to a differentiation in the grouping of such tools. While some authors organise oversight tools according to its place in the policy-oversight process, others group it according to the form it takes, be it a procedural tool or a specific body. One specific set of tools, parliamentary committees, manages to transcend this differentiation. It therefore forms a crucial part of the parliamentary oversight capacity and deserves special focus in any study related to parliamentary oversight.

Parliamentary committees are an essential oversight tool as it plays a specific and continuous role in the oversight process. Committees are well suited to ensure oversight due to the fact that they receive information and explanations from the executive and review their performance and practice (Fisher, 1998, pp. 20–22; Griffith, 2005). It is commonly held that committees are the 'engine rooms' of parliaments and contributes substantially to its effectiveness (Ngculu, 1996, p. 180). Malcolm (Shaw, 1998, p. 225), also points to "the universality of committees" and the value of having an issue-focused oversight capacity. However, both Malcolm (Shaw, 1998, pp. 238-239) and Yamamoto (2007, pp. 16-17) caution that committees are not universally effective. There thus seems to be consensus that committees play central oversight roles, but its success is not guaranteed.

The sections above highlight the link between oversight, transparency and accountability. They also highlight parliamentary tools, notably the committee system, as a valuable means to attain such oversight. However, oversight of the military falls within the broader scope of security sector governance that presents unique features separate to general oversight. Hanggi (2003, p. 10) notes, for example, the need to evaluate the balance between statutory armed forces; civil management and oversight bodies; non-statutory security forces; and non-statutory civil-society groups, to determine the level of governance of the security sector. On military-specific aspects requiring oversight, Huntington (1957) focuses on the operating issues of the military that includes quantitative issues such as the size, recruitment and supply of forces; the qualitative issues such as organisation, composition and deployment of forces; and, dynamic issues such as the utilisation of the military. Oversight of the security sector and military in particular thus has to take into account a unique and widely differential set of variables. Additional variables that form part of parliamentary oversight of the

military include, *inter alia*, the need to evaluate defence budgets, procurement, military deployments and defence policy (Cover & Meran, 2013a; DCAF, 2006b, 2006a).² A lack of transparency, the complexity of oversight of the military and strong executive involvement are often highlighted as challenges to oversight of the military (Cover & Meran, 2013a; DCAF, 2006).

The mentioned variables reflect that oversight of the military is a complex and multi-faceted enterprise. While thorough oversight of all these variables is desirable, the real-world application thereof requires analysis.

6.2.2 International comparison and best practice

Pennings, Keman and Kleinnijenhuis (2006, p. 23) note John Stuart Mill's 1872 focus on the importance of comparative research as a key element in all social sciences research. Babbie (2013, pp. 314, 318) notes the link between comparative and historical research whereby historical methods and data are used for comparative purposes. The study of institutions and organisations lend themselves very well to this form of research given that their history is often well documented. Mouton (2013, p. 154) claims that the value of comparison lies in the identification of similarities and differences among various units. This allows for the identification of "ideal types: conceptual models composed of the essential characteristics of social phenomena" (Babbie, 2013, p. 318). Although not the primary research method to be used in this study (See Section 7), the value of comparison in the study of an organisation such as Parliament is evident. By reviewing other cases of parliamentary oversight of the military around the world, it is possible to determine best practice and identify pitfalls against which to compare the South African case.

For the purpose of this study, legislative oversight of the military in five specific countries is utilised to identify best practice. The countries to be reviewed include, the United Kingdom (UK), Australia, Canada, India and Zambia (See Figure 1.1). The rationale behind the selection of cases relates to them being based on Westminster systems comparable to South Africa's Parliament.³ The countries selected reflect various levels of democratic maturity, with some rated stronger democracies than others and therefore reflect various levels of parliamentary oversight. This allows for a review of countries rated stronger and weaker in terms of oversight of the military by various international institutions such as Transparency International, the World Bank and the IPU (Cover & Meran, 2013b; Olson *et al.*, 2008; Yamamoto, 2007). The selection of cases was further influenced by the accessibility of data on parliamentary activity, completeness of data as well as restrictions due to language.

² Further reference to tools of oversight of the military is made in the Research Approach (Data collection) section.

³ The South African parliamentary system do not fully conform to traditional Westminster parliaments, notably due to its use of a proportional representative system. Nonetheless, the South African Parliament was heavily influenced and shares a long history with the Westminster model. This is particularly relevant in terms of the South African Parliament's approach to oversight and the use of committee systems (Parliament of South Africa, 2009: Chapter 4). As such, in terms of its oversight function, comparison to other Westminster-styled parliaments is warranted.

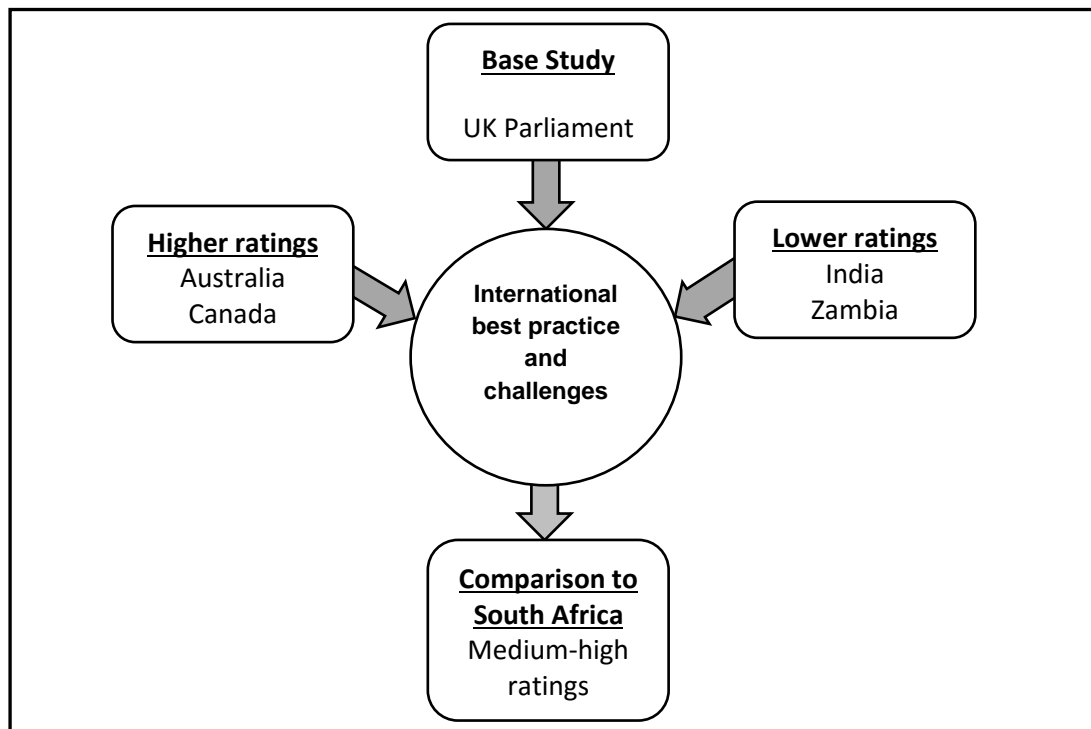


Figure 1: Deducing international best practice of parliamentary oversight of the military

The UK Parliament has an extensive history related to the development of oversight mechanisms (Kotia, 2011, p. 61). Using the UK Parliament as a measure of more effective oversight of the military is justified by a number of international studies on the matter. The World Bank (Pelizzo *et al.*, 2006, p. 12) as well as the Inter-Parliamentary Union (IPU) (Yamamoto, 2007) rate the UK very high on the number of parliamentary oversight tools at its disposal (tools include aspects such as committee hearings, plenary hearings and parliamentary questions). Committees, for example, have played a central role in the UK Parliament since the mid-sixteenth century (Marleau & Montpetit, 2000). With specific reference to oversight of the military, Cover and Meran (2013a, p. 8) point to the UK's very low defence-related parliamentary corruption risk. This is closely linked to the high levels of defence budget transparency (Gorbanova & Wawro, 2011a). Rozenberg *et al.* (2011) highlight the UK's high rate of parliamentary defence questions as a success. The UK Parliament's military oversight is, however, not free from criticism. It is cautioned that the frequency of parliamentary questions on defence in itself is not an effective measurement of successful oversight. Furthermore, the impact of party-influence, the low level of parliamentary control over the deployment of the Defence Force, and weaknesses of the UK's 'talking parliament' versus the advantages of a 'working parliament' are noted as possible pitfalls (Griffith, 2005, p. 17; Rozenberg *et al.*, 2011, p. 349; Wagner, 2006, p. 54). The UK often rates higher in terms of parliamentary oversight of the military than other parliaments utilised in this study. For this reason as well as the quality and quantity of information available on the UK Parliament's defence-related work, it is thus used as a basis for best practice against which other parliaments can be matched.

The parliaments of Australia and Canada share a number of institutional similarities with the UK Parliament. Of specific importance to this study is the utilisation of the committee system. Australia has a Joint Standing Committee on Foreign Affairs, Defence and Trade that was established in 1949 and information on its inquiries are readily available (Parliament of Australia, 2014). The Parliament of Canada's Standing Committee on National Defence enjoys a wide-ranging mandate that includes oversight over "all matters" related to the Department of Defence (DOD) and the military itself. It further makes use of the Senate's Standing Committee on National Security, thus reflecting active oversight of defence in both houses of a bicameral system (Parliament of Canada, 2013). Both the Australian and Canadian Parliaments are considered to have highly transparent defence budgets (Gorbanova & Wawro, 2011a, pp. 6, 15). Australia also reflects extremely low risks of defence-related parliamentary corruption (Cover & Meran, 2013a, p. 8). However, both these institutions seem to share the UK parliament's limitations of influence over military deployments (Bland & Rempel, 2004, pp. 8-18; Sabhlok, 2011; Wagner, 2006, p. 5). Furthermore, in Australia, it is argued that not enough parliamentary oversight of the role of the defence industry is in place (Wylie, 2006). While this is not reflected as a major concern in Canada, the problem of the underutilisation of defence oversight mechanisms is highlighted (Bland & Rempel, 2004, pp. 19-27). Based on the same ranking criteria (Cover & Meran, 2013a; Yamamoto, 2007), South Africa is generally rated slightly lower than Australia and Canada in terms of parliamentary oversight of the military. The closeness in ratings does, however, assist in providing effective contextual comparison.

While the cases above refer to parliaments rated higher than South Africa in terms of oversight of the military, it is of value to look at opposing cases as well. India and Zambia represent relevant cases to study as they rate lower than South Africa in many aspects. In terms of transparent defence budgets, both these countries score relatively low with moderately transparent budgets (Gorbanova & Wawro, 2011a, p. 6). Zambia has shown a significant increase in its general parliamentary oversight capability since 1991 (P. J. Burnell, 2002, p. 23). However, its parliamentary oversight capacity of the military remains in its infancy. Slaa (in le Roux, Rupiya, & Ngoma, 2012, pp. 17–29) notes that a number of factors contributing to ineffective oversight of the military in Zambia are present throughout the SADC region, including weak committee systems and heavy executive involvement. India has a longer history of parliamentary oversight of the military and its structures are more deeply entrenched. As such, some aspects such as oversight of oversight are better developed. For example, in contrast to its 2011 study, by 2013 Transparency International noted wide-ranging powers of the parliamentary committee on defence to review the defence budget. Transparency International further notes moderate to low levels of oversight of defence procurement and defence policy. Significant concerns identified in India include the high risk in terms of defence-related corruption, which is an indictment on parliamentary oversight (Cover & Meran, 2013a, p. 8). An evaluation of factors contributing to India and Zambia's lower rating is of value for confirming potential weaknesses in oversight.

6.3 Parliamentary oversight of the military in South Africa since 1994

Parliamentary oversight of the military in South Africa may be analysed over two separate yet contextually overlapping periods. The study analyses oversight according to this division, namely the first ten years of democracy (1994 to 2004)⁴ and, developments over the subsequent ten years (2004 to 2014)⁵. This division rests upon three central revelations from existing literature. First, a distinction can be made between the focus of parliament in the two periods. The first ten years of parliament focussed more on the legislative task of parliament with a high number of bills passed. The subsequent ten years (2004 to 2014) saw the focus of parliament shift increasingly to the oversight function (Nijzinkm & Piombo, 2004, pp. 2-5; Parliament of South Africa, 2008a). Although some element of this progression is already evident in the Second Parliament (1999 to 2004), it only reached maturity in the second and third parliaments (2004 to 2014). Second, the first ten years of democracy saw the development of a number of defence-related policies and legislation. These included, *inter alia*, the 1996 Constitution, the 1996 White Paper on Defence, the 1998 Defence Review and the 2002 Defence Act. These documents lay the foundation for the growth and utilisation of the military in a democratic setting. Parliamentary oversight according to these principles would thus only have reached maturity by the beginning of the Third Parliament (2004). Third, Parliament's oversight capacity was increasingly prioritised and actively developed through special seminars, assistance to committees and increased training during the third and fourth parliaments (2004 to 2014) (Govender *et al.*, 2009; Parliament of South Africa, 2008a, 2011; Rustin & Nel, 2011).

Based on this division, literature for the two periods of analysis can be viewed separately to further explore the systematic development of parliament's oversight function over a twenty-year period.

6.3.1 Parliamentary oversight of the military: 1994 to 2004

The democratisation of South Africa marked a significant turning point for the country both in terms of parliamentary oversight of the military and civil-military relations. Prior to 1994, parliamentary oversight of the military was underdeveloped and had little impact. By 1992, Williams (in Perk, 2011, p. 10) referred to the Defence Parliamentary Study Group as a 'toothless watchdog'. To strengthen civil-military relations, Williams suggested constitutional amendments that can strengthen the civilian leadership of the military. This is in line with Sylvester's (2011a, pp. 11–12) notion that the removal of the Defence Secretary as the primary accounting officer and the channelling of the military budget through the Special Defence Account dented civil oversight of the military. Poor oversight of the military should be viewed in the context of generally ineffective oversight prior to 1994 (February, 2006, pp. 127–128; Sylvester, 2006, p. 39; Town, 2002, pp. 78–79). Legislative amendments in the post-1994 period thus set out to correct this imbalance in the *trias politica*.

⁴ This period includes the First Parliament (1994 – 1999) and Second Parliament (1999 – 2004).

⁵ This period includes the Third Parliament (2004 – 2009) and Fourth Parliament (2009 – 2014).

The Interim Constitution (RSA, 1993, Chapter 4) was first to urge increased oversight of the executive. Parliament's oversight role was further cemented in the 1996 Constitution (RSA, 1996a Section 42 (3)) which states that "[t]he National Assembly is elected to... ensure government by the people under the Constitution... passing legislation and by scrutinising and overseeing executive action." Part of the process to ensure increased oversight included the expansion of parliament's committee system. Calland (1997, p. 6) notes a shift from committees' limited pre-1994 role to a more robust and open system in the post-1994 period. He does, however, highlight certain challenges identified in the immediate post-1994 period, including limited resources and political constraints. Fisher (1998, pp. 78-80) in *The new South African Parliamentary Committee System: Its role and effectiveness* concurs with the view that committees in the immediate post-1994 period were innovative and delivery-oriented. However, early pitfalls identified included the number of committees, scheduling of committee meetings, support mechanisms, and the internal functioning of committees (Corder, Jagwanth, & Soltau, 1999, pp. 22-23; Fisher, 1998, pp 80-83; Parliament of South Africa, 2002). Despite some shortcomings, it is clear that there was a shift away from the pre-1994 inhibiting of oversight structures to a more pronounced focus on parliament's general oversight role after 1994.

Post-1994 changes in civil-military relations were closely linked to legislative changes. A number of legislative and policy amendments sought to increase civilian control of the military, including the Interim Constitution (RSA, 1993), the Constitution (RSA, 1996a), the White Paper on National Defence for the Republic of South Africa (RSA, 1996b), the 1998 Defence Review (RSA, 1998) and the Defence Act of 2002 (RSA, 2002a). Le Roux (2005, p. 235) notes the importance of transparency as a feature of improved civil-military relations after 1994. He notes, for example, the importance of the establishment of a civilian Defence Secretariat and the role of legislation (such as the Public Financial Management Act) in ensuring financial transparency in the DOD. Cawthra (2005) and Perk (2011), however, note a number of challenges including a lack of oversight by the Secretary of Defence, one-party dominance, challenges related to the SDPP and resulting practical challenges within the SANDF such as a drop in morale and decreasing operational readiness. These challenges had the potential to undermine the post-1994 improvements in civil-military relations.

Parliament played a crucial role in merging the two concepts addressed above, namely increased oversight over the executive and the country's changing civil-military relations. Le Roux (2005, p. 254) states that democratic civil-military relations were ensured by, *inter alia*, the functioning of parliamentary defence committees during the first ten years of democracy. Modise (le Roux *et al.*, 2012, pp. 45–53), in an overview of parliamentary oversight of defence between 1994 and 2003, concurs with le Roux and states that the Joint Standing Committee on Defence (JSCD) conducted its work effectively and truly held the executive to account by not merely becoming a 'rubber-stamp' committee. Besides the parliamentary committees on defence, other aspects also contributed to oversight of the military. These included parliamentary questions on military matters as well as the work of the Standing Committee on Public Accounts (SCOPA) which dealt with defence-related matters on an *ad hoc* basis (R. E. Obiyo, 2006; Sylvester & Seegers, 2011).

Positive developments regarding the defence committees noted by le Roux and Modise are, however, contrasted by a number of authors. Cawthra (2005, p. 105) notes a need to enhance the oversight scope of the committees. Ngculu (Ngculu, 2002, pp. 184-186), notes specific challenges faced by defence committees, including limited oversight visits and problems related to the maintenance of party-discipline in committees. Jordaan (2004, p. 116) points directly to the impact of one-party dominance on the committee-system, including the defence committees. Perk (2011, p. 3) further states that committees were “insufficiently equipped” to hold the military to account. Finally, Griffiths (in O’Brien, Johnston, & Stapenhurst, 2008, pp. 93–102) points specifically to the SDPP as a significant moment in the history of parliamentary oversight of the military. Obiyo (2006, pp. 343-348) highlights the failure of SCOPA to deal effectively with the SDPP. The SDPP arguably brought one of the biggest challenges to the post-1994 legislature and significantly undermined effective parliamentary oversight, including that of the military (Feinstein, 2007; Sylvester, 2006; Sylvester & Seegers, 2011).⁶

From the above it is clear that significant strides were made in ensuring civil oversight of the military in the immediate post-1994 period. Parliamentary oversight represented one of the main drivers in executing the principle of civil control of the military. Focus can again be placed on the various parliamentary committees that played a leading role in ensuring oversight. However, since challenges were already identified in the first and second parliaments, it highlights the need to evaluate developments in parliamentary oversight of the military after 2004 (in the third and fourth parliament) in order to ascertain whether these challenges remained or were successfully addressed.

6.3.2 Parliamentary oversight of the military: 2004 to 2014

Parliamentary activities seemed to follow a natural progression from its legislative duties to that of oversight after its first ten years. Nijzink and Piombo (2004, pp. 2-5) note that this was already apparent during the shift from the first to the second parliaments. This shift in focus was, however, only formalised by the start of the third parliament, as summarised in the Strategic Plan for the Third Parliament. The Plan (Parliament of South Africa, 2004, p. 15) stated that “Parliament’s focus in the first decade of democracy was on ensuring the transformation of South Africa’s legislative landscape... With the tempering down of Parliament’s legislative workload in the Second and Third Parliaments, and the increased challenge to ensure sound governance and effective service delivery by the executive, the imperative arose to improve Parliament’s oversight capacity.”

A number of measures were subsequently developed to refine parliamentary oversight. Internal parliamentary structures, such as the Independent Assessment Panel of Parliament (Govender *et al.*, 2009) and the Joint Rules Committee (2008b), put forward ways of maximising the capacity of

⁶ For the purpose of this study, it is important to avoid excessive focus on the SDPP, but rather to view it as part of parliament’s overall oversight function of defence acquisition.

existing oversight structures. The central role of parliamentary committees featured prominently in such reports. A number of improvements to committees were made, including training for new members and the availing of support staff. The focus on enhancing committee skills were also clear since 2004, including increased exposure for members of committees to best practices in oversight (Parliament of South Africa, 2008a); familiarising committee members with procedures, ethics and process of parliamentary committees (Parliament of South Africa, 2011); and, deepening committee member's budget analysis competencies (Rustin & Nel, 2011). Despite these measures, committee-specific analyses highlight ongoing concerns, including a lack of adequate human resources and research capabilities (Dlomo, 2004, p. 108). Bullen (2005, pp. 34-43) points to the poor use of information in committees. A lack of human and financial resources, expertise and performance evaluation were also highlighted as impacting negatively on committees (Makhado, Masehela, & Mokhari, 2012, pp. 8-10; Masualle, 2007, p. 24). Many of these concerns relate to a 'lack of capacity' in Parliament that, along with concerns over party-loyalty, has been identified as a lingering challenge to effective oversight (Nomdo, 2013).

In terms of defence committees, the JSCD⁷ and the PCDMV⁸ remained the essential drivers of parliamentary oversight of the military, while SCOPA also dealt with defence matters on an *ad hoc* basis. An overview of committee minutes from the Parliamentary Monitoring Group (PMG) between 2004 and 2014 reveals that both the JSCD and the PCDMV dealt with a wide variety of issues pertaining to the military. The committees regularly scrutinised a number of documents considered essential to parliamentary oversight (Parliament of South Africa, 2011). These include, *inter alia*, the DOD's annual performance plans, budgets, annual reports, and quarterly reports. The committees also focussed on other military matters, including oversight of defence entities, the Military Ombud, the implementation of international treaties, briefings on SANDF operations, and operational readiness to name a few.

The literature consulted above highlights the aim and efforts to increase the standing of parliamentary oversight from 2004, including in the defence committees. However, literature also reveals an some critical views on parliament's oversight of the military. Sylvester (2011a, pp. 18–19) notes that committee capacity is continuously undermined by a lack of support, a lack of access to information, and executive dominance. Perk (2011, p. 3) states directly that "[t]he parliamentary committee responsible for civil oversight showed itself insufficiently equipped in knowledge capacity, objectivity and its public activities to monitor the armed forces." These views are underscored by statements of serving members of parliament's defence committees, notably opposition members, critical of the workings of the committees and their lack of investigative vigour (Hartley, 2013b). Critical views of

⁷ The Joint Standing Committee on Defence (JSCD) was established by the 1993 Constitution, but remained in place with a specific mandate to oversee the DOD. Its functions overlap with that of the Portfolio Committee on Defence and Military Veterans (PCDMV).

⁸ The Portfolio Committee on Defence and Military Veterans (PCDMV) was initially only referred to as the Portfolio Committee on Defence (PCD).

parliamentary oversight are also accompanied by increased inquiry into the effective functioning of the SANDF.

The critical views on parliamentary oversight of the military should be read in conjunction with the general state of affairs of the SANDF. Ensuring the effective functioning of the Defence Force is, in part, the aim of parliament's oversight role over the DOD. Louw (2013, p. ii) indicates that the SANDF's operational effectiveness is increasingly being compromised, as was also apparent in the 2014 Defence Review (Defence Review Committee, 2014). On a practical level, problems at military bases, a protest march by SANDF members in 2009, the underutilisation of primary battle equipment, and concerns regarding the SANDF's involvement in the 'Battle of Bangui' in the Central African Republic (CAR) raise further concerns (Dodds, 2013; Hartley, 2013a; Heitman, 2013). These factors thus bring into question the quality of parliamentary oversight of the military, despite efforts by the institution to enhance its oversight role.

From the above it is evident that while parliamentary oversight was prioritised in the third and fourth parliaments, criticism thereof continued. This criticism correlates with a rise of concerns in the military domain. Literature also suggests that there is an increasingly critical outlook towards the functioning of the SANDF that reflects negatively on parliament's oversight role. Such criticism therefore creates a space for inquiry. Contrasting the first two parliaments (1994 to 2004) with the third and fourth parliament (2004 to 2014) assists in determining whether such criticism is valid.

7. Research Approach

Mouton *et al.* (2013, p. 13) differentiate between three dimensions of a study, namely the 'world of everyday life', 'the world of science', and 'the world of metascience'. While the real-world application of this study relates to parliamentary oversight of the military in South Africa, it is essential to provide the correct metascience and methodological paradigms to ensure a thorough scientific approach.

In terms of the metascience, the study is closely linked to the ontological and epistemological parameters of the interpretivist paradigm due to its link to qualitative research methods, the concept of *verstehen* and the link between the object of research and the researcher. However, some elements of the post-positivism, for example the need for objectivity by the researcher, are also applicable. Similarly, elements of critical theory, such as the value of historical context, are relevant to the study.

Babbie and Mouton (2011, p. 74) stress the importance of constructing both a research methodology and research design for an efficient study. The research methodology of this study finds correlation with interpretivism through the link with the qualitative research approach. Qualitative research suits the study as it holds relevance to the study of institutions through the use of non-quantifiable sources and where an 'insider's perspective' is required. Research design focuses on the type of study and its proposed results and logically commences with a set of research questions. It further involves the

choice conceptualisation and operationalisation of the study. This study makes use of a case study as the research design as it effectively aids in the studying of a single unit of analysis where rich data sources are available and where existing theories are validated.

7.1 Selecting the research paradigm

Babbie (2013, p. 58) highlights the importance of identifying the correct research paradigm as it allows the researcher to view his/her own analysis against other researchers operating in the context of a different paradigm. The paradigm will thus provide a framework through which the unit of analysis can be observed and analysed. Guba and Lincoln (1994, p. 108) claim that the selection of the appropriate paradigm is informed by three questions, namely the (1) ontological questions, (2) the epistemological question, and (3) the methodological question. Babbie and Mouton (2011, p. 20) state that while various paradigms exist, the social sciences are dominated by three traditions, namely positivism, the interpretivist (phenomenological) tradition and critical theory. In order to determine the most appropriate research paradigm for the study, the dominant social sciences paradigms should be analysed in terms of the ontological, epistemological and methodological questions.

Mouton's (2013, pp. 138–142) three-world framework holds relevance to the selection of the research paradigm. World 1 refers to "everyday life and lay knowledge" which is acquired through "learning, experience and self-reflection" (Mouton, 2013, p. 138). World 2 is of epistemic value and elevates problems/inquiries found in World 1 to a scientific level of inquiry. At a research level, World 2 thus revolves around "the search for 'truth' or 'truthful knowledge'" (Mouton, 2013, p. 138). World 3, in turn, relates to the world of Metascience and the self-correcting nature of science. World 3 is of particular importance as it relates directly to the research paradigm which is informed by practical and scientific aspects of Worlds 1 and 2. Thus, the selection of an appropriate paradigm is further informed by considering epistemological and practical elements of Worlds 1 and 2.

7.1.1 The ontological question

The ontological question refers broadly to the nature of reality, or, put differently, the nature of the social world which is being studied (Creswell, 2007, p. 16; Guba & Lincoln, 1994, p. 108). positivism, interpretivism and critical theory have divergent ontological approaches.

The positivist paradigm is closely linked to the natural sciences where a 'cause and effect' approach to conduct social inquiry is used. In this paradigm, social sciences are closely linked to the natural sciences in terms of methods of inquiry. It is also assumed that sufficient correlation exist between the worlds of natural science and social science to allow for such an overlapping system of inquiry. It is for this reason that positivism's ontological approach to reality is often referred to as 'naïve realism'. (Babbie & Mouton, 2011, p. 21; Guba & Lincoln, 1994, p. 109). The post-positivist paradigm, which developed from the positivist tradition, places similar focus on the link between the natural sciences

and social sciences. In terms of ontology, however, it is critical of the assumed reality based on the human inability of perfectly apprehending the nature of phenomena. It is therefore often referred to as “critical realism” (Guba & Lincoln, 1994, p. 110). In terms of Mouton’s world views, positivism is informed by an ‘outsider perspective’ in World 1 and is studied through structured scientific methods linked to the natural sciences in World 2 (Mouton, 2013, pp. 141–142).

The interpretivist paradigm⁹ steers away from the research approach found in the natural sciences. Creswell (2007, p. 20) notes that in this paradigm, “individuals seek understanding of the world in which they live and work [and that] the goal of research, then, is to rely as much as possible on the participants’ views of the situation.” Unlike the positivist paradigm, the interpretivist paradigm focuses not on explaining social actors, but rather on understanding them. This is closely linked to the concept of *Verstehen* (understanding) that refers not only to people’s understanding of their own world, but also to the social scientist’ interpretations of aspects that bring about specific behaviour (Babbie & Mouton, 2011, p. 33; Lee, 1991, p. 348). In terms of Mouton’s world views, interpretivism is informed by an ‘insider perspective’ in World 1 and is studied through qualitative methods linked to the social sciences in World 2 (Mouton, 2013, pp. 141–142).

Finally, critical theory, which stems from the writings of Karl Marx, has its ontological connotation to historical realism. Guba and Lincoln (1994, p. 110) note that, in critical theory, “a reality is assumed to be apprehendable that was once plastic, but that was, over time, shaped by a congeries of social, political, cultural, economic, ethnic, and gender factors, and then crystalli[s]ed into a series of structures that are now (inappropriately) taken as ‘real’, that is, natural and immutable.” Critical theory then aims to transcend these congeries through the empowering of human beings. Essentially, the theory calls for transformation of humans and their environment. In terms of social sciences research, critical theory goes beyond the mere analytical scope of research to practical means of enabling change (Babbie & Mouton, 2011, pp. 33–36; Creswell, 2007, pp. 27–28). In terms of Mouton’s world views, critical theory is informed by a ‘participatory perspective’ in World 1 and is studied through action research in World 2 (Mouton, 2013, pp. 141–142).

The question then arises as to which paradigm’s ontology fits best with a study on parliamentary oversight of the military. Firstly, noting the link between positivism and the natural sciences, it is evident that this paradigm lacks application to this study. Positivism’s ontological underpinnings “is conventionally summarised in the form of time- and context-free generalis[at]ions” (Guba & Lincoln, 1994, p. 109). This view on reality fits poorly with a study on parliamentary oversight, where context is crucial and generalisation difficult. Post-positivism’s critical views hold more relevance as it assumes that reality cannot be perfectly apprehended (Guba & Lincoln, 1994, p. 110). However, the link between post-positivism and the natural sciences still brings into question the paradigm’s relevance to this study. A paradigm more suited to the social sciences is thus required.

⁹ The interpretivist paradigm is also known as the Phenomenological tradition and is often combined with Constructivism (Creswell, 2007, p. 20).

The link between the interpretivist paradigm and this study is evident in the paradigm's link to the social sciences (and qualitative research). In terms of Ontology, the interpretivist paradigm also links well to this study. In explaining the ontological underpinnings of Constructivism (linked to interpretivism), Guba and Lincoln (1994, pp. 110–111) note that “realities are apprehendable in the form of multiple, intangible, mental constructions, socially and experientially based, local and specific in nature, and dependent for their form and content on the individual persons or groups holding the constructions.” This links to Cresswell's (2007) focus on the participants view in constructing reality. Constructivism is applicable to the study as it relies heavily on participant's views to determine reality (See for example Chapter 6). Reality is further determined by what Guba and Lincoln refer to as ‘socially and experientially’-based determinants. In this study, the determinants are addressed through the inclusion of, for example, a comparative element on parliamentary oversight of the military. By including an overview of cases of parliamentary oversight of the military around the world, it assists in shaping the reality thereof. While this is not a perfect take on reality (as observed in the ontology of the post-positivist paradigm), it assists in creating a reality that is more true by being more informed and sophisticated (Guba & Lincoln, 1994, p. 111).

The ontology of critical theory is linked to what Guba and Lincoln (1994, p. 110) term “historical realism” and the link thereof to this study is questionable. This study's approach/reality is not primarily shaped through historic determinants. However, Cresswell (2007, p. 27) notes that “central themes that a critical researcher might explore include the scientific study of social institutions and their transformations through interpreting the meanings of social life; the historical problems of domination, alienation, and social struggles; and a critique of society and the envisioning of new possibilities.” It would be irresponsible for any study on parliamentary oversight to study the phenomenon in isolation and without reference to, for example, historical problems and social struggles. This is of specific relevance in the case of South Africa where current political determinants were significantly influenced by historical events. Elements of critical theory's ontological underpinnings may thus apply to this study, notably the importance of providing some historical context. The study does not, however, aim to bring about change as proposed by Marx (Babbie & Mouton, 2011, p. 36). At most, it highlights areas for improvement to be considered by MPs (as noted in the Section 5 of this chapter).

From the above it is clear that, ontologically speaking, placing this study on parliamentary oversight of the military firmly into one paradigm proves difficult. The study falls outside the scope of positivism, but elements of ‘critical realism’ as proposed in post-positivism hold relevance. Similarly, critical theory proves less applicable as its ontology is linked to historical realism. However, some historical context is key to the ontology of the study. Besides these elements of post-positivism and critical theory, the study finds broader correlation with the ontology of the interpretivist paradigm due to its shaping of reality through the participants view and socially and experientially-based determinants.

7.1.2 The Epistemological question

Bryman (2012, p. 27) states that the epistemological question relates to “the question of what is (or what should be) regarded as acceptable knowledge in a discipline.” Of particular relevance, he notes, is whether the social realm should be studied using the same methods and approaches as the natural sciences. This immediately highlights the variation between the positivist and interpretivist paradigms as noted in the section above. The epistemological difference between positivism and interpretivism (and critical theory for that matter) holds reference to the relationship between the object of research and the researcher (Creswell, 2007, pp. 17, 247). Guba and Lincoln (1994, pp. 110–111) summarise the epistemology of the three main paradigms¹⁰ of social sciences as follows:

- Positivism: The object of research and the researcher are independent of each other and neither influence nor are influenced by one another. There is thus a high level of objectivity and the findings accepted and true.
- Post-positivism: Objectivity is still sought, but less stringently so than in terms of positivism. Findings are accepted, but open to ‘falsification’ and the role of the critical (scientific) community is valued to ensure acceptance/rejection of findings.
- Interpretivism¹¹: Greater link between the object of research and the researcher. “Findings are literally created as the investigation proceeds.”
- Critical theory: The object of research and the researcher are intrinsically linked. The values of the researcher therefore have a high level of influence on the object of the study.

In terms of the study’s epistemological approach, neither the positivist paradigm nor critical theory relate directly to the study. The researcher and the object of research (Parliament) cannot be completely separated as with positivism. This is evident from the positionality of the researcher in his employment as parliamentary defence researcher with the Parliament of South Africa¹². Despite this position, the other extreme whereby the values of the researcher impacts on the object of the study (critical theory), is also not applicable as ‘change’ is not the primary aim of the study. Rather, the notion that findings are created amid the course of the investigation, as per the interpretivist paradigm, holds relevance to this study. This is reflected in, for example, the determining of international best practice of parliamentary oversight of the military, and through the process of semi-structured interviews that provide an internal perspective of parliamentary oversight of the military in South Africa.

¹⁰ The three main paradigms refer to positivism, interpretivism and critical theory. Due to expansion on the concept in Section 7.1.1, post-positivism is also included in this list.

¹¹ Guba and Lincoln’s (1994, p. 110) description refers to the epistemology of Constructivism, but given the overlap between Constructivism and interpretivism, the description was used interchangeably.

¹² The researcher served as a parliamentary defence researcher from October 2012. His period of employment with Parliament therefore overlaps with the timeframe of this study for 19 months.

The concept of *Verstehen* (which is linked to interpretivism) also finds applicability. This is due to the aim of the researcher being that of ‘understanding’ rather than ‘explaining’ parliamentary oversight of the military in South Africa since 1994 (Babbie & Mouton, 2011, p. 31; Lee, 1991, p. 348). An epistemological approach linked to the interpretivist paradigm also links to the choosing of a descriptive study (to be discussed). In addition, elements of the epistemological approach of post-positivism also hold true to this study, given that a certain degree of objectivity is sought from the researcher. Research is thus not conducted along the lines of, for example, an ethnographic study.

7.1.3 The methodological question

According to Mouton’s theory on the three worlds, World 2 holds specific relevance to the methodological question. While World 1 relates to the meta-theoretical imperatives, World 2 revolves around “the search for ‘truth’ or ‘truthful knowledge’” (Mouton, 2013, p. 138). Given the findings that the study is more aligned with interpretivism, it is essential to locate the study within a methodological approach suited to that metatheory.

Babbie and Mouton (2011, p. 49) note three methodological paradigms that dominate the research milieu, namely the qualitative, quantitative and participatory action research paradigms. In terms of metatheory, the qualitative paradigm is linked to interpretivism, the quantitative paradigm to positivism and the participatory action paradigm to critical theory. The participatory research paradigm is characterised by, *inter alia*, an extremely high level of participation and an intentional involvement of/in the political arena. (Babbie & Mouton, 2011, pp. 58–62). Given, for example, the limited levels of participation and a stated aim not to enter the political arena, it is clear that a research method other than the participatory action research paradigm applies to the study. Rather, it should be rooted in one of the more traditional methodological approaches.

Babbie (2013, p. 24) simplifies the distinction between qualitative and quantitative *data* by noting that it is “essentially the distinction between numerical and non-numerical data.” However, the variance between the qualitative and quantitative *research* paradigm is more complex. For the purpose of this study, a number of varying factors needs to be considered (see Table 1.1).

The study’s methodological approach, based on the variables in Table 1.1, falls within the qualitative research design for a number of reasons. First, the focus of the study on Parliament requires a research methodology linked to the effective study of an institution. Babbie and Mouton (2011, p. 56) note Ernest Burgess, a key role player in the development of a qualitative research paradigm in the 1920s, who highlighted the importance of studying the objects of social research, including institutions, outside the realm of the natural sciences, thus outside the quantitative paradigm. Second, the development of qualitative research is underscored by the use of various non-quantifiable sources including, *inter alia*, personal documents, first-hand observations and interviews. In this regard, Babbie and Mouton (2011, p. 53) note the use of qualitative research where an “insider’s perspective”

of human behaviour is required. Ritchie *et al.* (2013:5) also note that qualitative research is characterised by detailed and rich data sources and that it captures complexity and individuality of each study unit. While Burgess notes the importance of studying institutions in the qualitative paradigm, it is the type of detailed and rich data sources available from an institution like the Parliament (such as minutes of meetings, the Hansard and parliamentary questions) that entrenches this study in this research paradigm.

Table 1.1: Differentiating between the qualitative and quantitative research paradigm¹³

	Qualitative Research	Quantitative Research
Scientific method	Bottom-up. Hypotheses generated through theory from data collected. Close relation between theory and methods.	Top-down. Data used to test hypotheses and theory. Methods and theory remain separated.
Type of data collection	Qualitative data. Direct and observation-based techniques. Examples include interviews, field notes and open-ended questions.	Quantitative data. Precise measurement through validated data collection instruments. Surveys and formula-based techniques.
Data analysis	Use descriptive data, search for patterns, themes and holistic features; Focus on context specific meanings.	Identify statistical relationships among variables. Highlighting universal cause and effect relationships.
Final reporting	Narrative report with particularistic findings; Including of insider viewpoints.	Formal/statistical report with general findings. Objective outsider viewpoint achieved.
Locating the researcher	While qualitative research prompts a more involved role for the researcher than quantitative studies, it has been widely established that the observed will always have some influence on the research.	

7.2 Research design

This study is designed as a case study. A case study represents the most applicable approach as it allows for the study of a single unit of analysis (Parliament) with multiple variables (Yin in Babbie & Mouton, 2011, p. 281). Yin (2009, p. 47) also notes that single case-study designs are appropriate in a number of instances, including when a single case is representative of many other cases and/or in the case of longitudinal cases. This study finds applicability to both these rationales. First,

¹³ Table 1.1 is adapted from similar comparisons presented by Lichtman (2013, pp. 14–15) and Marvasti (2004, p. 12).

parliamentary oversight of the military in South Africa can be viewed in the context of broader parliamentary oversight and can also be representative of oversight of the military in other parliaments around the world. Second, this study's focus on a twenty- year period of oversight allows for the reviewing thereof at different intervals within this period. Furthermore, in practical terms, Gerring's (2007, p. 57) focus on data availability validates the choice of a case study as the appropriate research design. This is due to the fact that data on parliamentary oversight of the military in South Africa is not only available, but it is often contained in official records that contribute to the accuracy thereof.

Given that only one unit of analysis is studied, this study can further be demarcated as a holistic case study rather than an embedded case study that focuses on multiple units of analysis (Yin, 2009, pp. 50–51). Due to its inclusion of multiple units of analysis, a multiple case study design is often regarded as more robust. While adhering to the design of a holistic case study, this study borrows from the strength of a multiple case study design by briefly reviewing other cases. This is achieved through its analysis of parliamentary oversight of the military in selected parliaments around the world and by highlighting international best practice from comparable parliaments. The scope of countries used is limited to countries making use of the Westminster system. This facilitates comparison to the South African Parliament within the parameters of a single legislative system/approach. However, diversity is reflected in the selection of cases through the inclusion of parliaments from countries with different socio-economic statuses, different developmental determinants (developed West versus Developing South), and different post-colonial developmental trajectories. This approach aims to address the concern raised by Lijphart that comparison is often undermined by the high number of variables in a small number of available cases. He notes, however, that this concern can be circumvented by comparing 'comparable' cases which are "similar in a large number of important characteristics (variable) which one wants to treat as constants" (Lijphart, 1971, p. 687).

In keeping with the characteristics of case studies, this study focuses on validating existing theory rather than aiming to discover new theories (Yin, 2009, p. 47). This stems from the fact that the study compares parliamentary oversight of the military in South Africa to existing protocols and conventions of good practice and within the parameters of established theory. The principle of parliamentary oversight is deeply rooted in theories of democracy, notably the liberalist, pluralist principle of the separation of powers (Adar, 2009; Montesquieu, 1748). Since the study is based on such historic and entrenched theories, it validates the decision on a single unit of analysis case study design. In addition, the study is diachronic in nature in that it evaluates the process of parliamentary oversight of the military over an extended period of twenty years. Given this timeframe of the study, it thus embodies a retrospective case study, which also alludes to the purpose of the study.

Babbie and Mouton (2011, p. 79) highlight three broad purposes for research namely exploration, explanation and description. This study is descriptive in purpose as it describes parliamentary oversight of the military in South Africa retrospectively over a set period of time (historical analysis).

The advantages of a scientific descriptive study is that it is characterised by accuracy (Babbie, 2013, p. 91). It is expected that the research methods (notably the use of official parliamentary documentation and interviews with parliamentary and other role players) contribute to the accuracy of the description. It would, however, do injustice to the study not to include some element of explanation. Although not the main aim of the study, the impact of political, structural and other challenges to oversight of the military in South Africa will become apparent. This explanatory element of the study does not aim to provide a comprehensive understanding of the impact (idiographic explanation), but is rather nomothetic in nature (Babbie, 2013, pp. 92–94). In this sense, the descriptive elements of the study point to variables that account for the relationship between the quality of oversight and the military, political, structural and other challenges at Parliament.

7.3 Data collection

While the qualitative approach and the structure of the study as a case study explains the nature of the study, it is also important to determine which data is available for the study and how it will be utilised. Babbie and Mouton (2011, p. 281) notes that case studies are commonly characterised by the examination of multiple variables. It is therefore appropriate for case studies to make use of multiple sources of data as it “is based on replication and convergence” (Babbie & Mouton, 2011, p. 282). Data from multiple sources should thus be obtained, but it is also essential to direct the collection of data to ensure the relevance of information obtained.

7.3.1 Obtaining the data

Data collection methods for this study adhere to the requirement of case studies (to make use of multiple sources of data) and fall within the qualitative research paradigm. The following aligned research methods are used:

- Primary data sources. These include official parliamentary documentation such as the Hansard, official Committee Reports and the Announcements, Tablings and Committee (ATC) Reports. Official government documentation such as Acts, policies, quarterly and annual reports, and speeches by government officials are also included.
- Secondary data sources. This plays a key role in filling information gaps where primary sources may be lacking. For example, official minutes from Committees are not readily available and information from quality secondary sources such as the Parliamentary Monitoring Group (PMG) are used to fill the void as it often represents the second most accurate source of committee discussions. Secondary sources also allow for alternate perspectives on parliamentary oversight of the military, specifically in providing analysed

information on foreign parliaments. This includes the use of books, journals, newspaper and other online news articles as well as defence-specific websites and journals.¹⁴

- Qualitative interviews. Such unstructured interviews focus primarily on three groups of people. Firstly, MPs with intimate knowledge of the institution's defence committees are included. Secondly, academics and other defence analysts are interviewed to allow for a more holistic approach. Third, input from parliamentary staff is obtained to reflect on institutional development around oversight.

With reference to the qualitative interviews, a number of aspects require clarification. The aim of conducting these interviews is twofold. First, it forms the basis of Chapter 6 that examines views on parliamentary oversight of the military from inside Parliament. Second, the interviews assist in confirming/dismissing analysis from other sources on the standing of parliamentary oversight of the military in South Africa since 1994. By addressing these two facets, it contributes directly to the primary aim of the study. The main advantage of using unstructured qualitative interviews is 'flexibility' (Babbie, 2013, pp. 345–348). Greef (in de Vos, Strydom, Fouche, & Delport, 2002, p. 293) equates this flexible approach to a conversation with the advantage lying in description and reflection. The researcher thus has a general line of inquiry which is flexible and can be adjusted during the interview itself. This is in line with the "guided interview" approach whereby a checklist is used to cover all relevant aspects of the interview, but the structure remains loose/conversational (Berry in de Vos et al., 2002, p. 297). Open-ended questions provide the most suitable questioning approach (Babbie, 2013, p. 231). This flexibility is paramount to a study set within the complex and politically sensitive parliamentary environment. The researcher may not, for example, be aware of political nuances that shape the workings of the defence committees. Through flexible questioning, such nuances can be explored and, to a certain extent, direct the flow of the interview. At the very least it circumvents the shortfall of, for example, a set questionnaire that would not have been flexible enough to capture subtle nuances or shifts in the interview direction.

To achieve effective primary data gathering, 14 semi-structured face-to-face interviews and one email interview were conducted. Interviewees included MPs, parliamentary officials, as well as academia with a focus on civil-military relations and parliamentary oversight in South Africa. The interviews are sufficient in that they stemmed from the generally small pool of direct role players in Parliament that deals with oversight of the military (Greeff in de Vos et al., 2002, p. 300).¹⁵ The interviews also reflect a wide array of political and independent role players as to maintain a balance of the various political viewpoints portrayed by participants.

¹⁴ The role of secondary sources, notably PMG, is of particular importance given that primary Parliamentary sources are often not available, not regularly updated, or poorly categorised/organised (See for example Merten, 2018).

¹⁵ While the two parliamentary Defence Committees (the PCDMV and JSCD) changed in membership numbers regularly since 1994, it generally consists of 11 members on the PCDMV and 15 on the JSCD. While other committees also deal with Defence matters on an *ad hoc* basis, these members carry the primary responsibility of providing parliamentary oversight of the military.

The selection of interviews draws on a combination of 'non-probability sampling' approaches. Primarily, purposive/judgemental sampling was utilised whereby the respondents "are selected on the basis of the researcher's judgement about which ones will be most useful or representative" (Babbie, 2013, p. 128). In the case of this study, the approach stems from the researcher's personal knowledge and interaction with the defence committees of Parliament. As such, the researcher was able to access a core group of current and former MPs. However, to compensate for a lack of historic expansion, snowball sampling was also used. This refers to a system "whereby each person interviewed may be asked to suggest additional people for interviewing" (Babbie, 2013, p. 129). The value of this approach already became clear in the initial phases whereby informal discussions with MPs revealed other possible interviewees with knowledge of the defence/parliamentary environment, but which were not known to the researcher.

Ethical considerations are crucial when conducting interviews. Primarily, consent was sought and obtained from the Parliament of South Africa itself which allowed for the interviewing of MPs and parliamentary staff. Furthermore, consent was obtained from all those participants interviewed for the study. All participants were informed that participation is voluntary, what the goal of the research is and what procedures will be followed (Greeff in de Vos *et al.*, 2002, p. 65). Privacy was also valued during the interview phase and confidentiality maintained where requested. This implied that only the researcher was aware of who the respondents were (Greeff in de Vos *et al.*, 2002, p. 68). Data capturing and safeguarding also goes hand in hand. Interviews were recorded and safely kept in electronic format.

While the section above notes *how* the relevant information was obtained, it is important to also highlight *what* should be obtained.

7.3.2 Directing data collection

The primary research problem revolves around the quality and standing of parliamentary oversight of the military in Parliament during the first twenty years of democracy. The study's main approach in evaluating the quality and standing of oversight in South Africa is informed by, *inter alia*, the work of several international institutions that have identified tools and focus areas for measuring of parliamentary oversight of the military.

The DCAF and the IPU (Born, 2003) note the importance of clearly defined constitutional powers, customary practices, resources and expertise, and political will as factors underpinning effective oversight. While these factors are analysed, more practical tools used to measure oversight include the number of, consistency and content of (a) parliamentary debates on security, (b) parliamentary questions, (c) special defence inquiries, (d) reviews of the defence budget, (e) reviews of defence policy, (f) reviews of defence procurement, (g) reviews of human resources, (h) reviews of the deployment of the military, (i) oversight visits and study tours. Transparency International (Cover &

Meran, 2013a), in its analysis of the quality of defence oversight in 82 countries, repeats many of the tools noted above, but also highlighted (a) the use of external audit and (b) budget transparency as tools. The latter can be read together with 'reviews of the defence budget' as a tool of measurement.

The ten tools and focus areas mentioned above form the basis for measurement of the quality of parliamentary oversight of the military in South Africa. However, the study does not aim to merely replicate these measurements but rather to expand on and contextualise it. The expansion on these tools of measurement is done through considering international best practice that may highlight additional means of measurement. Furthermore, the richness of the measurement data is expanded by utilising both quantitative and qualitative measurements. Tools and focus areas are also used to inform the structure of interviews for the study.

8. Limitations of the study

Limitations to the study are mostly centred on the availability of formal parliamentary documents. Request to officials at Parliament revealed that official parliamentary minutes on committee meetings are not readily available or have been lost, especially in the first two parliaments. As such, committee-meeting minutes from the PMG were utilised. However, PMG only commenced with the recording of minutes in January 1998 and limited data was available on committee meetings before this date. Similar challenges arose in analysis of the parliament of Zambia. In this case, secondary sources such as analytical and academic articles on parliamentary oversight of the military were used in conjunction with official parliamentary reports, where available. The latter limitation also highlights a broader limitation in the identifying of appropriate comparative cases for study within the African continent. Several Westminster-styled African parliaments, including those in Tanzania, Kenya, Zimbabwe, Botswana and Nigeria were considered for this study, but documentation related to their parliamentary defence committees was not sufficient. As such, detailed data against which to test internationally recognised tools and focus areas of oversight was not available. The lack of information on these parliaments contributed to the decision to include India as an additional comparable case. A study of India's parliamentary oversight of the military thus provided an additional case that was often ranked lower than South Africa's Parliament in terms of oversight of the military. In addition to limitations stemming from parliamentary sources, another limitation relates to the fact that interviews with relevant role players were subject to the willingness of identified individuals to partake. Where possible, efforts were made to circumvent the noted limitations.

9. Chapter delineation

This study consists of seven chapters. Chapter 1 provides an outline for the thesis. It includes the rationale for the study and the derived primary and secondary research questions. A general review of applicable literature is included to emphasise matters raised in the research questions. The chapter also provides a discussion on the relevant research approach by placing the study within an

appropriate metascientific research paradigm as well as methodological paradigm. An appropriate research design in the form of a case study is explained. Finally, the chapter presents relevant limitations to the study.

Chapter 2 provides a theoretical grounding for the study. The chapter commences by locating the institution of parliament and the practice of oversight within theories of democracy. Theories of democracy are expanded upon by looking at the various views thereof and its relation to the parliamentary system. Given the intrinsic link between the parliamentary system and the liberalist view of democracy, liberalism as paradigm is explored along with other related theories linked to liberalism. These include liberal democracy, the link between pluralism and democracy, representative democracy and constitutionalism. The practical link between these theoretical frameworks and the case study, South Africa, is also briefly examined. A second major discussion revolves around the expanding concept of civil-military relations and the growing need for civil-supremacy over the military. Changes in theory regarding civil-military relations are explained before exploring the link with democracy. Finally, the chapter addresses the characteristics of democratic control of the military, the structures supporting such control and possible challenges to democratic civil-military relations.

Chapter 3 commences by conceptualising 'parliamentary oversight' and 'parliamentary oversight of the military'. In essence, it aims to establish the link between parliamentary oversight and the ideals of accountability and transparency. Thereafter the chapter identifies, from existing literature, a number of generally accepted tools for parliamentary oversight. Several specific focus areas for oversight of the military are also identified from existing literature. The chapter expands on existing tools and focus areas by identifying several lower-order focus areas for oversight. Furthermore, several potential weaknesses for parliamentary oversight of the military are identified. To test the application of these oversight tools, focus areas, lower-order focus areas and potential weaknesses, the criteria are applied to various international cases. Oversight of the military in the parliaments of the UK, Canada, Australia, India and Zambia are reviewed.

Chapter 4 shifts the focus from international cases to South Africa. The chapter commences with a brief overview of parliamentary oversight of the military in South Africa prior to 1994 as a means of providing context. Chapter 4 then notes several post-1994 changes that impacted on the conduct of parliamentary oversight of the military. These include changes in the state's security approach, legislative changes, policy changes and various structural changes within the institution of Parliament. Thereafter the chapter explores parliamentary oversight of the military in South Africa during the first two parliaments (1994 to 2004) according to the criteria identified in Chapter 3. The use of oversight tools and oversight of specific focus areas of the military during this ten-year period are explored, largely based on information from Parliamentary documents, defence committee minutes and parliamentary questions. Lastly, potential weaknesses in oversight of the military during this period are reviewed.

Chapter 5 focuses on the subsequent ten years of democracy during the third and fourth parliaments (2004 to 2014). The chapter commences with a brief discussion on the changing focus of parliament from that of legislating to oversight. The announced shift to a focus on oversight by the Third Parliament (2004) also informs the division of analysis between chapters 4 and 5 in this study. Chapter 5 further reviews efforts to broaden oversight, including how these impacted on oversight of the military. Specific emphasis is placed on how these measures affected the parliamentary defence committees. In maintaining the structure of the previous chapter, Chapter 5 utilises the tools, focus areas and potential weaknesses identified in Chapter 3 to review parliamentary oversight of the military between 2004 and 2014. This review, utilising the same criteria, allows for a comparison of oversight activities between the first and second parliaments (1994 to 2004) and the third and fourth parliaments (2004 to 2014) in the subsequent chapter.

Chapter 6 compares parliamentary oversight between the first and second parliaments (1994 to 2004) and the third and fourth parliaments (2004 to 2014). The findings in chapters 4 and 5 are reviewed here to identify broad trends in oversight over a twenty-year period. Of specific importance to Chapter 6 is the addition of information obtained from primary sources. This is based on interviews with MPs, parliamentary officials and academics. Information from interviews serves a dual purpose. First, it confirms or refutes findings based on other sources made in chapters 4 and 5. Second, new perspective can be gained from primary sources on the general trends in parliamentary oversight of the military. Interviews therefore provide context to other findings and accounts for the finer political nuances within a parliamentary setting. The chapter concludes with a review of central trends identified through the study which allows for a return to the study's main research questions in the subsequent chapter.

Chapter 7 provides a conclusion through returning to the research questions posed. It provides a summary of the main findings of the study where after the original research questions are answered. The chapter concludes by addressing possible criticism to the study as well as contributions of the thesis.

10. Conclusion

The disconnect between positive observations regarding parliamentary oversight of the military in South Africa in the immediate post-1994 period and the alleged 'critical state of decline' of the military by 2014 brings into question the broader oversight of the military over this twenty-year period. A detailed study of parliamentary oversight activity of the military affairs can contribute to an understanding of the role the institution played in addressing rising concerns. A review of legislative changes in the country and practical changes at parliament in the post-1994 period is essential in conceptualising and understanding the practice of parliamentary oversight in the country. Notably, the shift towards democracy impacted on parliamentary oversight and civil-military relations. It is thus

essential to further expand on this shift and the theoretical underpinnings thereof as it shaped the South African parliamentary oversight process. The next chapter evaluates these theoretical bases, primarily by reviewing theories of democracy and changing civil-military relations.

CHAPTER 2 THEORISING ON PARLIAMENTARY OVERSIGHT AND ITS RELATION TO THE MILITARY

1. Introduction

Theory can be loosely defined as “a statement of relations among concepts within a set of boundary assumptions and constraints” (Bacharac in Haugh, 2012, p. 7). In terms of academic inquiry, Abend (2014, pp. 177–182) argues that there is an array of interpretations of the use of the term ‘theory’ and that scholars differ on the definition. However, the principle that theory is about ‘exploring the relations between concepts’ is a common thread through Abend’s reference to eight different interpretations of ‘theory’. For the purpose of academic inquiry, the question should rather shift to the aim of theory. In this regard, theory is comprised of four explanatory components, namely (1) definitions of the variables in the theory, (2) a set of constraints for the theory, (3) the relationship of variables and, (4) predictions or factual claims (Wacker, 1998, p. 363). Wacker (1998, p. 364) further states that ‘good theory’ aims at providing a thorough explanation of the relationship between concepts that result in specific events. Established theories therefore provide a set of relationships with proven outcomes or results. Within this explanatory notion of theory lies the value of grounding a new study in established theory. Theoretical grounding is important because it provides a “framework for analysis” (Wacker, 1998, p. 361).

The process of locating the study in an appropriate theoretical setting is closely linked to the title of the study as will be explored in this chapter. First, the chapter seeks a political theory relevant to the case study and its South African context. Second, the chapter frames an appropriate political theory for the subjects of the study, namely the institution of parliament and the practice of oversight. The chapter then expands on the relevant theory by discussing its various levels of conceptual analysis. This discussion includes the relevant paradigm, macro-theory and applicable micro-theories. The study is, however, based on more than purely the political realm, given its inherent focus on the military. Theories should thus be able to explain the relation between the two realms. This approach allows for the study to be centred on sound and established political theory, cognisant of the distinctions regarding the political and military domains.

The aim of this chapter is to provide a theoretical framework (for analysis) through which the entire study is viewed. Existing theory is used to determine the study’s theoretical grounding. There is no implicit aim to generate new or alternative theories.

2. Finding the theoretical setting relevant to the case study

It was Aristotle who claimed that the “end of politics is not knowledge, but action” (Ball & Peters, 2005, p. 21). This statement captures the close link between theory (knowledge) and practice within the field of politics. Since the definition of politics refers to activities associated with governance (Grant, 2003,

p. 140), practical aspects of governance provide useful guidance in determining the correct theoretical setting for this study. Governance relates to the coordination of social systems and the role that the state fulfils in that process (coordinating adherence between an array of actors). Governance addresses the role of the state in economic and social guidance and, importantly for this study, emphasises the role of the state in terms of “public-private interaction, most prominently the role of policy networks” (Pierre, 2002, p. 3). When considering governance, the classification of governments and government types is important. Through the process of classification, political activity is compartmentalised into analysable groups. Each grouping reflects a specific political approach and set of underlying theories. Given Aristotle’s link between theory and practice, the search for an appropriate theoretical setting should thus start with identifying the suitable classification of government. By reviewing various classifications of governments, the most appropriate setting for a South African case study can be identified.

2.1 A synopsis of existing theory: The classification of governance

Aristotle’s differentiation between the various forms of governments serves as a natural starting point for the classifications of government types. Aristotle differentiated between governments by one, such as *royalty*, government by a few such as an *aristocracy*, and governments of many such as *constitutional governments*. He further noted that when these arrangements become perverted, royalty transforms to *tyranny*, aristocracy to an *oligarchy*, and constitutional governments to *democracy* (Hague & Harrop, 2007, pp. 6–9). Aristotle’s focus on who rules and who benefits also provided the foundation for further expansion on the classification of governments. Montesquieu’s classification, for example, focused on only three types of governments, namely republican, monarchical and despotic (Montesquieu, 1748, p. 21). Ball and Peters (2005, pp. 44–46) differentiates between a monarchy and despotism. In both cases governing powers lies with an individual, but while a monarch’s power is regulated by laws and other powerful societal groups, a despot’s powers remain uncontrolled. For Montesquieu (1748, p. 21), republican government is where the population as a whole, or certain families or groups in the population, have sovereign power. Montesquieu therefore considered both aristocracy and democracy as part of the republican government classification.

While the works of authors such as Aristotle and Montesquieu lay the foundation for modern theory on governance, contemporary classification had to adapt to modern-day requirements (Ball & Peters, 2005, p. 45; Carter & Herz, 1961, pp. 4–6; Hague & Harrop, 2007, pp. 6–7). The twentieth century in particular saw a shift towards a three-tier world, consisting of the first (capitalist), second (communist) and third (developing) worlds. During this period, new forms of government classification arose, such as classification by “the specific level of analytical interest” (Abcarian & Masannar, 1970, p. 20). This classification differentiated between the means through which governments are elected, punting monarchies on the one extreme and republics on the other. Governments also became classified according to the distribution of authority, differentiating between federal and unitary governments. Yet another classification of governments was made according to the ‘real’ sources of influence and

power, in line with Aristotle's work. Most significantly, the advance of democracy in the late twentieth century and the disintegration of the Soviet Union had a significant impact on the three-tier world approach and the relevance of the way which governments are classified.

With several modern government classifications put forward in the sections above, there seem to be an overlap of focus on three fundamental systems namely (1) liberal democracies, (2) illiberal democracies (which includes examples such as post-military states and post-communist states) and (3) authoritarian governments.

Liberal democracies are founded in the liberalist ideology and stem from revolt against authoritarianism in the eighteenth century. It is characterised by, *inter alia*, a multiparty political environment; regular elections with universal franchise; civil liberties; liberal means and constitutionalism; varying forms of a separation of power between the executive, judiciary and legislature; and, it generally focuses on limited government (Ball & Peters, 2005, pp. 52–54; Blondel, 1972, pp. 167–185; Hague & Harrop, 2007, p. 8). A crucial addition to the liberal democratic classification of government is that of polyarchies. Robert Dahl (1956, 1971) conceptualised the term 'polyarchy' to encapsulate modern liberal democracy's focus on institutions that ensure popular sentiment is carried out and elected leaders and officials remain accountable to the electorate.¹⁶

Illiberal democracies are generally founded in the socialist ideology. Illiberal democracies may include an array of government types. Communism, encapsulating socialist governance, is based on the writings of Karl Marx and one-party dominance may be included in this category. In the post-1945 period, communism posed the most vibrant alternative to liberal democracy (Abcarian & Masannar, 1970, pp. 80–82; Ball & Peters, 2005, pp. 55–57). However, following the fall of the Soviet Union and the displacement of communism in a number of former communist states, the value thereof as a relevant modern category for analysis depreciated. Rather, transitional governments find more relevance in modern government classifications as part of illiberal democracies. Transitional governments refer mostly to states in a post-communist transitional phase. These are characterised by a generally weak state and party system. Counter to liberal democracies, the state still plays a central role and civil liberties are limited. There is thus a lack of balance of power in favour of the state while civil groups, the media and even the market have a limited impact (Ball & Peters, 2005, pp. 56–57; Hague & Harrop, 2007, pp. 8–9). Transitional government systems also refer to post-military states, which are in a process of transformation from military rule. The characteristics of these states are often in line with post-communist states (Hague & Harrop, 2007, pp. 8–9). Generally, illiberal democracies are poorly structured in terms of ensuring individual rights and are often characterised by excessive or abused executive power.

The final government classification, authoritarian government, includes several sub-categories (Ball & Peters, 2005, pp. 56–58; Blondel, 1972, pp. 219–230). Carter and Herz (1961, p. 13) differentiate

¹⁶ Polyarchies are expanded on in Section 4.3

between autocracy and totalitarianism by noting that totalitarianism aims at “the total transformation of life and society” while authoritarianism is “a system and regime which strives to maintain control in a community without basically changing its structure.” Most sub-categories of authoritarianism continue to find application in contemporary world systems. Monarchies are based on traditional rulers and although some have become ceremonial in nature, executive power remains in the hands of an individual. Monarchical power may, however, be checked by some laws and the influence of other societal groups (Abcarian & Masannar, 1970, p. 20; Ball & Peters, 2005, pp. 45, 57). Dictatorships, including military dictatorships, present another form of authoritarian government and is often characterised by the dominant personality of a central figure. Little institutional checks and balances of power exist (Ball & Peters, 2005, p. 57; Heywood, 1997, p. 363). Finally, theocracies may be considered as part of authoritarian governments. Theocracies are based on religious authority with little separation of church and state (politics and religion). It is further characterised by a high level of executive autonomy as executive power is linked to spiritual directives and not popular consent (Ball & Peters, 2005, p. 57; Heywood, 1997, p. 35). The relevant ideological framework for authoritarian governments thus includes, for example, fascism and religious fundamentalism.

The classification of governments noted above highlights several theoretical approaches through which governance can be studied. However, only two sets of theories remain particularly relevant to modern times. Theories of democracy with liberalist ideological foundations seem to be dominant in the post-Cold War period. Socialist theories, rooted in the socialist ideology, have become less prominent since the collapse of the Soviet Union, but remain a valuable alternative theoretical approach to theories of democracy and hold relevance to transitional states. Determining the relevant government classification for South Africa represents the first step in ensuring that the study is rooted in a relevant theoretical framework. South Africa’s well known transition to democracy and constitutionalism in the post-1994 period highlights the link to democratic theories. The following section explores governance in South Africa within this democratic context to ensure the relevance of basing the study on democratic theories and a liberalist ideological foundation.

2.2 South Africa’s governance classification: Linking the case study to a democratic theoretical setting

South Africa’s government classification was altered significantly through the political changes around 1994. Prior to 1994, South Africa conformed to the characteristics of a limited democracy. Since the Dutch settlements in the Cape, constitutionalism was present and developed along with numerous other democratic characteristics and institutions, including the implementation of a parliamentary system, democratic elections and the separation of powers. These democratic principles were, however, not extended to the entire population with varying forms of democratic institutional arrangements allocated to the various racial groups in the country (see for example Nieuwoudt, Olivier, & Hough, 1981).

After 1994, universal suffrage shifted South Africa's political landscape to reflect a more mature democracy characterised by a number of democratic traits. First, both South Africa's Interim Constitution (1993) and Constitution (1996a) lay claim to a number of principles guiding the country. This included freedom, civil liberties, human rights, equality and constitutionalism. Second, regular multiparty elections commenced through which the distribution of power is determined. This is one of the key features of democracies which are characterised by "regular, periodic and peaceful change of leaders and by organs of effective popular representation" (Carter & Herz, 1961, p. 10). Third, post-1994 South Africa's political structure consists of a presidential republic with a bicameral parliament and an independent judiciary (Schlager & Weisblatt, 2006, pp. 1229–1231). The application of the principle of the separation of powers between the executive, legislature and judiciary is therefore evident. It further alludes to institutional checks and balances on executive power. The three points noted above, namely South Africa's political structure, the means of power distribution through elections and constitutional imperatives, all coincide with the fundamental building blocks of liberal democracy (Alford & Friedland, 1992, p. 42; Ball & Peters, 2005, pp. 52–53; Blondel, 1972, pp. 167–185; Carter & Herz, 1961, pp. 10–11; Hudson, 1999). As such, it is evident that South Africa set itself the objective of functioning as a liberal democracy through constitutional means.

Section 2.1 noted a number of government classifications that may be utilised to find an appropriate theoretical framework for a case study on South Africa. However, of the contemporary classifications, only the liberal democratic classifications hold true application to South Africa. South Africa's government system cannot be classified as authoritarian as clear democratic principles are at play. The government system can also not be classified as an illiberal democracy where executive power often remains unchallenged. Despite South Africa being in a transition from a pre-1994 oligarchical system¹⁷, the 1993 Interim Constitution and 1996 Constitution clearly provide for liberal democratic principles to guide governance. Given the deduction that South Africa falls into the contemporary category of liberal democracies, it is thus prudent to root the study in theories related to liberal democracy.

While a study relating to South Africa's political environment can be rooted in theories linked to democracy, this study deals specifically with an institution of state, namely parliament. Linking this institution and its function of oversight to a specific government classification will further assist in determining the relevant theoretical grounding for the study.

3. Parliaments and oversight: A theoretical approach

The previous section highlighted the relevance of a liberal democratic foundation to an analytic study of governance in South Africa after 1994. This section moves beyond the case study and focuses on the theoretical framework guiding parliaments as institutions, as well as the process of oversight.

¹⁷ An oligarchy is defined as "the rule by and for the few" (Hague & Harrop, 2007, p. 234). Prior to 1994, South Africa was widely considered a racial oligarchy (Giliomee, 1995, pp. 83–85).

3.1 Linking parliaments and political theory

The theoretical foundations of parliaments can be traced back to the origins of these institutions. During the thirteenth and fourteenth centuries in England, for example, the King would summon knights and noblemen for discussions on raising additional taxes. By the fourteenth century, this system became more entrenched with a formal parliamentary establishment and voting by parliament on the provision of funds (Hague & Harrop, 2007, p. 305; Mahiuddin, 2009, p. 4; Olson et al., 2008, p. 51). Two key aspects of this process should be noted. First, parliaments came about through the need for a consultative process in governance and, second, those serving in parliaments acted as representatives of the people. Olson (as quoted in Hague & Harrop, 2007, p. 305) notes, on the concept of popular representation, that “legislatures join society to the legal structure of authority in the state. Legislatures are representative bodies: they reflect the sentiment and opinions of citizens.”

Blondel (1972, p. 26) states that merely referring to ‘representativeness’ when discussing assemblies may lead to a conclusion that no regime has ever existed without some form of assembly. A more definitive approach is required when reviewing modern parliaments. Loewenberg (in Damgaard, 2000, p. 3) highlights two structural traits of parliaments. First, there is equality among MPs and, second, members gain authority from their claim to representing some part of the population. Representativeness therefore refers to a system where representatives truly have the interest of the population at heart. Kramnick (as quoted in Hague & Harrop, 2007, p. 311) notes that “representatives should have the same views and interest with the people at large. They should be...the whole body politic.” This is in line with Pitkin’s formalistic theory which notes that MPs are ‘authorised’ to represent communities and to act on their behalf (Damgaard, 2000, p. 3).

The provision of authority from the population to MPs to act on their behalf provides a clear indication as to the theoretical foundations of parliaments. This process of authorisation is most commonly achieved through voting, a defining characteristic of liberal democracies.¹⁸ This process (ideally) ensures popular consent for the system of governance as the population has a means of influencing decision-making through the election of representatives. The will of the people thus transpires on governmental level, albeit mostly a majoritarian will (Hague & Harrop, 2007, pp. 305–311; Lijphart, 1999, p. 30; Russett and Oneal in Roff, 2007, p. 9). The process of popular representation is, inherently, limited in authoritarian regimes. While parliaments (or an equivalent thereof) may exist in an authoritarian regime, it is mostly used as a *façade* for popular support (Hague & Harrop, 2007, pp. 324–325). True representativeness thus highlights the link between parliaments and democracy.

In addition to representativeness linking parliaments to democracy, theories of democracy also link to the institution. Montesquieu and Locke highlighted the separation of powers that shows the

¹⁸ The idea of popular representation through voting is challenged by, for example, Immanuel Kant who claims that the will of the people can be represented under a rule of law and not necessarily through general elections. He claims that through a process of general elections, the notion of the ‘general will’ is in contradiction with itself as decisions are made by ‘the entire population’ and yet not by the entire population.

importance of parliaments as a means of attaining a balance of power. This pluralist view of democracy also holds that legislatures play a crucial role in stabilising democracies (Alford & Friedland, 1992, pp. 72–73). The rise of constitutionalism further reflects a link between constitutional democracies and the advocacy of strong parliaments (Ziegler et al., 2007). Finally, although not explicitly noted by Dahl, one of the characteristics of polyarchies is that the institutions that make government policies are dependent on votes and other expressions of preference (Lijphart, 1984, p. 2). Polyarchies therefore also link democracy to government institutions that include parliaments. The aforementioned examples highlight the fact that throughout the development of democracy, parliaments remained relevant and highly prioritised. Any analysis on parliaments can thus hardly be separated from theories of democracy.

3.2 Linking the process of oversight and political theory

Stemming from the principle of representativeness discussed above, Blondel (1972, p. 126) concludes that representatives of the population should be responsible for drafting laws guiding a country. However, in modern democracies, the role of developing legislation has increasingly shifted from parliament to the executive¹⁹ (Blondel, 1972, p. 126; Hague & Harrop, 2007, pp. 312–313). As such, the focus of modern parliaments increasingly falls on verification of the implementation of laws. This is mainly achieved through the process of oversight.

The oversight process flowed from the development of the parliamentary system. A primary example can be found in the parliament in England in the fourteenth century, which started to attach conditions to the raising of additional taxes by the monarchy. By 1340, the English Parliament appointed auditors to review tax collection and by the sixteenth century this role expanded to include parliamentary voting on expenditure (Olson et al., 2008, pp. 51–52). Since its inception, parliaments thus performed a ‘power-of-the-purse’ function. This growth in the power-of-the-purse role can subsequently also be observed around the world, including the United States and France by the early nineteenth century (Wehner, 2006). The growth of parliaments’ power-of-the-purse function provided the foundation for further expansion of its oversight role. As noted in Section 3.1, parliaments also developed as outflows of the concepts of ‘popular will’ and ‘popular representation’. The concept of popular will is closely related to the principle of oversight. Obiyo (2006, p. 4) claims that parliaments²⁰ “enable the People to acquire a perception of itself, of how ‘it’ *qua* represented in the executive branch, is carrying out its Will.” Oversight is thus an essential component of ensuring effective rule by the people. This form of governance that focuses on ensuring popular will, is an indication that the principle of oversight links to democratic imperatives.

¹⁹ Although the drafting of laws is shifting increasingly to the executive, parliaments largely maintain the role of deliberating on and ultimately approving legislation (Born, 2003: 29).

²⁰ Obiyo’s quote relates directly to parliamentary committees, but given the intrinsic link between parliament as a whole and parliamentary committees, this quote was extrapolated to apply to parliaments in general.

The principle of oversight is further rooted in the model of the separation of powers. For John Locke and Charles Montesquieu, the separation of powers aims to create a system of checks and balances in government (Adar, 2009, p. 6; Bellamy, 2005, p. 257; Mojapelo, 2012, pp. 37–39). Yamamoto (2007, p. 9) notes that in this system of checks and balances, legislation sets rules and prescribes how such rules should be executed. This, in turn, determines the relationship between the executive and the legislature where the executive remains accountable to parliament. The question then arises as to how such accountability is ensured? Oversight of the executive by parliament is one means of achieving accountability and a responsive executive (February, 2006, p. 123; Ogul & Rockman, 1990, pp. 6–7). John Stuart Mill (1861, p. 104) describes the importance of oversight by stating that “the proper role of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust . . . to expel them from office, and either expressly or virtually appoint their successors.” Evident from Mill’s description is that oversight aims not only to ensure accountable governance, but also transparent governance.²¹ Both these attributes fall within the characteristics of the liberal democratic view (Bucur-marcu, 2009, pp. 25–26; Olson *et al.*, 2008, pp. 17–18). A study focusing on oversight thus ought to be rooted, at least partially, in theories related to democracy.

The sections above reveal that both the institution of parliament and one of its primary functions (oversight) fall predominantly within the ambit of democracy. Given that the focus of this study falls on ‘parliamentary oversight’, it is clear that the study should be rooted in theories of democracy. This conclusion should be read together with Section 2 that provided further reasoning for rooting a study on South African parliamentary oversight in theories of democracy.

4. Theories of Democracy

Beitz (1989, p. ix) states that political theories can be ‘democratic’ in two ways. Firstly, in the more traditional sense linked to the Greek origins²² of the concept, it refers to the form of governance. Secondly, in a more elaborate sense, it holds reference to societal rather than governmental features. This study’s focus is closer to the traditional framework of democratic theories due to the focus on a branch of government. To a limited extent it also relates to societal features by incorporating aspects of pluralism and the effect thereof on government features. Modern interpretations of democracy are complex and there is no agreed upon definition of the concept (Graham, 2013, p. 19). It is thus essential to find a definition of democracy that finds application to this study and adds value to its theoretical grounding.

Graham (2013, p. 19) highlights the need to clarify the concept or definition of democracy before applying it to an evaluative study. She further notes the need to differentiate between minimal and

²¹ The differentiation between accountability and transparency is addressed in Chapter 3.

²² The Greek origin of democracy is linked to governance through the concept of ‘rule by the people’. This literal interpretation of democracy has little modern value beyond, for example, referendums.

maximal definitions of the concept of democracy with the former attaching a disproportionate amount of focus on the elective process. As such, minimalist democracies may neglect thoroughly entrenched democratic principles and be rather authoritarian in nature, but still be deemed democracies simply due to the presence of elections (Graham, 2013, pp. 20–23). As was noted in Section 2.2, the minimalist interpretation offers little applicability to this study, especially in the post-1994 South African governance environment. Rather, this study proposes linkage to the maximal interpretation of democracy that combines the principle of regular elections with liberal elements of individual rights, the separation of powers and a system of checks and balances.

The question then remains as to which specific theories of democracy finds application to this study. Cunningham (2002, pp. 27–29) notes that any modern discussion on democratic theories is dominated by liberal democracy. Discussions on liberal democracy overarch the differences in opinion on the application of democracy to provide a substantive theory thereof. The historic development of liberal democracy further demonstrates an important link between democracy and its liberalist philosophical underpinnings. From the previous sections it was also established that a study regarding parliament is closely related to representativeness. Theories around representative democracy thus need to be evaluated. Representativeness also includes reference to the representation of various interest groups, which relates to theories around pluralism (Cunningham, 2002, pp. 73–75). Finally, liberal democracy and its links to individual freedoms require certain guarantees, which are often ensured through constitutionalism. Managing these guarantees in essence requires both the enabling and constraining of democracy which Hardin (1999, p. 83) claims is central to democratic constitutionalism. Discussion on liberal democracy, pluralism and representativeness, as well as constitutionalism falls not only in the framework of established democratic theories, but also finds application to a case study dealing with an institution of democracy (parliament) within a constitutional liberal democracy (South Africa).

The sections below address the relevant democratic theories through the various levels of conceptual analysis that has relevance to this study. Firstly, liberalism as a paradigm and its link to liberal democracy are highlighted. Secondly, pluralism as a macro-theory and its link to democracy are discussed. Finally, representative democracy and constitutionalism as micro-theories are briefly discussed.

4.1 Liberalism as paradigm

Liberalism in its classic form relates largely to developments around the principle of individualism. The writings of John Locke and his focus on natural rights are essential to the understanding of liberalism. Natural rights include the right to life, liberty and property. This is captured in Locke's reference to political right where he notes that "to understand political power right...we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature..." (Locke, 1690, p.

167). These rights are further captured by a number of characterising elements of liberalism that include freedoms (such as the freedom of movement, freedom of expression and freedom to protests), reason, equality, toleration, consent and constitutionalism (Blondel, 1972, pp. 34–35; Heywood, 1997, pp. 41–43; Terchek & Conte, 2001, pp. 3–7). Classical liberalism's focus on individualism and individual rights also had implications for governance as it stood opposed to the monarchical and aristocratic influenced systems of governance at the time. Liberalism thus sought a shift to self-governance, as per John Stuart Mill (Terchek & Conte, 2001, pp. 6–7).

While early liberalists criticised the state for its perceived negative impact on individual rights, it did not completely dismiss the value of the state. In his 1776 publication *Common Sense*, Thomas Paine (see Terchek & Conte, 2001, p. 17) described the state as a “necessary evil.” The state, in essence, is required to ensure the individual rights put forward by liberalists without infringing on it, thus exercising a form of limited government (Plattner, 1999, p. 121). More recent liberalist such as Leonard Hobhouse and Thomas Hill Green refer to an even bigger role for the state in ensuring basic rights such as welfare, which is somewhat in contrast with early liberalist focusing on an extreme form of limited government. Despite the evolvement of liberalism to allow for an increasing degree of state involvement, the key question that remained is how to ensure limited government that will ensure individual rights through popular consensus?

One way of ensuring limited government and popular consensus is through the electoral process. Liberalists were, however, divided on this as some scholars claimed that it will result in systems where governments are only responsive to majorities which infringes on the rights of minorities (Plattner, 1999, p. 122). Nonetheless, the notion of an elected government was already evident in the earliest liberal writings, including Locke, who placed significant focus on governance through majoritarian consent (Locke 1690, Chapter VIII). Thomas Paine also contrasted monarchical rule, which he referred to as “founded on usurpation”, with the electoral process which is “founded on the rights of the people” (Paine, 1856, p. 7). These liberal underpinnings provide the footing for representative governance that is linked to the democratic electoral system. Although the debate regarding universal suffrage continued in liberal circles, Thomas Paine's notion of the individual's (equal) right of choice to a representative²³ increasingly became the norm (Paine, 1795, p. 33). This plausibly ushered in the spread of liberal democracy from Western Europe and North America to other parts of the world (Blondel, 1972, pp. 168–170).

4.2 Liberal democracy

While liberalism as ideology set the scene for political change in the 1700's, it is the transformation of the ideology into liberal democracy as regime form that gave rise to contemporary government structures. Macridis (1983, pp. 23–46) notes the close correlation between liberalism's focus on individual rights and the system of governance that forms in liberal societies. He also notes three

²³ Representative democracy is further explained in Section 4.2

elements of liberalism in need of evaluation, namely moral, economic and political, the latter of which relates more closely to governance structures. The political element of liberalism is characterised by individual consent to political authority, representation, constitutionalism and popular sovereignty. For early liberal democratic thinkers, the ideal structure of government was therefore a representative assembly (Blondel, 1972, pp. 173–174). This system allowed an incorporation of the characteristics of liberalism into the government structure. However, modern liberal democracies developed beyond this simplistic view.

Modern liberal democratic regimes became characterised by a number of factors related to liberalism, including constitutionalism with a focus on the protection of individual rights; frequent elections based on universal suffrage; political pluralism; independent interest functioning alongside government, including the media; and, a market-driven economy and the separation of powers between branches of government (Beitz, 1989, pp. 32–33; Hänggi, 2003, p. 4; Macridis, 1983, pp. 23–40). The focus placed on elections when referring to democracy has, however, become less relevant in comparison to the liberal ideals noted above. Blondel (1972) notes that “liberal democracies may then be more liberal, in that they allow for a variety of views, than democratic, as the participation of the mass of citizens is quite limited, occurring perhaps once every few years.” There was thus a need to review the definition of liberal democracies to apply to modern cases, but doing so without detracting from both liberal and democratic values.

One of the most significant modern interpretations related to liberal democracy is Robert Dahl's development of the term ‘polyarchy’. Through his exploration of Madisonian and populist theories of democracy, he concluded that traditional theories on democracy do not provide an appropriate theoretical review of modern democracies (Dahl, 1956; Chapters 1 and 2). Dahl's polyarchies differ from ideal democracies in that they are (a) characterised by a high (but not perfect) level of responsiveness, and (b) governments that are “in relatively close correspondence with the wishes of relatively many of the citizens for a long period of time” (Lijphart, 1984, p. 2). Dahl (1989, p. 221) further notes seven qualifying criteria for polyarchies that include (1) elected officials; (2) free and fair elections; (3) inclusive suffrage; (4) the right to run for office; (5) freedom of expression; (6) alternative information (various sources of political information exist and are legally protected); and, (7) associated autonomy relating to the right of citizens to form independent organisations or institutions. These characteristics of polyarchies are required for any modern liberal democracy, even though Dahl argues that they may not be sufficient.

Although the concept of liberal democracy went through developmental changes, two traditional elements remain highly visible in modern liberal democracies. First, representation remains relevant and, second, constitutionalism continues to form part of many modern liberal democracies. Furthermore, through recent developments such as Dahl's construct of polyarchies, it is evident that various interest groups also play a significant role, thus highlighting the role of pluralism in modern

liberal democracies. The following sections look at pluralism, representation and constitutionalism in the context of liberal democracies.

4.3 Pluralism and democracy

While liberalism is known to focus on individual rights, group-rights also carry value in liberalism (Macridis, 1983, p. 41). Societal interest groups can have a significant impact on public opinion, political parties and other aspects of governance (Almond in Macridis & Brown, 1972, pp. 198–205). The evolution of such interest groups are what underscores the development of pluralist democracies (Blondel, 1972, p. 174).²⁴ Susser (1995, p. 281) identifies pluralism as a means of political organisation and defines it as a system “which believes that a multiplicity of ideologies, ethnic groups, religions etc., within a state is beneficial to its health and democratic character.” According to this theory, there is thus an intrinsic link between pluralistic societies and democracy.

Kuper differentiates between two models of pluralism, namely the ‘conflict’ and ‘equilibrium’ models. The conflict model applies to pluralistic societies where there is limited integration between the various interest groups (Kuper & Smith, 1969, pp. 10–13). Free-market forces largely re-shaped the construct of pluralistic societies and this model, it can be argued, has become less relevant in modern pluralist states. Rather, the equilibrium model finds applicability. Kuper notes a number of authors in the equilibrium model that directly links pluralism with democracy. This is also evident in the development of pluralism where initial focus (by Hobbes and Madison) was on the threat of factional conflicts by interest groups over power (Cunningham, 2002, pp. 74–78). Modern pluralist thinking is in line with the equilibrium model that takes a benign approach to factional conflict. Nonetheless, in pluralist terms, the manifestation of some form of conflict between interest groups remains unavoidable.

In addressing conflict, an important subset of pluralism is Lijphart’s (1977, pp. 1–2) theory on consociational democracy which argues that, despite challenges, it is possible to have a stable democratic state with a multitude of interest groups. Lijphart (1977, p. 1) argues that in plural societies, consociational democracy is dependent on a significant degree of cooperation among interest groups, notably among the leaders of these groups. Consociational democracies are further dependent on a number of circumstances that aid stability in pluralist societies. These include, *inter alia*, the multiple balance of power, cross-cutting loyalties between interest groups and leaders willing to engage.²⁵ He further notes that consociational democracies are more compatible with parliamentary systems than with presidential or majoritarian systems (Lijphart 1977, pp.54–103, 224). Lijphart also notes that the consociational democracies he studied in Europe are characterised by the separation of powers (Lijphart, 1977, pp. 34–35). This ties with Kuper’s notion that the pluralist nature

²⁴ Hague and Harrop (2007, p. 213) defines pluralism as “a political system in which numerous competing interest groups exert strong influence over a responsive government...[where] each interest group concentrates on its own area so that no single elite dominates all sectors.”

²⁵ Brian Barry criticized consociational democracy’s application to deeply divided countries as he states that ensuring engagement between leaders in such countries is near impossible (Cunningham, 2002, p. 84).

of a pluralist society translates directly to its form of political control. For example, the division of power between the executive, legislature and judiciary, a characteristic of liberal democracies, is a manifestation of the plurality of society (Kuper & Smith, 1969, pp. 8–10).

Although not unique to pluralist societies, the principle of separation of powers finds clear application in pluralism and it would be fitting to briefly expand on that. As noted, the principle of the separation of powers is based largely on the writings of John Locke and Charles Montesquieu. While the principle of the separation of powers forms an integral part of liberal democracies, a true (pure) separation of powers between the executive and legislature is unmanageable. The true aim of a separation of powers is rather to prevent an eschewed balance of power where one sphere of government has disproportionate levels of power to the others (Fisher, 1998, pp. 44–45). This also prevents a centralisation of power (Alford & Friedland, 1992, p. 114).

In modern liberal democracies, the principle of separation of powers find more literal application in presidential systems than in parliamentary systems (Peters in von Metterheim, 1997, pp. 67–69). However, the principle still holds true in parliamentary systems in that a diffusion of responsibility between the executive and legislature aims at establishing a system of checks and balances. Within these systems of checks and balances is then found a key purpose of parliaments, namely ‘oversight’ (‘Yinka Fashagba, 2009, pp. 441–442). Montesquieu (1748, p. 162) highlights this by noting that “in a free state, legislative power...has the right and should have the faculty to examine the manner in which the laws it has made have been executed.” The principle of oversight, it can be argued, is also pluralist in nature. Obiyo (2007, pp. 61–62) argues that popular sovereignty requires transparent governance. This requires an independent organ of state to review the actions of another organ of state to ensure that the will of the people remains executed.

The sections above indicate a link between pluralism and liberal democracy. Of specific importance to this study is the fact that even within pluralism, the principles of the separation of powers and oversight hold true. The following two sections move from pluralism as macro-theory to representative democracy and constitutionalism as micro-theories.

4.4 Representative democracy

It was already established in section 3.1 that there is a link between parliaments and representativeness. It is, however, necessary to look further into representativeness and its relation to democracy. Representative democracy is a form of indirect democracy where citizens vote for individuals to represent them when it comes to policy decisions. This should be set apart from direct democracy (as was practiced in ancient Greece) where a state’s citizens are able to vote on *all* major decisions through processes such as discussions or referendums (Clarke & Foweraker, 2001, p. 124). Representative democracy thus embodies a development in democracy itself. Russell Hardin (1999,

p. 143) captures this development by noting that “democratic theory started perhaps as a theory of direct participation, but is now almost entirely about representative government.”

John Stuart Mill states that “there is no difficulty in showing that the ideally best form of government is that in which the sovereignty...is vested in the entire aggregate of the community” (Mill, 1861, p. 53). This statement of active citizen involvement does, however, fall more in line with direct democracy. It echoes the sentiment of, for example, Jean-Jacques Rousseau who argued that the utilisation of representatives falls outside the original desired outcomes of democracy whereby the people truly govern themselves (Hague & Harrop, 2007, p. 48). However, there is a practical difficulty in the original democratic systems as it is hardly implementable outside the confines of a small community (Mill, 1861; Montesquieu, 1748, p. 159). As such, Mill notes a form of representative government as the only practically achievable form of government that can garner the advantages associated with direct democracy. This built on the concept of Thomas Paine who noted the inability of democracy to extend beyond its original setup and apply to modern population and territorial prerogatives (Paine, 1856).

Modern representative democracy developed strongly in the twentieth century and, according to Castiglione and Warren, is based on four cornerstones (see Urbinati & Warren, 2008, p. 389). First, it is based on a “principal agent relationship” whereby the principles (constituencies) are territorially based and elect representatives accordingly. Second, representative democracy provides a clear link between the sovereignty of the citizens and state power. Third, the process provides at least some form of responsiveness by representatives and, fourthly, it brings about improved political equality. These cornerstones are largely aligned to the liberal democratic theories of representation. Such theories focus on individual rights, rational voter behaviour and the sovereignty of the people (Ball & Peters, 2005, pp. 163–164). Urbinati and Warren (2008) do, however, find limitations in the Rousseauian notion of principle-agent relationships based on a system of representation that is linked to territorially-determined constituencies. Representativeness in modern states faces a number of challenges that are non-territorial in nature. As such, the modern state gave rise to other pressure and advocacy groups that represent individuals on these (non-territorial) issues including, *inter alia*, pressure groups, political parties, self-authorized representatives and the media (Ball & Peters, 2005; Sartori, 1976; Urbinati & Warren, 2008). It is thus clear that contemporary representative democracy is characterised by the presence of various representative institutions, but that these function alongside traditional institutions of representative democracy such as parliaments.

A further question affecting contemporary interpretations of representative democracy relates to the ‘majority rule’ concept. John Stuart Mill (1861, p. 133) postulates the concern by asking: “Because the majority ought to prevail over the minority, must the majority have all the votes and the minority none?” In liberal democratic terms, this poses a danger to individual rights and sovereignty. Dahl (1956, p. 4) identifies this problem through his revision of Madisonian democracy that highlighted the need to find “a compromise between the power of majorities and the power of minorities.” Although

Dahl's (1956, pp. 84–85) subsequent development of polyarchal democracy places focus on majoritarian rule (majoritarian decision-making), it does ensure a system of checks and balances which will, in turn, ensure minority representation. Lijphart (1977, pp. 38–41) argues that minority representation can be ensured through a system of proportional representation. Although governance decisions will most likely still be based on majority approval (as per Dahl), proportional representation ensures a form of minority input.

From the above it is clear that the traditional underpinnings of representative democracy have faded and that new institutions or forms of representation have emerged. The problem of majoritarian dominance further threatens to eschew representative democracy. Should representative democracy then be discarded along with its associated institutions? Urbinati and Warren (2008, p. 391) disagree and note that “electoral representation remains crucial in constituting the will of the people, but the claims of elected officials to act in the name of the people are increasingly segmented by issues and subject to broader contestation and deliberation by actors and entities that likewise make representative claims.” This threat to the system of electoral representation can, partly, be solved through a system of checks and balances.

While the value of representation is clear, Ball and Peters (2005, p. 164) argue that the same applies to institutions of representative democracy. Importantly they note that a representative assembly is key to protect the population from the disproportionate use of power by the executive. As such it can be argued that an institution like parliament, although now functioning as part of a broader spectrum of representative institutions, still has relevance in ensuring responsive governance. Sartori (1976, p. 17) argues that political parties, for example, are an outflow of responsible governance as it requires government ministers responsible to parliament. Parliaments as institutions also have the potential to address the Madisonian need for majority-minority balance through proportional representation. The crucial role of parliaments in ensuring responsible governance is thus not negated by the developments of modern representative democracy.

4.5 Constitutionalism

John Locke (1690, pp. 331–332) noted the importance of a constitution in his publication ‘Two Treatises’ by indicating that it is the one “Act of Society” which confines power of legislating and restricts powers of individuals to make laws binding to others without being duly authorised to do so. This captures one of the primary purposes of constitutionalism, namely the attempt to restrict political power. Hague and Harrop (2007, p. 260) note, however, that constitutionalism can also be seen as providing a “power map” that determines the structural arrangements of government. For example, constitutions tend to include in its governmental structure a judicial body that maintains the integrity of, and ensures adherence to, the constitution. The link between constitutionalism and the separation of powers is therefore apparent. Finally, it also provides the executive with guidelines on the implementation of the constitution (Macridis, 1983, pp. 35–36).

Blondel (1972, p. 111) notes three crucial problems that are addressed through constitutionalism (with varying degrees of earnest and success around the world). First, constitutions aid in determining the division of labour of government through a process of decentralisation. Second, it aids in divulging power away from an individual in the executive to various role players in the executive. Third, constitutions aid in directing interaction between the executive and the population. One of the threats to modern liberal democracies is that, over time, interaction between the executive and the leadership decreases, resulting in a passive citizenry (Alford & Friedland, 1992, p. 65). Constitutions, through the establishment of institutions such as assemblies, assist in maintaining a link between the executive and the citizenry.

Constitutions further guide the relationship between the assembly and the executive, and determine the influence they can exert on each other. In most modern liberal democracies, assemblies are considered sovereign under the constitution, providing them with considerable power. Traditionally, constitutions also provided assemblies with the mandate of drafting laws. However, in contemporary assemblies, this role is increasingly shifting to the executive (Blondel, 1972, p. 126; Olson *et al.*, 2008, pp. 201–202). Therefore, constitutions in modern liberal democracies provide assemblies with two major functions outside its traditional law-making role. First, assemblies still deliberate on laws proposed by the executive and can add value to the process of law-making. Second, assemblies focus increasingly on their oversight role, ensuring the verification of the implementation of laws (Blondel, 1972, pp. 128–129). This is mainly achieved through the process of oversight. Thus, constitutionalism in modern liberal democracies not only links to the principle of the separation of powers, but also to the oversight and accountability principles.

Democratic constitutionalism's focus on the division of labour and balance of power has direct implications for the military domain. This relates to roles that are constitutionally prescribed for the armed force and, more importantly, the roles prescribed to other branches of government in its controlling function of the military (see for example Born, 2003; Hänggi, 2003, pp. 15–16). Constitutionalism therefore plays a role in defining civil-military relations, especially in modern liberal democracies. The following sections provide a theoretical overview of civil-military relations in a democratic context.

5. Civil-military relations

This study's focus on political oversight of the military takes place at the intersection between the *polis* and the military. It forms part of the broader question of the distribution of social and political power, generally referred to as civil-military relations (Glisik in Aldis & Drent, 2008, p. 83). Civil-military relations struggles with the dichotomy of the necessity for military power to protect against external threat and the potential internal threat posed by the presence of the said military. Established theory on civil-military relations focuses on how the military should be controlled to limit that risk (Cottey,

Edmunds, & Forster, 2002, p. 35). Parliamentary oversight of the military is one form of 'control'. As such, any study on parliamentary control of the military needs (also) to be rooted in civil-military relations theory. Furthermore, there is an intrinsic link between established theory on civil-military relations and democracy. Original works of Huntington and Janowitz developed in a democratic setting and, specifically Huntington's approach, is closely linked to the liberal paradigm (Burk, 2002, pp. 9–11). This study's setting within theories of democracy thus highlights the need to include reference to democratic civil-military relations.

It should be noted that linking this study to the civil-military relations theory comes at the exclusion of another potential underpinning theory, namely security sector reform (SSR). Two main reasons for the exclusion of this approach can be put forward. First, at a theoretical level, the intrinsic link between SSR and Civil-Military Relations largely reduces the need for significant focus on SSR. Civil-military relations relates to the relationship between the military and the *civis*. Similarly, SSR also reflects this relationship, but has a wide and more practical focus of analysis. Williams (2001, p. 5) notes various clusters of transformation, including cultural, human, political and organisational that form part of SSR. As such, in a study focusing on parliamentary oversight, the viewing of Civil-Military Relations arguably finds more application than SSR and its more practical approach with a particular focus on the reform of the military itself. Second, it can be argued that the SSR approach is better suited for a study on the South African transition to democracy and the accompanying SSR. An array of literature in this regard exists that reviewed the transition period through a SSR perspective (See for example Nathan, 2004; Williamson, 2001). This study views a longer-term overview within a maturing/established democratic setting.

The subsections below provide a brief overview of the societal role of the military where after civil-military relations is defined. Civil-military relations and its link to democracy are also explained where after the structures supporting democratic civil-military relations are discussed. Finally, a number of practical challenges to democratic civil-military relations are highlighted that provides the foundation for further exploration in the study.

5.1 The military and society

Prior to delving into civil-military relations as a concept, it is necessary to briefly refer to the importance of the military in society as it lies at the heart of civil-military relations. This importance is noted by Ngoma (2004, p. 3) stating that "[t]he relationship between the military, political leadership and society at large has always been one of intense intrigue and is as old as humanity itself, evolving, as would be expected, from the moment society had to depend on part of its population to fight aggression." Huntington (1957, p. 72) highlights this relationship by noting three responsibilities of the military towards the state. First, the military needs to keep the state informed of the minimum required levels of security. Second, the military advises on the impact of state discourse from a military point of view. Third, the military exists to execute state decisions. These responsibilities underscore the

relationship between civil and military role players and tensions around the relationship in turn determine civil-military relations in a country.

In order to minimise tensions regarding the relationship between civil and military role players, it should be ensured that proper civil functions are ascribed to the military. Chuter (2000) notes some of these functions to include, for example, (1) a sufficient role in policy-making; (2) military engagement with parliaments; (3) collaboration between the military and the executive in policy-making and the presentation of such policy; and, (4) briefing the media on military affairs. These examples of appropriate civil functions for the military highlight the constant need for interaction between civil and military role players as well as engagement with civil society. If and when these roles are fulfilled correctly, it decreases tensions related to the civil-military relationship and contributes to the legitimisation of the role of the military. Naidoo (2006, p. 34) notes that the cementing of sound civil-military relations is a necessity, specifically in democracies.

While the link between civil-military relations and democracy is discussed in Section 5.3, it should be noted that civil-military relations can be defined in political systems other than democracies. Essentially, the term 'civil control' should not be confused with 'democratic control'. Civil control can be achieved in non-democratic states, as was the case in the former Soviet Union (Cotter et al., 2002). However, the role of the military in democratic societies is far more nuanced and dependent on balanced relationships.

5.2 Civil-military relations: An evolving definition

From the earliest writings on civil-military relations through to modern theory, civil-military relations seems to focus extensively on one key question, *the maintenance of civilian control of the military*. Carl von Clausewitz (1989, p. 607) stated that "subordinating the political point of view to the military would be absurd, for it is policy that has created war. Policy is the guiding intelligence and war only the instrument, not vice versa." The subjecting of the military to civilian leaders thus underscores his theorising.

The founders of modern-day civil-military relations are widely agreed to be Samuel Huntington and Morris Janowitz. Huntington (1957, pp. 1–2) identified civil-military relations as "one aspect of national security policy" and that it "is the principal institutional component of military security policy." The aim of military security policy, Huntington notes, "is to develop a system of civil-military relations which will maximise military security at the least sacrifice of other social values." In essence, Huntington's focus for civil-military relations lies in obtaining a balance between military and civilian role players in a state. Crucial to the establishment of this balance is the existence of a professional standing military and a professional officer corps (Huntington, 1957, pp. 7–18). For Huntington (1957, pp. 80-84), however, the balance is somewhat skewed as it focuses extensively on means of minimising military power *vis-à-vis* civilian power.

Janowitz similarly focused on the aspect of a professional military as a key to understanding civil-military relations as well as the need for the subjecting of the military to civil control²⁶. Faever (1996, p. 164) notes, however, that Janowitz differs from Huntington on the nature of the relationship between military and civilian role players within the context of the Cold War. While Huntington refers to an “ideal-type division of labour” between the role players, Janowitz highlights the “unavoidable politicis[s]ation” of the military and the tensions that this may bring in terms of civil control (Faever, 1996, pp. 164–165).

The end of the Cold War saw the demise of the threat of total war, which had implications for the theoretical grounding of civil-military relations. The post-Cold War period saw decreased levels of prestige enjoyed by the military, decreased levels of trust in the military and decreased defence commitments. The political effect of smaller standing armed forces is also significant. Smaller forces are likely to be more single-minded (and pro-military) in nature, decreasing the risk for political intervention (Kummel & von Bredow, 2000, pp. 18–21). Yet, despite the comparative decreased risk for military intervention in politics, the need for a balance between military and civilian power remained for modern theorists. Faever (1996, p. 149) notes that this balance requires a sufficient military power to deter and act against external threats, but that this military power should not be so strong as to rise above its subordination to civilian power.

The focus on civil-military relations presented by Clausewitz, Huntington, Janowitz and Faever all focused to some degree on the subjecting of the military to civilian power. It thus pushed for a separation between military and civilian power. However, this notion of separation has been increasingly challenged, notably by Rebecca Schiff, through the postulating of a concordance theory for civil-military relations. The concordance theory of civil-military relations “highlights dialogue, accommodation and shared values or objective among the military, the political elites, and society” (Schiff, 1995, p. 12). Rather than a separation of military and civilian powers, the concordance theory focuses on cooperation among the role players. It further argues that through such cooperation, the unnecessary intervention of the military in political affairs (including coups) can be avoided. The shift in literature thus presupposes a move away from a narrow view of executive dominance of the military towards broader co-operative *democratic* control thereof (Burk, 2002; Cottey *et al.*, 2002). However, this shift is challenged by Cohen whose claims point to civil-military relations rather being based on tension between political and military elites. Cohen (2002: 51) therefore puts forth ‘active control’ of the military which he terms “an unequal dialogue between civilian politicians and senior officers.” Through constant inquiry and probing by political role players, tension remains. Cohen argues that such tension is necessary due to the political nature of war, uncertainties within the military domain and the need to constantly evaluate the quality of military role players. Through such active civil-military control, an effective and efficient military can be achieved.

²⁶ Chuter argues that the concepts ‘civil control’ and ‘civilian control’ are interrelated but that the latter does not add real value. Rather ‘civil control’ reminds of the subjecting of the military to the state in terms of duty and obedience. (For more, see Chapter 2 of Chuter, 2000).

Despite this evolution in the understanding of civil-military relations, further inquiry has also been prompted. Matei (Bruneau and Matei, 2012: 27), for example, calls for better understanding of the military's role in periods of democratic consolidation. Matei thus developed a means to determine the level of civil control of the military through an analysis of "[i]nstitutional control mechanisms, oversight, and the inculcation of professional norms" (Bruneau and Matei, 2012: 30). This, the author argues, reveals that contemporary civil-military relations are constituted by control, effectiveness and efficiency that transcend the divide between democratic and non-democratic societies. Similarly, Croissant and Kuehn (2017: 1-2) also postulate the challenges of control and effectiveness as the dual pillars of effective civil-military relations in democracies. The authors note the need to evaluate these criteria, especially in new democracies based on two key questions. The first questions centres on the development of institutions, actors and defence policy-making after democratic transitions. The second question revolves around civil-military dynamics and military effectiveness. The work of Matei, Croissant and Keuhn illustrates a need to move civil-military relations theory beyond Huntington's narrow view thereof towards a theory that finds universal application.

The sections above clearly highlight the ongoing evolution of theory on civil-military relations and that significant strides have been made since the narrow interpretation thereof by Huntington. Nonetheless, whether adherence to Huntington's subjecting of the military to civil control, Schiff's concordance theory, Cohen's theory of active control or Matei, Croissant and Keuhn's focus on control, effectiveness and efficiency, the essence of civil-military relations is clear in that it relates to the management of the relationship between civilian and military role players.

5.3 Civil-military relations and democracy

The link between the military, which is in its very nature a non-democratic institution, and democracy may not seem apparent at first (Cawthra & Luckham, 2003, p. 305). However, Burk (2002, pp. 9–11) highlights the link between civil-military relations and liberalism by noting security of individual rights as one of the cornerstones of liberalism. The provision of security or protection from external threats falls within this ambit of rights and generally requires some form of military force. This requirement must, however, be balanced with another liberal requirement, that power is not abused and sovereignty remains. There is thus a need to ensure that the military is powerful enough to fulfill its protection function, but not too powerful as to override democratic civilian control of the country (the will of the people).

Huntington traces the solution to this liberal requirement back to the seventeenth century when military forces (in England and the United States) were still largely controlled by the Crown. This period saw the rise in prominence of parliaments and a parallel rise in parliamentary efforts to curb the power of the Crown, including its control of the armed forces (Huntington, 1957, p. 81). This period in history saw the development of a link between parliament (as an institution of representative democracy) and control of the armed forces. However, after the seventeenth century, control of the

armed forces in democracies did not always result in stable civil-military relations. Similarly, the rise of civilian control in a democratic context did not contribute to stable civil-military relations. Civilian control of the armed forces in a democratic setting may be characterised by inefficiency and the misuse of democratic processes by the military to obtain disproportional power (Huntington, 1957, pp. 80–83). As noted, Huntington and Janowitz believe this changed with the advent of the professional officer, because the professional officer is an “expert in the management of violence and willing to swap loyalty to civilian authority in return for professional autonomy” (Burk, 2002, p. 10).

One of the ways in which to link democracy and civil-military relations in the period of the professional soldier is through Huntington’s differentiation between objective and subjective control of the military. Objective control of the military focuses primarily on enhancing military professionalism and the distribution of power between civilian and military groupings in a country. This lessens the risk of military involvement in politics. Subjective control of the military aims to change the military structures to those similar to the state, which almost assumes military involvement in politics. Simply put, subjective control infers the disappearance of the distinction between the armed forces and government (Huntington, 1957, pp. 83–84). Subjective control thus undermines an independent military domain, notably in the appointment of military leaders through political elites. As such, in a democratic setting, objective civil control is considered more desirable as it limits conflict between the political and military spheres. It allows for a separation of military and government with the former executing policy developed by the latter (S. Naidoo, 2006, pp. 35–37).

Two key links to liberal democracy (and the liberal paradigm) can be identified in objective civil control. First, the aim of objective control to distribute power relates directly to the liberal democratic principle of separation of powers. Second, the distribution of power presupposes an acceptance of pluralism, that there are a number of role players or actors in the context of civil control of the military (Ngoma, 2004; Rupiya, 2004). The link between civil-military relations and democracy can further be found in the principle of checks and balances. As noted, the subjecting of the military to civilian leaders underscores civil-military relations. This assumes the acceptance by the military of the systems of checks and balances placed over them. This acceptance is in line with modern civil-military relations and liberal democratic practices (Williams, 1998, p. 26). It can then be argued that modern militaries are also acceptant of the democratic principle of oversight over its activities (le Roux et al., 2012; S. Naidoo, 2006, pp. 37–40; Williams, 1998, pp. 31–36). It is, however, not only the military that must accept such oversight, but in a democratic context, it is also the populace that expect such oversight by elected representatives (Burk, 2002, p. 8).

The sections above linked civil-military relations and democracy based on traditional theory. This approach has, however, come under increased scrutiny and its applicability to modern-day civil-military relations questioned (Burk, 2002; Cottey et al., 2002). Schiff’s (1995) concordance theory, for example, focuses on dialogue, accommodation and shared values between the role players. The question then arises whether the link between civil-military relations and democracy will remain

apparent under the concordance theory? Schiff aimed to create a theory of civil-military relations that finds application outside merely the United States. Subsequently, “concordance theory does not require a particular form of government, set of institutions, or decision-making process” (Schiff, 1995, p. 12). It therefore finds applicability inside and out of a democratic context. In fact, Williams (1998, p. 22) notes the value of the concordance theory for studying civil-military relations in the developing world, which would include new democracies. The dominance of linking theories on civil-military relations and democracy is, however, apparent in recent developments such as research by Matei (2012) and Croissant and Kuehn (2017) that aims to expand the concept in the context of new or consolidating democracies.

Given the identification of a strong link between democracy and civil-military relations, it follows that democratic institutions and structures will be necessary to uphold democratic civil-military relations. The following section reviews a number of these structures.

5.4 The supporting structures to democratic civil-military relations

What constitutes democratic control of the military? Cottey *et al.* (2002, p. 40) note that much of the assumption of democratic control of the armed forces simply rely on the establishment of institutional structures that ensure healthy civil-military relations. They do, however, question this assumption by stating that democratic control goes beyond the mere establishment of these structures, but that it is about the “democratic substance that fills their institutions” (Lambert, 2006, pp. 4–6; also see Williams, 1998, pp. 26–7). Four necessary structures that provide for democratic civil-military relations can be unpacked.

First, appropriate *constitutional and/or legal parameters* are considered important institutional structures required for democratic control of the armed forces. Two key issues are identified within such legal parameters. Firstly, legal parameters serve to define the exact role and functions of the military (Hänggi, 2003, p. 16). The principle of ‘role definition’ through constitutionality is also enshrined in, for example, the Organisation for Security and Cooperation in Europe’s Code of Conduct (1994, Section VII). It can be argued that the value of constitutional role definition aids in preventing conflict between civilian and military leaders (see for example Cawthra & Luckham, 2003, pp. 312–314). Secondly, Hänggi (2003, p. 16) notes that constitutional parameters allow for the separation of powers between the various branches of government. This ensures effective checks and balances on the powers of these branches and oversight of the military. It further preserves the notion of a separation of responsibility between the military and civil sectors (Cottey *et al.*, 2002, pp. 32–35; Huntington, 1957, pp. 83–85). Such separation of powers through legal means is evident in, for example, Canada’s National Defence Act of 1985 that allocates executive functions in terms of the control of the Canadian armed forces.

Second, a *structure of civil control* of the armed forces is necessary for democratic civil-military relations. For Hänggi (2003, p. 16), this refers to civil servants holding the policy-making

responsibility. Even though the policy and legislation formulation responsibility has shifted increasingly to the executive, Hänggi's notion holds true as it supports the separation of responsibility between military and civilian role players (Blondel, 1972, p. 126). This separation of responsibilities is of such importance that in some cases, such as in Australia, a Defence Secretary is established to work with policy formulation rather than the military commanders themselves, thus ensuring an additional layer of civil control (Cameron, 1974, p. 94). Hänggi's notion is further in line with traditional thinking on civil supremacy over the military as put forth by, for example, Huntington. Despite a shift in theory towards a cooperative approach between military and civilian role players, the principle of civil control remains. Cawthra and Luckham (2003, pp. 322–323) argues that the focus should therefore be on democratic control, rather than civil control. As such, the presence and optimal functioning of democratic institutions will ensure adherence to the principle of civil control (Lambert, 2006, pp. 4–5).

Third, linked to the principle of separation of powers, *judicial control* is a structure providing for democratic control of the military (Hänggi, 2003, p. 16). This refers to the fact that the military should remain subservient to the judicial system and not function outside its realm. The importance of judicial control is reflected in, for example, a 2006 review of the Organisation for Security and Cooperation in Europe's Code of Conduct. The review by Lambert (2006, p. 20) notes that the Code fails to reflect on judicial control when referring to the democratic control of the military. Legislative directives are imperative when dealing with the use of armed forces.

Fourth, *Parliaments* and other forms of assembly provide a structure necessary for democratic civil-military relations.²⁷ In line with the notion of maintaining balance between military and civilian role players, the major contribution of parliaments is through oversight (Aldis & Drent, 2008, pp. 39–61; Cottey et al., 2002, pp. 40–46; Hänggi, 2003, p. 16). Parliaments are essential for democratic civil-military relations as they embody the principle of representative democracy and provides for popular accountability. Even though parliaments may not formulate policy and legislation anymore, they provide final approval of policy and legislation and uphold civil control of the armed forces. Furthermore, civil control is ensured through, *inter alia*, parliament's role in approving defence budgets, reviewing military deployments, overseeing defence procurement processes, conducting public hearings on defence and ratifying international treaties related to defence (Aldis & Drent, 2008, pp. 44–48; Hänggi, 2003, p. 16; le Roux et al., 2012).

While the establishment of the above-mentioned structures are essential for democratic civil-military relations, this is only the first step in a two-tier developmental process. The second step relates to "democratic substance" and looks at issues such as state capacity and the role of civil society (Cottey et al., 2002, p. 40). First, in terms of state capacity, there is a clear need for those in leadership positions to be well informed and vested with civil-military relations dynamics. Bennett (2010, pp. 4–7) argues that this requires civilian leaders with some form of military experience or a high level of

²⁷ This is discussed in detail in Chapter 3.

understanding and military leaders with political expertise.²⁸ The democratic substance should also run deeper than simply top-level management and should be well vested in the civil servants on lower levels (Cottey *et al.*, 2002, pp. 41–42). Volten and Drent (in Aldis & Drent, 2008, pp. 15–16) note, for example, the Centre for European Security Studies (CESS) which states the importance of parliamentary oversight of the military aided by “knowledgeable parliamentary staff and ‘outside’ expertise.” It can therefore be argued that democratic substance of civil-military relations is, in terms of state capacity, directly related to the level of expertise at both macro- and micro-level in state and military structures.

Second, the role of civil society is equally important to democratic substance. For Hänggi (2003, p. 17), this role can most adequately be fulfilled by interest groups in society with a special interest and/or expertise in military matters. Cawthra and Luckham (2003, p. 313) state that such interest groups can form a “useful counter weight to security establishments.” They note the value of such groups during periods of transition to democracy and the process of security sector reform. Aldis and Drent (2008, p. 140) refer to the civil-society component (interest group) as the “fourth dimension of civil-military relations.” These groups play a similar role as bureaucratic structures (such as parliaments) in shaping civil-military relations. As per Aldis and Drent, they thus add an ‘extra layer’ to the democratic process which entrenches the democratic principle of governance by the people.

The role of civil society also goes beyond the mere impact of interest groups. The Organisation for Security and Cooperation in Europe’s (1994 Chapter VII) Code of Conduct notes the integration of the armed forces with civil society as crucial to democracy. This link between the military and civil society is imperative as it demonstrates the confluence between democracy and civil-military relations. Pressures from civil society will, in part, result in effective democratic civil control of the military and without effective democratic control, there will be no effective integration of the armed forces with civil society. In essence, without democratic civil-military relations, the gap between the military and civil society will constantly widen which is an undesired outcome in any democracy (Lambert, 2006, pp. 45–47)

Democratic civil-military relations is dependent on a number of bureaucratic and civil structures to ensure its maintenance. The following section provides an overview of theoretical and practical challenges to the maintenance of democratic civil-military relations.

5.5 Challenges to democratic civil-military relations

Huntington’s work on civil-military relations focused on the subjecting of the military to civil authority and it is, to a large extent, this notion that lies at the core of theory-based challenges to democratic civil-military relations. The first major challenge to democratic civil-military relations is semantic in nature. Huntington (and Janowitz) derived their theories based on the experiences of mature

²⁸ This will be expanded on in the next section.

democracies. There was an intrinsic link between their theorising and the system and structures of democracy. Cottey *et al.* (2002, p. 35) note that “democratic control is often used interchangeably with civilian control.” Civil control can, however, be achieved outside the parameters of democracy. The challenge to democratic control of the armed forces is thus that it not only requires a theoretic scope broader than just civil control of the military, but a form of control that is democratic in nature.

Second, traditional civil-military relations presupposes a focus on control of the military by the executive (or political elites) (Burk, 2002, p. 7). Cottey *et al.* (2002, pp. 35–36) argue that this is problematic in a number of ways. Firstly, it creates the assumption that there is a constant conflict for power between the executive and the military. This stands in contrast to, for example, the concordance theory that moves away from this hostile relationship to viewing it as a relationship of dialogue and common purpose (Schiff, 1995, p. 12). Secondly, the focus placed on the role of the executive in controlling the military detracts from a multi-layered approach to civil-military relations. It excludes other democratic institutions, such as parliaments, that play a crucial role in ensuring democratic oversight of the military (Cottey *et al.*, 2002, p. 35). Thirdly, an excessive focus on the executive detracts from the role of civil society in democratising control of the armed forces (Lambert, 2006, pp. 45–47). Not considering civil society in civil-military relations is in contrast with the very core of democracy which requires that “the governed should govern” (Feaver, 1996, p. 153). Parliament also has a role to play in terms of civil society’s role in civil-military relations as it is through parliament that the civil control is best achieved by the form of it reflecting the will of society through elected representatives.

Third, shifts in theory that highlight cooperation and dialogue between military and civil role players also present a challenge. The question can be asked whether this cooperative arrangement does not blur the distinction between civilian and military spheres. This question is, however, implicitly answered by recently developed theory itself. Despite the evolution of the defining principles of civil-military relations, there seems to be consensus that the distinction between the two spheres should remain. Feaver (1996, p. 168) notes the necessity of analytically distinct civilian and military spheres as the foundation for any new theory on civil-military relations. Concordance theory also upholds this distinction by describing the military, political and civil society leadership as “partners” (Schiff, 1995, pp. 12–13). Burk (2002, pp. 22–23) similarly argues for “collegial relations” between civilian and military elites, which highlights the need for collaboration, but the maintenance of differentiation.

A fourth challenge to democratic civil-military relations lies in the ‘democratic’ notion thereof. For a state to be democratic, it requires more than simply a popularly elected executive, but the institutions of democracy as well. Civil-military relations should thus function in an environment characterised by the separation of powers between the executive, legislature and judiciary. This principle must be respected and promoted by both the military and civilian role players (Cottey *et al.*, 2002, pp. 38–39). A balance of powers is also important to ensure that no branch of government accrues disproportional power *vis-à-vis* others. A balance of powers will ensure that the executive’s

control of the military is kept in check, and creates alternative checks (through parliaments for example) on military power. The democratic landscape within which civil-military relations function is rather large. Kummer and von Bredow (2000, p. 126) summarise the extent of democratic control of the armed forces then as “all formal norms and rules, laws and regulations which are designed to integrate the organi[s]ation of the armed forces into the democratic political system and the soldiers, especially the officer corps, into the democratic political culture.” Ultimately, the democratic extent of civil-military relations relies on the institutionalisation of democratic control.

Finally, traditional civil-military relations theory, notably the work of Huntington, developed from the point of view of established mature western democracies (Burk, 2002, p. 7; Cottey *et al.*, 2002, p. 35). This has, to a large extent contributed to the need for the reconceptualisation of civil-military relations. Schiff (1995, p. 10) highlights the bias in traditional civil-military relations theory by noting its dependence on the United States case study and its development from a setting characterised by high levels of institutional professionalism and political neutrality. The theoretical problem to democratic civil-military relations is thus that there is no universally-applicable civil-military relations theory.²⁹ Any approach to democratic civil-military relations will thus require careful construct, cognisant of the fact that existing theory leaves some gaps in application.

While the paragraphs above reviewed some theoretical challenges to democratic civil-military relations, four of the practical challenges related to these theoretical contestations should also be noted. First, it was established that democratic control of the military cannot be equated to civilian control of the military. The practical challenge lies in the establishment of democratic institutions that will ensure the actual implementation of democratic civil-military relations (Cawthra & Luckham, 2003, p. 322; Cottey *et al.*, 2002, p. 39).

Second, while the establishment of democratic institutions are imperative, the functioning of these institutions and structures are crucial. Parliaments are prime examples that relate to civil-military relations as they function as institutions representing popular will through ensuring accountability. Failure to function effectively will detract from the democratic nature of the state. Furthermore, in terms of civil-military relations, parliaments are required to effectively engage on defence matters, including legislation and budget votes (Cottey *et al.*, 2002, p. 44). Regular engagement on military matters underscores the democratic principle of accountability (Wagner, 2006b, pp. 7–9). The functioning of democratic institutions also reflects state capacity. Cottey *et al.* (2002, p. 41) argues that state capacity is crucial for policy-making and requires “the state to provide political leaders with the necessary information and analyses; a realistic assessment of the resources that can be made available for a particular policy area and the relationship between resources and policy choices.”

²⁹ The need for a civil-military relations approach outside the United States framework is highlighted through, for example, efforts at establishing a civil-military relations theory with an African bias (Cawthra & Luckham, 2003; Ngoma, 2004; Williams, 1998).

Third, the level of expertise in engagement between the military and political spheres can pose a challenge to democratic civil-military relations. Kotia (2011, p. 66) notes, for example, a lack of expertise and information on defence matters by political leaders as a factor inhibiting civil-military relations. This is linked to the need for regular interaction between military experts and government decision-makers (Bennett, 2010, p. 30). The challenge is, however, not only on the side of civilian role players, but refers to a lack of political comprehension on the side of military role players as well. Gray (1999, pp. 58–68) captures this by referring to aspects such as ‘distinctly different responsibilities’, ‘variances in culture or ethos’, and ‘reciprocal ignorance’ as factors dividing political leaders from their military counterparts. Central to this practical challenge is finding a balance between military and civilian role players that can be enhanced by the utilisation of defence experts (for civilian role players) and civic education (for military role players) (Williams, 1998, pp. 39–40).

Fourth, the relationship between the military and the citizenry poses a potential practical challenge to democratic civil-military relations. It was previously explained that, in the context of pluralism, civil society plays a crucial role in providing civil-military relations with a democratic nature. Regular engagement between the military and civil society, and among civil society themselves on military matters, is crucial to sound civil-military relations (Schiff, 1995, p. 13). The value of engagement between the military and civil society lies in the fact that it goes beyond institutionalism and can even serve as a counter balance thereto (Cotter *et al.*, 2002, p. 46). However, a lack of regular interaction between the military and civil-society can undermine democratic civil-military relations.

6. Conclusion

The preceding sections aimed at finding a political theoretical grounding that is both rooted in accepted theory and relevant to the study. The search commenced with an overview of South Africa’s post-1994 political posturing. It was found that through its Constitution and the nature of its government structures, South Africa declared itself (and aims to function as) a liberal democracy. It was also found that both the institution of parliament and the action of oversight have its theoretical roots in liberalism and theories related to democracy. These theories are therefore the most relevant political theories to a study that examines the standing of parliamentary oversight of defence in South Africa.

By evaluating liberalism as paradigm, pluralism as macro-theory and representative democracy and constitutionalism as micro-theories, a constant practical theme that emerged was the need to bring balance to government structure. This structure is characterised by transparent governance and accountability. Liberal democracies are very well suited to ensure balanced and accountable governance as they ensure a high degree of checks and balances between the branches of government and are able to function in a pluralist setting. Parliaments, the central theme of this study, find application in all the levels of conceptual analysis of democratic theories. Parliaments are central to the system of checks and balances and play a key role in ensuring accountable governance.

Theories of democracy, through their focus on balanced and accountable governance, thus form the appropriate theoretical foundation for this study. Its principles and institutions provide an analytic framework that will guide the study and will ensure that government accountability remains a central theme.

Any study on oversight of the military also implies a fundamental need to include aspects of civil-military relations. Although civil-military relations can be defined outside democratic settings, there is an established link between civil-military relations and liberalism. Modern theories on civil-military relations, notably since the advent of the 'professional soldier', have focused increasingly on civil-military relations in a democratic context. Democratic civil-military relations thus emerged where the focus is on the nature and balance of power between military and civilian role players. Despite the evolution of the concept to focus on cooperation between these role players, the notion that the military be subjected to the executive and controlled by civil powers remains. In essence, democratic civil-military relations require a system where democratic principles are provided for and maintained by both these sets of role players.

In a liberal democratic setting, where the principle of 'the governed should govern' applies, civil-military relations should reflect the principle of accountability. In this sense, democratic principles and structures are crucial to ensure accountability. Constitutionalism and the principle of the separation of powers allow for a democratic system where abuse of power is minimalised, including by the military. It also allows for structures such as parliament that enforces accountability of the military. There are, however, a number of conceptual and practical challenges to democratic civil-military relations. Extrapolated from these, several key aspects can be determined that will inform further analysis in this study:

- While cooperative civil-military relations have become prominent, the principle of civil-supremacy over the military remains.
- Although the study will focus on the role of parliament in providing oversight of the military, this is but one element that underscores democratic civil-military relations (other being, *inter alia*, the executive, the judiciary, the constitution and civil society). Although not the study's primary aim, it must be noted that its parliamentary focus places a limitation on the value of this study in terms of its analysis of civil-military relations in South Africa.
- Any case study of democratic civil-military relations should remain sensitive to political context and, notably, democratic maturity.
- Democratic institutions, adherence to democratic principles, and the maintenance of these by both the military and civilian role players are key to maintaining not only democracy, but also democratic civil-military relations. Within this context, state capacity can be a major concern. By analysing possible shortcomings in terms of state capacity (such as a lack of expertise, the lack of an optimally functioning parliament, and a disinterested civil society), the quality and standing of democracy and its impact on civil-military relations can be determined.

The next chapter conceptualises parliamentary oversight of the military. It provides an overview of tools available to parliaments to ensure efficiency in its oversight role of the military, notably the role of parliamentary committees. With clarity on parliamentary oversight established, an analysis of the application thereof is of value in order to determine international norms and best practice. For this purpose, parliamentary oversight of the military in the UK, Australia, Canada, India and Zambia is discussed.

CHAPTER 3 OUTLINING PARLIAMENTARY OVERSIGHT OF THE MILITARY AND ITS APPLICATION IN SELECTED COUNTRIES

1. Introduction

In the context of modern liberal democracies, the functions of parliaments have largely shifted to oversight while the executive increasingly takes responsibility for drafting legislation (Blondel, 1972, p. 126; Olson et al., 2008, pp. 201–202). As noted in the previous chapter, the focus on oversight links to the concepts of the separation of powers as well as representative democracy. It was further established that parliamentary oversight should, in principle, extend to oversight of the military given the contextual links to liberal democracy, pluralism and representative democracy. As Born (2003, p. 7) notes, “[w]hen it comes to civilian supremacy and democratic governance, parliaments fulfil a crucial role. Due to parliamentary involvement and debates, civilian oversight becomes democratic oversight.” The increasingly acceptable requirement for parliaments to conduct oversight raises a number of questions. What exactly is oversight, what are the goals of oversight, how is oversight conducted by parliaments and what are the characteristics of ‘good’ oversight? For relevance to this study, these questions can be reformulated to review defence-specific oversight in Parliaments.

Based on the established theoretical underpinnings that guide the concept of parliamentary oversight in liberal democracies, this chapter commences by outlining the broader concept of parliamentary oversight. It is necessary to define the concept of oversight and outline its aims to ensure an analytically valuable understanding thereof. Rockman (1984, p. 418) notes, “how much evidence there is of oversight as well as how one evaluates the quality of it is contingent on how oversight is defined.” The general principles of oversight can then be applied more specifically to parliamentary oversight of the military. However, the main challenge that remains is to identify characteristics of ‘good’ oversight of the military. This chapter consults a number of international institutions and scholars to identify generally accepted tools for efficient oversight as well as key focus areas that parliaments should focus on to ensure improved oversight. The chapter expands on these tools and oversight focus areas by identifying possible further focus areas that may warrant attention in an effort to improve oversight. A number of potential weaknesses in oversight are also identified that may impact on the quality of defence oversight by parliaments.

In addition to the identification of oversight tools, focus areas and potential weaknesses, the need remains to verify these. The chapter therefore identifies five comparable parliaments, namely those of the UK, Canada, Australia, Zambia and India, in which to review oversight of the military. The aim of reviewing oversight of the military in these countries is to determine which tools, focus areas and potential weaknesses play out across these parliaments. This broad review serves to verify or dismiss the selected oversight tools, focus areas and potential weaknesses.

2. Outlining parliamentary oversight

Determining a general definition for oversight presents a challenge as it is highly dependent on the individual's perception of oversight (Ogul, 1976, p. 6). Ogul (1976, p. 11) defines oversight as "behaviour by legislators and their staffs, individually or collectively, which results in an impact, intended or not, on bureaucratic behaviour." A potential pitfall in this definition is that it only focuses on outcome-based oversight and fails to appreciate the finer, non-measurable, nuances thereof. In 1990, Aberbach (Sharpe, 2013, p. 184) defined oversight as a "review after the fact, ... [including] inquiries about policies that are or have been in effect, investigations of past administrative actions, and the calling of executive officers to account for their financial transactions." This definition is narrow in the sense that it excludes all foresight that forms part of oversight. Pelizzo (in Olson *et al.*, 2008, p. 30), defines oversight as a "set of activities that a legislature performs to evaluate the implementation of policies." This may also be considered a narrow interpretation of oversight and fails to adequately address the complexity of oversight focus areas. Many factors beyond policy implementation should ideally form part of oversight. The snapshot of definitions above, developed over the last few decades, highlight an ongoing lack of consensus among scholars on the definition of oversight (Madue, 2012; Ogul, 1976; Ogul & Rockman, 1990).

Despite the absence of consensus on the definition of oversight, there seems to be broader consensus on the goals of oversight. In simple terms, Shija (2012, p. 5) notes that in most states, legal and other checks and balances are set to ensure that a state's national resources are used to the benefit of all citizens and that parliamentary oversight is essential to effect this. This statement highlights an underlying goal of oversight, namely the need to ensure that citizens benefit from state activity. This observation on oversight is closely linked to the concept of representativeness. Given that legislators are representatives of the public, it follows naturally that oversight will aim to ensure the public interest (Madue, 2012, p. 433; Rockman, 1984, p. 415). MacMahonn developed four goals of oversight that continues to find relevance (Rockman, 1984, p. 415). First, oversight aims to limit deceitfulness and waste. Second, it aims to prevent callous administration. Third, it aims to measure compliance of the executive and its alignment with legislative objectives. Fourth, it aims to set administrative actions in line with the initial intention of legislation. The use of a similar set of goals by the IPU in a 2007 study on parliamentary oversight enhances the contemporary relevance of these oversight goals (Yamamoto, 2007, p. 9). Recognising these goals is an important step in determining the parameters of parliamentary oversight.

The mentioned goals of oversight postulate a broad scope of activities and possible outcomes. It is therefore best to allow for a definition of oversight cognisant of such a broad scope. Ogul and Rockland (1990, p. 5) provide such a definition by stating that oversight refers to "legislative supervision and monitoring of the executive, whether overt or covert." This broad definition allows for a linear timeline of oversight in that it can be performed *ex ante* and *ex post*. If oversight is conducted prior to policy implementation, it is considered *ex ante* while oversight after policy implementation is

considered *ex post* (Pelizzo *et al.*, 2006, p. 13). Ogul and Rockland's definition also allows for an evaluation of oversight that is not only dependent on measurable results.³⁰ The key point derived from the definitions and goals set out above is that oversight embodies the principle of the separation of powers and the system of checks and balances that accompanies it (Madue, 2012, p. 434).

As noted in the previous chapter, oversight is rooted in theories of democracy and, by virtue of that connection, aims at ensuring accountability and transparency of the executive through the separation of powers. In the context of democracy, oversight is viewed as critical as it improves government programmes and, through ensuring transparency, increases the legitimacy of such programmes (Madue, 2012, pp. 433–435; Pelizzo *et al.*, 2006, p. 8). In a democratic context, oversight is further justified by the need to 'rule the rulers'. Democracy strives to achieve popular control of the administrative branch of government, hence the focus on representative governance (Rockman, 1984, p. 414). Parliamentary oversight further underpins numerous democratic values, including accountability and transparency, and plays an important part in cementing representative governance. In an entrenched democratic setting, the function of oversight can be performed by various institutions including, for example, parliaments, the office of the Auditor-General, ombudspersons, Non-Governmental Organisations (NGO) and the media (Olson *et al.*, 2008; Pelizzo *et al.*, 2006, p. 9). Parliamentary oversight thus represents only one means of oversight. It is, however, the link to representative governance and the tools at its disposal that sets parliamentary oversight apart.

3. Parliamentary oversight of defence

The section above highlighted the link between parliamentary oversight of the executive and the concept of representative governance. The question then arises whether a government's defence portfolio should also be subjected to such oversight? Former French Prime Minister, Georges Clémenceau, claimed that "war is a much too serious matter to be entrusted to the military" (As quoted by Louw, 2013, p. v). This observation reflects the need for the public, through the representative democratic process, to have some degree of influence over military affairs (See Section 5, Chapter 2). Born (2003, p. 19) lists several concrete reasons for the need for parliamentary oversight over the military. First, for the principle of the separation of powers to hold, the military should be subject to some degree of parliamentary oversight as a means of curbing executive power. Second, parliaments play an important role in controlling a state's budgetary affairs. Since the military is dependent on funding from the state, it follows that parliament should have influence over the budgetary allocation to the military. Third, parliaments are responsible for the legislative framework of the state and this also pertains to legislation relevant to the military.

³⁰ A definition that focuses only on the measurable impact of oversight on the functioning of the executive (and governance) is severely limited by the difficulty in determining such impact. Pelizzo (Pelizzo *et al.*, 2006, p. 8) notes limited scholarly inquest into the impact of oversight. In a study on Parliamentary Oversight and Government Accountability, they were unable "to test whether and to what extent effective oversight affects the functioning of a political regime" (Pelizzo *et al.*, 2006, p. 9).

Parliamentary oversight of the military is also essential given the role it plays in maintaining healthy civil-military relations (See Chapter 2). Born (2003, p. 19) notes that parliamentary oversight ensures “a bridge to the public” as MPs are in contact with the population and can establish a contact point with the military. The establishment of this “bridge” is in line with Huntington’s (1957, pp. 83–84) notion of ‘objective control of the military’ that includes the distribution of power between civilian and military groupings. For example, parliaments conduct public hearings on defence matters that contribute to the building of a bridge between the military and the public (Aldis & Drent, 2008, pp. 44–48; Hänggi, 2003, p. 16; le Roux *et al.*, 2012). Parliaments thus play a central role in establishing democratic civil-military relations as they embody the principle of representative democracy and provide for popular accountability. It is therefore evident that the defence portfolio cannot fall outside the scope of parliamentary oversight in a democratic system. The maintenance of civil-military relations as a function of parliamentary oversight of the military is also indirectly confirmed by Betts (1997, pp. 7-9) in discussions on the need to maintain high levels of military expertise during times of peace. Such expertise ensures political, strategic and military logic in the defence budget and bridges the divide of declining expertise about the military among policymakers. Constant parliamentary oversight therefore presents a potential means of overcoming a growing gap between civil and military roleplayers.

Given the relevance of parliamentary oversight of the military in a democratic setting, the question should then shift to how defence-specific oversight is conducted? The first chapter of this study referred to widely used tools of parliamentary oversight that forms the basis of the study. It is necessary to elaborate on these tools and contextualise it not only within the parliamentary setting, but in the context of oversight of the military.

3.1 Finding common ground: Generally accepted tools for parliamentary oversight of defence

Tools for parliamentary oversight seem to have found general consensus among scholars. Such tools include, most commonly, committee hearings; hearings in the plenary (chamber); commissions of inquiry (including *ad hoc* committees); parliamentary questions; question time (in the plenary); and, interpellations³¹ (Izah, 2013, p. 6; Olson *et al.*, 2008, p. 10; Pelizzo & Stapenhurst, 2004, p. 4; Yamamoto, 2007, p. 11). The identification of these general parliamentary oversight tools provides for parameters within which to locate tools for parliamentary oversight of the military. Three reputable international institutions, the IPU, the DCAF and Transparency International embarked on research on parliamentary oversight of the military. When read together, these institutions identified five specific means (tools) of oversight and five specific focus areas of oversight that are key to oversight of the military. These tools and focus areas correlate with not only the generally accepted tools for oversight mentioned above, but also falls within the context of the general goals of oversight noted in Section 2.

³¹ Interpellations differ from normal parliamentary questions in that it relates strongly to a vote of no confidence. Whereas normal parliamentary questions require separate motions of a vote of no confidence, interpellations have, as an immediate subsequent step, a vote of no confidence (Döring, 1995, p. 199).

The five specific tools for parliamentary oversight of defence include:

Parliamentary debates. Debates on defence and security can occur at plenary or committee level. The aim is to impact the plenary or committee's collective decision on a specific aspect of defence governance. Such debates allow a unique opportunity for obtaining facts on military affairs from the executive or addressing defence-related aspects of major concern. It is usually characterised by a presentation from officials, policy statements, or other planning initiatives from the executive (Born, 2003, p. 77; Yamamoto, 2007, p. 62). Debates, when done publicly, also enhance public interest in specific aspects of defence and security.

Parliamentary questions. Questions from MPs to the executive can either be submitted orally or in written form. Its significance lies in the opportunity it affords individual members to raise military-related concerns and receive timely responses. Given the public availability of responses, it also allows for public interest in defence matters (Born, 2003, p. 79; Yamamoto, 2007, pp. 49–59).

Special defence inquiries. Inquiries refer mostly to the work of parliamentary committees and their individual or collective inquiry into defence governance. Special inquiries are generally open to the public and is characterised by in-depth engagement on specific defence-related aspects. During special inquiries, committees often engage expert opinions and may subpoena certain role players. Following the inquiry, a formal report is published. Defence inquiries of this nature can be done by parliamentary defence committees, multiple committees, subcommittees or *ad hoc* committees. In the case of the latter, special powers of inquiry can be allocated to committees (Born, 2003, p. 80; Yamamoto, 2007, pp. 39–42).

Oversight visits and study tours. Oversight visits for defence-purposes relates 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 (Cover & Meran, 2013a, p. 43). Study tours, also mostly conducted at committee-level, often include foreign or local tours to study examples of policy implementation and sharing of best practice (Agnihotri, 2011, p. 7; Sisulu, 2012).

The use of external audit. External audit may be outside the scope of parliaments, but can play an important role in effective oversight. Transparency International (Cover & Meran, 2013a, p. 10) notes that parliaments can assist in lowering the corruption risk by including external audit analysis in their oversight. Practically, this would include calling external auditors (or state auditors) to appear before parliamentary committees or requesting in-depth analysis from such auditors.

The five tools highlighted above can be used individually or collectively to oversee the military. However, the IPU, DCAF and Transparency International also note five key focus areas of defence oversight that are necessary for comprehensive oversight:

Reviews of the defence budget. Budgetary review forms part of the broader need for accountability of public funds. Parliamentary oversight fulfils the dual function of ensuring financial accountability (preventing waste) and ensuring that finances are spent in such a way that the country is provided with a properly resourced military. Crucial to the execution of this form of oversight is the need for the executive to present parliament with sufficient budgetary information (Born, 2003, p. 131; Cover & Meran, 2013a, p. 28). The impact of parliaments on the budget varies from one parliament to the next. In some cases parliaments play a limited role in affecting the budget while in others they may even alter the executive's planned budget. This is closely related to the historic 'power of the purse' function that first characterised parliaments. Budgetary oversights can take place *ex ante* or *ex post*. Olsen *et al.* (2008, pp. 53–55) note a debate regarding whether *ex ante* parliamentary oversight of the budget is appropriate as it may impact on fiscal discipline. Others argue that *ex ante* oversight is essential to ensure public interest in budgetary affairs. Regardless of the approach, budgetary reviews by parliaments represent one of the most important parliamentary functions in terms of oversight.

Reviews of defence policy. Transparency International defines defence policy as "the laws, strategies, and approaches used by governments to decide on the scope and activities of the military and national security agencies" (Cover & Meran, 2013a, p. 40). Parliamentary committees, as an outflow of representative government, serve as a valuable platform for debate on defence policy. Through committee engagement, a 'second viewing' of defence policy outside the ambit of the executive takes place. Depending on the legislative powers of a committee, such defence policy may then be altered, repealed or accepted in full by parliament. Where the capacity exists, in-depth scrutiny of defence policy will take place. In addition, government officials, experts, other interested parties and even the general public can be called to provide further opinion to inform a committee's policy review (Cover & Meran, 2013a, p. 40; Yamamoto, 2007, pp. 31–32).

Reviews of defence procurement. Overseeing defence-related procurement is an essential component of parliamentary oversight as this is an area with an elevated risk of corruption and fraud (Cover & Meran, 2013a, p. 52).³² The primary role for parliaments is to ensure transparency of defence procurement. Furthermore, it ensures a link between the actual procurement and broader defence planning, including defence policy and strategic plans. There is a further requirement for parliaments to ensure that arms procurements and transfers are in line with international requirements (Born, 2003, p. 162). Parliaments may also formalise the procurement cycle and ensure sufficient space for committees to have scrutiny of procurement. The use of external audit as a tool of oversight has particular relevance in this case (Cover & Meran, 2013a, p. 52; Yamamoto, 2007, p. 76).

Reviews of human resources. Oversight of military human resources is closely related to the advancement of military professionalism. The aim would be to ensure that soldiers remain loyal to the

³² The realm of defence procurement also includes arms transfers (Born, 2003, p. 162).

state and constitution (where applicable) which inherently lessens the risk of coups and ensures healthy civil-military relations.³³ Furthermore, oversight of human resources ensures fair treatment of military personnel and thus requires regular overview of the functionality of the military justice system. Military leaders should be held accountable for the treatment and conduct of Defence Forces (Born, 2003, pp. 141–152). Oversight of human resources also includes oversight of the size of the military (although this factor can be viewed as part of oversight of defence policy) (Cover & Meran, 2013a, p. 11).

Reviews of the deployment of the military. Oversight of the deployment of the military is a contentious sector of oversight as it may obfuscate the separation of powers. The IPU and DCAF notes that the oversight capacity of military deployment varies between states. In some states, parliaments have the power to reverse or significantly impact decisions to deploy the armed forces while in other states it has no legal role to play in this regard. The IPU and DCAF notes that when parliaments have no role to play, it represents a significant limitation to oversight of the military (Born, 2003, pp. 119–120). In such cases, parliaments will, for example, not be able to determine whether external deployments align with the established foreign policy goals. In addition, this focus area includes oversight of the state of preparedness/readiness of the military.

In addition to focus areas identified above, two more areas of parliamentary oversight of the military have been identified by Transparency International (Cover & Meran, 2013a, p. 6). These include oversight of secret budgets as well as intelligence structures. While acknowledging the need for oversight of these two focus areas, they fall outside the framework of this study. The military may have its own intelligence structures, but these normally report either to a parliament's intelligence committees or to closed meetings of defence committees. A similar approach is likely to apply to secret budgets and projects. Beyond analysing whether a parliamentary capacity exists to analyse secret budgets and intelligence, no substantial analysis of these oversight areas can be done (except through classified studies).

3.2 Elements of critique: Is there room for expansion of oversight focus areas in the defence context?

The five tools and five focus areas noted by Transparency International, the IPU, and the DCAF (and to an extent by the World Bank) provide an authoritative base on which to build an analysis of parliamentary oversight of the military. However, it should be asked whether additional tools and focus areas, or modifications to existing tools and focus areas, may not assist in enhancing analysis of parliamentary oversight of the military? Literature reveals some additional aspects to consider.

³³ This focus area correlates with Huntington's focus on the rise of the professional officer that is able to distinguish between appropriate and inappropriate political roles for the military (see Huntington, 1957).

In its review of legislative oversight of defence around the world, Transparency International notes the key role of committees in overseeing defence budgets, defence policy and defence-related procurement (Cover & Meran, 2013a, p. 6). In its discussion on parliamentary oversight of the security sector, the IPU and DCAF emphasise similar focus areas for committees. It primarily highlights procurement, personnel, budgetary aspects and peace missions as areas of focus for committees (Born, 2003, p. 75). It further alludes to a focus on defence policy, legislation, expenditure (similar to budgetary aspects) and management of the military (referring to appointments of senior military leaders and general management) (Born, 2003, pp. 85–86). The World Bank, in its overview of tools for parliamentary oversight, notes that committees should focus on the military budget, long-term planning, gender issues, the implementation of laws and legislation (Yamamoto, 2007, pp. 19–28). All these identified focus areas are arguably contained in the major focus areas for oversight discussed in Section 3.1 of this chapter. What seems to be missing is a focus on ‘normal’ committee work that focuses on the general management of the military. The focus areas highlighted by the institutions above do not necessarily make adequate provision for general oversight, with the exception of the World Bank that highlights some lower-order oversight matters such as a focus on gender. To comprehensively view parliamentary oversight of the military, lower-order focus areas for committee oversight should also be considered.

A number of lower-order focus areas that require continuous attention by parliamentary defence committees can be found in literature:

Annual reports and quarterly reports. These reports are submitted on an annual/quarterly basis by the defence departments to parliaments for scrutiny. While these reports have a strong budgetary focus, they often include aspects related to non-financial performance and performance targets. If required, committees can request defence departments to report on a quarterly basis so that they can track performance throughout the year against annual performance plans. Annual reports in turn allows for a retrospective view of departmental performance and allows for parliament to review management of such performance areas. Annual reports also allow committees to review set departmental priorities (Louw, 2013, p. 66; N. Naidoo, 2012, pp. 31, 38–40). A 2004 study on the perceived importance of oversight confirms that although the actual value of annual reports vary among recipients thereof, it has become an increasingly valuable tool in ensuring accountability and, at the least, a significant source of information (Mack & Ryan, 2004).

Aspects of interdepartmental cooperation. Government departments seldom operate in isolation and often require assistance from other departments or render such assistance themselves. Interdepartmental cooperation can also be essential to the achievement of broader government goals. Oversight is a valuable means of ensuring high levels of interdepartmental cooperation and of addressing areas where cooperation is lacking (Aldis & Drent, 2008, p. 36; Dlomo, 2004, p. 59).

Military training and education. Transparency International focuses on the need for oversight of the budget for training, but actual training outputs and finer details of training are not generally identified for oversight (Cover & Meran, 2013a, p. 33). The IPU and DCAF make reference to a need for parliamentary focus on military training, specifically in the context of training for peace missions (Born, 2003, pp. 123–124). Parliamentary oversight should, however, also look at ongoing training and education within the military and identify concerns in this regard. Training and education is highlighted as an essential aspect of military culture and general security sector reform (Esterhuysen & Heineken, 2012, p. 2; Nathan, 2004, p. 2).

Gender and racial equality. The World Bank urges parliamentary committees to focus on matters of gender equality and gender mainstreaming (Yamamoto, 2007, pp. 22–23). The IPU and DCAF also note the need for a gender perspective on security policy (Born, 2003, p. Chapter 7). In some cases, aspects such as racial and gender representation in the armed forces are lumped together in terms of an oversight requirement (Modise in le Roux et al., 2012, p. 46). While this lower-order focus area can be linked to an overall oversight focus on human resources, the regular reference to matters of gender and race in literature related to defence oversight highlights the need for specific attention. Focus on gender and race is also in line with Rebecca Schiff's Concordance Theory that highlights the importance for military and political leadership as well as citizens to agree on, *inter alia*, the social composition of the officer corps. It can be argued that a representative officer corps in terms of race and gender may find broader and easier agreement than a corps consisting exclusively of a specific gender and/or racial group.

Defence morale. Morale may also be considered a subsection of focus on human resources, but it is an essential area for lower-order oversight. Mucur-Marcu (2009, p. 99) notes, for example, the importance of the “development of realistic measures of performance and maintaining a high level of morale of the entire personnel” as essential to manpower management. The 1993 South African Interim Constitution made specific provision for parliamentary oversight of defence morale (RSA, 1993). The DCAF also notes the value of, for example, Auditor-General Reports in assisting parliaments to evaluate defence morale (DCAF, 2010, p. 58). Oversight of this aspect is crucial to ensure that levels of morale are adequately addressed and regularly assessed.

Defence infrastructure. The IPU and the DCAF make brief reference to oversight of defence infrastructure, but place focus on the budgetary aspects thereof (Born, 2003, p. 134,157). Countries such as the US has, in the past, established a Base Realignment and Closure Commission that conducts effectiveness reviews of defence infrastructure (Tagarev, 2010, p. 105). Similarly, South Africa has established an Interim National Defence Force Service Commission whose tasks include the evaluation of defence infrastructure (Louw, 2013, p. 68). Oversight of infrastructure can be linked to that of interdepartmental cooperation as other government departments are often responsible for the development and maintenance of defence infrastructure.

A further matter of clarification regarding the application of oversight tools should be noted. Parliamentary debates, questions, special defence inquiries, oversight visits, the use of external audit and lower-order oversight often take place at various locations within parliaments. Debates, for example, are conducted at plenary and committee level (Born, 2003, p. 77; Cover & Meran, 2013a). In turn, oversight visits and study tours are predominantly conducted by committees (Agnihotri, 2011, p. 6; N. Naidoo, 2012, p. 43). Parliamentary questions again fall outside both the parliamentary committee system and the plenary, except in cases of oral questioning or where ministers respond verbally to questions during a plenary (Pelizzo, Stapenhurst, & Olson, 2004, p. 43; Rozenberg et al., 2011). The focus areas for oversight can similarly be addressed in various locations within a parliament, including committees, a multi-committee platform and the plenary. While noting that committees play the leading role in oversight as the ‘engine rooms’ of parliaments, a holistic approach is required when analysing oversight of the military, cognisant of all locations of oversight within parliament. In the development of its oversight tools, Transparency International, the IPU and DCAF clearly followed such a holistic approach. However, when studying the quality and standing of oversight of the military, it would be of value to treat the various ‘locations of oversight’ separately in an effort to ascertain the contributory value of each location.

4. Weaknesses of oversight of the military

Reasons for weak oversight can be multiple and vary among parliaments. Nonetheless, for an evaluative study on parliamentary oversight, general factors that may undermine effective oversight should be determined. The IPU and the DCAF (Born, 2003, pp. 71–76) provide four security-sector specific conditions for effective oversight including clearly defined legal powers, customary practices, resources and expertise, and political will. These conditions can be used as a broad framework to determine factors contributing to weak oversight.³⁴

Clearly *defined constitutional and legal powers* for oversight would be a natural assumption in a democratic setting that emphasises the separation of powers and a system of checks and balances. However, security-related aspects are, in some countries, considered purely in the domain of the executive. Therefore, for effective oversight, constitutional and/or other legal requirements for executive accountability to parliament regarding defence matters are essential (Born, 2003, p. 71).

Customary practices refer to oversight that falls outside the scope of legislated oversight requirements. It includes “parliamentary oversight backed by social norms” (Born, 2003, p. 74). While this aspect of oversight is difficult to measure, it can be argued that a democratic setting lends itself to increased levels of oversight as a social norm. For example, the World Bank found that countries with a higher level of democracy tend to utilise more oversight tools (Pelizzo & Stapenhurst, 2004, pp. 19–

³⁴ The conditions affecting oversight effectiveness in the security sector presented by the IPU and the DCAF correlates broadly with factors highlighted by Ogul and Aberbach in Rockman (1984, p. 425). Ogul and Aberbach’s factors include, in addition to that of the IPU and DCAF, a focus on committee relations with the agency (department), the roles of individuals on a committee, and the nature of the subject matter and its newsworthiness.

20). The availability of oversight tools to a parliament therefore serves as a logical starting point for reviewing factors that might contribute to weak oversight. A lack of utilisation of oversight tools is therefore a contributing factor to weak oversight. Furthermore, the optimal use of oversight tools, rather than its mere availability to parliaments, represents an additional measure of effectiveness.

Resources and expertise has specific bearing on parliamentary committees. Committees are considered the 'engine rooms' of parliaments and their strength is imperative to prevent weak oversight. Yet, Malcolm (in Shaw, 1998, pp. 238-239) and Yamamoto (2007) caution that committees are not universally effective. Several factors can contribute to this. First, MPs are not necessarily content experts and may not possess the necessary knowledge of the defence sector to perform adequate oversight. As such, knowledgeable researchers or other forms of content advisors are necessary to prevent weak oversight (Born, 2003, pp. 74-75). Second, a lack of frequency in considering policy or current issue reports from government departments may contribute to weak oversight. While frequent engagement itself does not ensure quality oversight, regular engagements are nonetheless essential. In essence, oversight is both about quantity and quality (Corder et al., 1999, p. 20; Rockman, 1984, pp. 418-419). Third, and linked to frequent engagement, Born (2003, pp. 73-74) refers to it as the "time factor." This includes the need for timely briefs to parliaments on defence matters that allows for thorough engagement by MPs.

Political will is a necessary parliamentary feature for the prevention of weak oversight. Although difficult to measure political will, the World Bank (Born, 2003, p. 76) notes three possible indicators of a lack of political will. First, due to party discipline, parliamentarians from the governing political party may be unwilling to effectively hold the executive to account (also see Power in Pelizzo *et al.*, 2004, pp. 47-58). This is, for example, often reflected in "sweetheart questions" by MPs of the governing party that do not effectively scrutinise executive activity (Graham, 2013, p. 191; Nomdo, 2013, p. 4). Party discipline can also be linked to the notion of executive dominance. Executive dominance "describes governments that have the political and the legislative initiative, along with the resources, competence, information, and know-how, necessary to analyse pressing problems and formulate policies and solutions" (Olson *et al.*, 2008, p. 118). In such cases, executive capacity often outweighs that of a parliament. Both the concepts of party discipline and executive dominance are undesirable in a democratic setting where the separation of powers aims to bring about a system of checks and balances. Second, a dearth of political will may be enhanced due to a lack of public interest in defence matters. In this sense, the inclusion of external role players such as NGOs, the media and other specialists with an interest in defence is essential. Committees, for example, can add to the effectiveness of oversight by inviting such interest groups to brief parliament on selected defence matters (Ogul & Rockman, 1990, p. 9; Pelizzo *et al.*, 2004, p. 18). Third, parliamentary findings on defence may not be disclosed due to security considerations.

Finally, in addition to the four security-sector specific conditions for effective oversight discussed above, literature on parliamentary oversight suggests that the impact of oversight should be

considered. Simply put, when oversight does not have impact on executive behaviour it can be considered as weak. However, the exact impact of oversight is difficult to measure and analyse. Ogul and Rockman (1990, p. 6) note that it is necessary to differentiate between formal and informal forms of oversight by parliament over the executive. Formal oversight refers to structured and open parliamentary oversight while informal oversight is often more subtle in nature and the effects thereof cannot be easily observed and/or analysed. One means of determining a committee's commitment to oversight is to observe the *follow-up* on recommendations made by parliaments. In practical terms, this refers to follow-up debates by committees on recommendations made or requesting government officials to report on progress made (Agnihotri, 2011, p. 9; Pelizzo *et al.*, 2006, p. 44). Limited follow-up on recommendations can thus be considered a clear indicator of weak oversight.

The sections above provided a broad overview of the concept of oversight, the tools available to parliaments for effective oversight of the military, key focus areas for oversight, and several weaknesses that may impact negatively on oversight of the military. The following sections provide an overview of how these tools, focus areas and potential weaknesses in oversight of the military play out in selected countries.

5. International comparison: Oversight of the military in selected countries

Chapter 1 outlined the need for a comparative element to the study to assist in shaping the reality of parliamentary oversight of the military around the world. The rationale behind the selection of the Parliaments of the UK, Canada, Australia, Zambia and India as comparative cases was also provided, mainly due to them being based on Westminster systems comparable to South Africa's Parliament. Given the demarcation of the study as a holistic case study, the comparative element presented here does not represent an exhaustive in-depth study of oversight of the military in the selected countries. Rather, the aim is merely to determine which tools and focus areas are utilised in these parliaments as per the findings in the previous sections and according to international rankings where available. Potential weaknesses of oversight are also highlighted.

The cases selected present an array of democracies, ranging from established democracies to relatively new democracies, all with similar parliamentary systems. The countries selected reflect various levels of democratic maturity, with some rated stronger democracies than others (Freedom House, 2015a; Kekic, 2007). The selected countries also reflect various levels of success in the utilisation of parliamentary oversight tools and oversight of defence-related focus areas, as per existing studies (Cover & Meran, 2013b; Olson *et al.*, 2008; Yamamoto, 2007). The section commences with an overview of the UK Parliamentary oversight of the military, which is discussed in a somewhat more comprehensive manner than the other cases. The reason for this is twofold. The UK represents a generally accepted good case study for oversight of the military (to be discussed). It also allows for the section to commence with a thorough practical application of the identified tools and focus areas for oversight. In the following sections, each case was analysed over the period of

one complete parliamentary period between two elections (normally a four to five year period). The selection of the parliamentary periods for review was based on availability of data and a desire the intention more recent data comparable to later developments around South Arica's Fourth Parliament. A comparative summary of the findings is presented in Addendum A to the study that can be read in conjunction with the sections below.

5.1 Parliamentary oversight of the military in the United Kingdom Parliament

Oversight of the military in the UK Parliament plays out both in the plenary and at committee level. The Common's Select Committee on Defence is primarily responsible for examining "expenditure, administration, and policy of the Ministry of Defence and its associated public bodies" (UK Parliament, n.d.). The UK Parliament achieves high levels of general oversight of the military according to the DCAF, IPU and World Bank (to be discussed) (Born, 2003; Olson *et al.*, 2008; Yamamoto, 2007). These ratings should thus reflect an elevated use of oversight tools, coverage of various focus areas including lower-order oversight, and limited weaknesses in the oversight process.

5.1.1 Oversight tools utilised in the UK Parliament

The tools identified as crucial to effective oversight are widely available and utilised in the UK Parliament. *Debates* on defence matters are common in the UK Parliament, both at plenary and committee level, notably in the House of Commons. In the plenary, debates stem from oral questions and answers, written statements and petitions. Between 2010 and 2015, for example, major plenary debates included the Strategic Defence and Security Review, spending priorities of the military, defence and cyber-security, defence equipment and support as well as defence acquisition, etc. (House of Commons, 2016). Committee work further results in (informs) plenary debates, as is often the case with debates on defence expenditure where the committees analyse expenditure and produce reports that are tabled and debated in the plenary (see for example House of Commons, 2015). Committee engagement on defence is also frequent. Between 2010 and 2015, the Select Committee on Defence held a total of 198 meeting on various defence-related matters (White, 2015, p. 9).

Parliamentary questions as an oversight tool is widely used in the UK Parliament. In terms of oral questions, Rozenberg *et al.* (2011, p. 342) ascribe the utilisation of the tool to the "greater time devoted to that procedure – one hour a day for four days of the week, representing about 8% of the sitting time of the House." They note, for example, that between 2004 and 2005, 897 oral questions were put the Ministry of Defence (Rozenberg *et al.*, 2011, p. 343). Written questions to the Ministry of Defence reflect even higher levels than oral questions. Between 4 June 2014 and 30 June 2015, for

example, 2 567 written questions were answered by the Ministry of Defence while 3 048 written questions were answered between June 2015 and June 2016.^{35 36}

Special defence inquiries as an oversight tool in the UK Parliament are frequently used. These inquiries are carried out by the Select Committee on Defence on a variety of aspects and “results of these inquiries are public and many require a response from the Government” (House of Commons Defence Committee, 2016b). In the 2015/16 financial year, for example, the Select Committee on Defence announced four special inquiries, dealing with matters including military exercises and defence expenditure (House of Commons Defence Committee, 2016b).

Oversight visits are often conducted by the Select Committee on Defence. The Committee seems to place focus on visiting British military missions abroad. For example, on 24 November 2009, the Committee resolved to visit British Forces in the Falkland Islands. On 13 July 2010, the Committee resolved to visit Afghanistan to assist MPs with an inquiry into British military operations in that country (House of Commons Defence Committee, 2010). On 16 February 2011, the committee resolved to visit the United States as part of the inquiry into the war in Afghanistan (House of Commons Defence Committee, 2012). Domestic oversight visits are also conducted. On 18 June 2013, a resolution to visit the Royal Air Force in Waddington for discussion on the Strategic Defence and Security Review was made. On 5 November 2013, a resolution was taken to visit the National Army Recruitment Centre in Uphaven. The Committee further provides individuals with the power of representation to conduct domestic and international oversight visits. For example, on 8 April 2014, the Committee resolved that two members visit the Fleet Diving Squadron at Havant as representatives of the Committee. On 4 June 2013, it was resolved that the chairperson and one member visit France to attend the Summer Defence University (House of Commons Defence Committee, 2014b). A brief review of oversight visits between 2010 and 2014 reveals significant focus on operational matters. While international visits are conducted, *study tours* on best practice to other countries are limited.

In terms of the utilisation of *external audit*, the UK National Audit Office (NAO) completes auditing of all government departments and reports to the House of Commons’ Committee on Public Accounts (Born, 2003, pp. 139–140). In 2015, for example, the NAO completed eight independent reports on defence-related aspects including, *inter alia*, defence acquisition, defence equipment as well as strategic financial management in the Ministry of Defence. In 2014, five such reports were compiled. Importantly, the NAO also includes an annual audit report of the Ministry of Defence’s accounts and provides an audit opinion (National Audit Office, 2016). Information compiled by the NAO is extensively used in Parliament. Minutes from the Public Accounts Committee’s 2014/15 engagements revealed several inquiries on defence matters based on the work of the NAO. This includes a

³⁵ Information based on the UK House of Commons search function on written questions available at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/>

³⁶ To align information of the House of Commons and its Select Committee on Defence, written questions by Members of the House of Lords to the Ministry of Defence have been excluded.

resolution to inquire on the Ministry of Defence Major Projects Report and Equipment Plan as well as the need for reforming defence acquisition (House of Commons Committee of Public Accounts, 2015).

5.1.2 Focus areas of defence oversight in the UK Parliament

Given the regular use of a wide range of tools, it is not surprising that the UK Parliament covers a range of focus areas of oversight. *Defence budgets* are debated frequently, both *ex post* and *ex ante*. In its 2013 study, Transparency International allocated the UK parliament a score of 83/100 in terms of its defence budgetary oversight. This score reflects “a defence committee with strong powers of scrutiny over the defence budget, and is independent and adequately resourced... [it also has]... the facility for robust parliamentary scrutiny of the defence budget’s internal audit procedures and outcomes” (Cover & Meran, 2013a, p. 29). Engagement on defence budgetary matters is reflected in, for example, the Defence Committee’s April 2016 Report on Defence Expenditure. This holistic overview focused not only on medium term expenditure, but also on long term planning and called for the allocation of at least 2% of the country’s Gross Domestic Product (GDP) towards defence (House of Commons Defence Committee, 2016d). Furthermore, as noted, the NAO’s engagement with the Committee on Public Accounts adds value in terms of analysing defence expenditure and ensuring value for money spent.

Engagement on *defence policy* can be considered a strong point for the UK Parliament, largely due to a strong committee that has the power to “veto, amend and approve proposals, including arms exports” (Cover & Meran, 2013a, p. 41). Policy matters are regularly and thoroughly discussed, notably by the Select Committee on Defence. For example, in July 2012, the British Armed Forces introduced the Future Army 2020 policy document with the aim of reorganising the Army. The Committee held several engagements with the Ministry of Defence and independent experts on this policy document between 2012 and 2014. Four evidence sessions were held and 13 pieces of written evidence were received while oversight visits by the Committee were also conducted. A forum was set up that received 494 comments from at least 171 contributors. On 9 January 2014, the Committee released an official report with findings to government (House of Commons Defence Committee, 2014a, pp. 14–15). In addition, the NAO compiled a report on the Army 2020 vision that was published and made available to Parliament (National Audit Office, 2014). Given the thorough engagement on such policy matters, it is unsurprising that Transparency International notes the UK Parliament as a good practice case study and allocates it a score of 95/100 in terms of oversight of defence policy (Cover & Meran, 2013a, p. 41).

Oversight of *defence procurement* is an area in which the UK Parliament has made significant advances. During the 1990s, Parliament received widespread criticism for its apparent failure to provide effective oversight over what was known as the Al-Yamamah procurement contract (Cover & Meran, 2013a, p. 42; Tagarev, 2010, p. 288). However, by 2013, Transparency International allocated

the UK Parliament a 95/100 score in terms of oversight of defence procurement. This score is strongly related to a higher level of legislation covering defence procurement and transparent procurement oversight processes (Cover & Meran, 2013a, p. 53). Furthermore, approval by Parliament's Select Committee on Defence is required for defence procurement of significant value (Toornstra, 2013, p. 31). The Committee also engages regularly on matters of acquisition and publishes reports demanding government responses when needed. For example, the Committee's Seventh Report for 2013 focused on re-evaluating acquisition principles and the acquisition process (House of Commons Defence Committee, 2013b).

Oversight of *human resources*, specifically in terms of the size of the military, often overlaps with the focus area of defence policy. This overlap was evident in the UK Parliament's handling of the Future Army 2020 Report noted earlier. Other personnel issues discussed at committee level related to the fair treatment of members of the armed forces. For example, the 12th Report of 2014 dealt with the Armed Forces Personnel and the Legal Framework for Future Operations. The Fourth Report of 2013 also considered the education of children of members of the armed forces (House of Commons Defence Committee, n.d.).

The UK Parliament is not required by law to approve the *foreign deployment* of the military (Toornstra, 2013, p. 30). However, the constitutional imperatives in the UK are moulded over time and this convention has been increasingly challenged. The participation of the UK armed forces in the 2003 war in Iraq was a turning point that brought about gradual change in Parliament's oversight of military deployments. Parliament gained increasing input and by 2011 it became widely accepted through convention that the institution has a significant role to play in controlling deployments (Political and Constitutional Reform Committee, 2013). This was formalised in two documents. First, in 2011, the Cabinet Manual noted that Parliament would have the opportunity to debate the deployment of military forces, prior to doing so, except in the event of an emergency (Political and Constitutional Reform Committee, 2013). Second, by July 2013, the House of Lords' Constitutional Committee noted that "save in exceptional circumstances, the House of Commons is given the opportunity to debate and vote on the deployment of armed forces overseas" (Lagasse, 2013). In August 2013, the convention was tested and confirmed as UK Prime Minister at the time, David Cameron, brought a potential deployment before Parliament. The potential deployment of the UK military to Syria was rejected through a vote in the House of Commons (Watt & Hopkins, 2013).

5.1.3 Lower-order focus areas of defence oversight in the UK Parliament

Lower-order focus areas for oversight of the military were added to this study as a potential expansion in an effort to broaden the criteria for determining the quality and standing of parliamentary oversight of the military. In order to review oversight of lower-order focus areas in the UK Parliament, activities of the Select Committee on Defence over a period of five years, from 2010 to 2015, were selected.

This allows a view of these lower-order focus areas in the UK Parliament over a full parliamentary term, which will assist in determining the relevance of such focus areas.

For the period under review, *annual reports* of the Defence Department were considered every year by the Select Committee. In addition, the Committee produced its own report following deliberations on the Departments' annual reports. These committee reports included findings on both departmental expenditure and performance (House of Commons Defence Committee, n.d.). Formal minutes of the committee, however, do not reveal any consideration of departmental expenditure and performance on a quarterly basis. Only quarterly reports on arms exports were considered by the Committee (House of Commons Defence Committee, 2016c).³⁷

Interdepartmental cooperation did not often serve as a stipulated item for discussion of the Select Committee on Defence during the period under review. However, during meetings on defence matters that may involve other state departments, the Committee often invited evidence from such departments. For example, during engagements on the education of children of service personnel, evidence was received from the Department of Education (House of Commons Defence Committee, 2012). Furthermore, in its Report on the Future Army Strategic Plan of the Ministry of Defence, the Committee noted that "[t]he smaller Army envisaged under Army 2020 needs to be innovative in the ways it works with the other Services. We call on the [Ministry of Defence] to set out in its response to our Report how Army 2020 will improve this joint working and how it has tested, or intends to test, the proposals" (House of Commons Defence Committee, 2014a, p. 6). The latter pronouncement by the Committee highlights the fact that interdepartmental cooperation between the Defence Department and other government departments are considered as important at parliamentary level.

Military training and education received sporadic attention in the Select Committee on Defence. Between 2010 and 2015, the education of military personnel received some focus, as is evident in a Committee meeting on 16 April 2013 where oral evidence on the matter was received (House of Commons Defence Committee, 2013a, p. 33). The Committee also produced a formal report on military education in July 2013 (House of Commons Defence Committee, 2013c). Discussions on military training were limited at Committee level, but did feature in plenary debates of the House of Commons. These were related to, for example, training of the UK armed forces domestically and internationally as well as aspects related to training of new recruits and technical training equipment (House of Commons, 2010, 2011, 2014).

Discussions on *gender and racial equality* in a defence context did not feature during the period under review. In June 2013, an inquiry was launched by the House of Commons Business, Innovation and Skills Committee (2013) on Women in the Workplace. However, no specific reference was made to aspects of gender equality in a defence context. Debates in the House of Commons regarding gender

³⁷ This study does not include a focus on oversight of arms exports. Although this is generally conducted by the defence committee of a parliament, it does not fall under the realm of oversight of the military as arms exports are generally managed by other departments, state-owned enterprises or entities.

in the military did arise, although limited. For example, a debate on 3 February 2014 looked specifically at the proportion of women in senior military positions (House of Commons, 2014).

Defence morale as a specific concept does not appear in the Select Committee on Defence's formal minutes for the period under review (House of Commons Defence Committee, 2016c). However, defence morale did emerge as a feature during some debates in the House of Commons. For example, a debate on 26 June 2012 on Defence Reform saw several MPs refer to concerns around deteriorating morale in the UK's armed forces (House of Commons, 2012).

Defence infrastructure was discussed occasionally by the Select Committee on Defence. For example, on 7 February 2012, the Committee dealt with 'The Armed Forces Covenant in Action Part 2: Accommodation' that included evidence from the Defence Infrastructure Organisation (House of Commons Defence Committee, 2012). Similarly, on 18 June 2014, the Committee considered aspects related to the maintenance of strategic roads infrastructure (House of Commons Defence Committee, 2015a). Debates in the House of Commons also included aspects related to military infrastructure, although it was on a limited scale. One of the most significant debates in this regard took place on 5 March 2013 and related to the Army Basing Plan (House of Commons, 2013).

5.1.4 Reviewing the potential for weaknesses in oversight of the military in the UK Parliament

The UK does not have a set constitution. Rather, the 'constitution' comprises sets of treaties, court judgments and parliamentary constitutional conventions. Of importance to this study is the convention that parliament is the ultimate sovereign authority, thus providing a basis for *constitutional and legal powers* determining oversight. The UK adheres to the doctrine of parliamentary sovereignty which means "that Parliament ... has, under the English constitution, the right to make or unmake any law whatever; and, further, that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament" (Dicey in Lijphart, 1999, p. 19). In the doctrine of parliamentary sovereignty then lie the 'legal' powers for parliament to conduct oversight. These powers have also been confirmed through customary developments in parliament since the fourteenth century, notably the development of the committee system. The powers of oversight by parliament was also confirmed by, for instance, the 1918 Haldane Report that noted the need for committees to align with the executive's departments to ensure effective checks on power (Haldane of Cloan et al., 1918). Similarly, in June 1979, a review of the parliamentary committee system saw the establishment of Select Committees to "scrutinise the expenditure, administration and policy of government departments" (Maer, Gay, & Kelly, 2009, p. 1).

Customary practices in terms of oversight refer to the availability and usage of oversight tools in parliament. It was already established that the five most significant tools for oversight of the military are not only available, but also extensively utilised by the UK Parliament (See Section 5.1). The UK is

also characterised by higher levels of democracy, and democratic principles are well entrenched as a social norm. Consistency in elevated levels of democracy is reflected in, for example, the UK's high score in the Economists' Index for Democracy (Kekic, 2007, p. 3) and the Freedom House's Report on Global Freedom (Freedom House, 2015a, p. 3).³⁸

The Select Committee on Defence seems to receive significant support in terms of *resources and expertise*. The Committee has at least ten support staff, including five committee specialists (House of Commons Defence Committee, 2016a). In addition, some Committee Reports reveal the extensive use of external specialist advisors to assist the committee with input on specific military matters (House of Commons Defence Committee, 2014a, p. 15; 2015b, p. 3).

Political will, in general, is difficult to determine and the case of the UK is no different. There are, however, positive indicators. Executive dominance is arguably limited through adherence to the doctrine of parliamentary supremacy (as discussed earlier). The fear that executive capacity will outweigh that of parliament is limited through the appointment of a number of specialists to support parliament on defence-related matters and the additional utilisation of external advisors. This also includes engagements with NGOs and other interest groups which ensure public interest and input into the work of the Committee. A 2016 Report on Defence expenditure did, for example, receive written evidence from at least ten interest groups, including academics, public campaigns and government departments (House of Commons Defence Committee, 2016d). In addition, engagement with the public regarding the work of the committee can be considered effective due to the wealth of information available on the House of Commons' website and the release of occasional press statements by the Committee.³⁹

Following-up on parliamentary recommendations is an essential part of ensuring the impact of oversight. The UK Parliament presents a highly structured system that ensures re-engagement with the executive following parliamentary scrutiny. Following a committee inquiry, "[t]he Government will normally make a response to a select committee report, either publishing it itself (as a Command Paper) or sending a memorandum to the committee, which can be published as a special report... although the committee can publish the response with further comments or take further evidence" (UK Parliament, n.d). The executive in the UK normally undertakes to such a response within two months of the release of a committee report. This protocol is generally adhered to in the case of the Select Committee on Defence where numerous reports are published and official responses from the executive captured. For example, in 2014/15 the executive provided responses to eight of the 11

³⁸ The Economist' criteria was selected for reference here as it ranks nations according to criteria closely related to the definitions of democracy offered in this study (A competitive, multiparty political system; Universal adult suffrage; Regularly contested elections; and, significant public access of major political parties to the electorate through the media and through generally open campaigning). The inclusion of the Freedom House index was prompted for the link between freedom and democracy, the need to have a more recent review of the levels of democracy globally, and the fact that this index also informed the World Bank (Pelizzo et al., 2006) study on parliamentary oversight which is used in this study. Read together, these scores ought to provide a broad yet accurate indication of the level of democracy in a country.

³⁹ Press statements mostly refer to the release of Committee Reports to the public. However, such statements are not formally categorised on the UK Parliaments website after 2010.

official Committee Reports (House of Commons Defence Committee, n.d.). The three reports that did not receive responses were of an interdepartmental nature or dealt with arms control which is, as a norm, not responded to in report format.

5.2 Parliamentary oversight of the military in Canada

The Canadian Parliament represents another Westminster styled parliament within a well-established democracy. The Canadian Parliament is widely credited for its extensive use of oversight tools. Furthermore, it is noted by Transparency International as having high levels of oversight of defence expenditure (Gorbanova & Wawro, 2011a, p. 26; Olson *et al.*, 2008, p. 15).⁴⁰ It would therefore be of value to review the Parliament's oversight of the military to determine whether the extensive use of oversight tools results in sufficient coverage of the focus areas of defence oversight and lower-order focus areas. Jointly, the work of the Senate's Standing Committee on National Security and Defence as well as the House of Commons's Standing Committee on National Defence is of specific importance.

5.2.1 Oversight tools utilised in the Canadian Parliament

Studies by the World Bank (Olson *et al.*, 2008, p. 10) and by the Canadian Institute for Research on Public Policy (Bland & Rempel, 2004) note the extensive use of oversight tools in the Canadian Parliament. *Parliamentary debates* occur regularly both at plenary and committee level. For example, the Standing Committee on National Defence held 150 meetings during Canada's 41st Parliament (2011 to 2015). The Standing Committee on National Security and Defence held 80 meetings over the same period (Parliament of Canada, 2016d, 2016e). A review of the Hansard of the House of Commons over this period also reveal regular debates on defence matters based on parliamentary questions, committee reports and other dedicated defence-debates (Parliament of Canada, 2017). Several debates in the Senate were also held over this period including, for example, debates on the purchasing of fighter aircraft. *Parliamentary questions*, both oral and written, are used in the Senate and House of Commons, but to a limited extent. Oral questions and answers are limited to 35 seconds each, thus impacting on the depth thereof (Bland & Rempel, 2004, p. 19). In the Senate, oral question sessions are limited to 30 minutes during a sitting while the House of Commons allocates 45 minutes for this purpose (IPU, 2013a, 2013b). In the 41st Parliament, only 55 written questions were posed to the Minister of Defence by MPs from the House of Commons (Parliament of Canada, 2013). The written questions for the Senate during the 41st Parliament are not available in electronic format. However, a review of the Order Papers reveals that despite several motions related to defence being introduced, written questions in the Senate were very limited.

⁴⁰ Canada is not ranked in terms of its overall defence oversight by the IPU, Transparency International or the World Bank. However, regular reference in other literature to its high standards of broad oversight warrants inclusion in this study.

Special defence inquiries are regularly conducted, either initiated by the committees themselves or by order from the Houses of Parliament. In the 41st Parliament, the Senate's National Security and Defence Committee conducted 17 in-depth studies (excluding legislative studies) while the House of Commons' Standing Committee on National Defence conducted 16 such studies (excluding legislative and budgetary studies) (Parliament of Canada, 2016a, 2016g). Domestic and international *oversight visits and study tours* are available as oversight tools to committees. For example, a review of committee expenses of the National Security and Defence Committee during the 41st Parliament reveals two external tour to the United States and at least eight oversight visits to various defence institutions as part of in-depth studies. (Parliament of Canada, 2016b). A review of meetings of the Standing Committee on National Defence reveals no oversight visits or study tours during the 41st Parliament. Finally, *external audit* is used extensively by the Canadian Parliament. The regular reporting by the Auditor-General of Canada to Parliament should be noted. For example, between 2011 and 2015, the office of the Auditor-General submitted at least seven reports on various defence-related matters to Parliament (Auditor-General of Canada, 2016).

5.2.2 Focus areas of defence oversight in the Canadian Parliament

The *defence budget* receives regular scrutiny by the Canadian Parliament, notably the Standing Committee on National Defence that reviews expenditure at more than one occasion per year. These reviews ensure the evaluation of the budget both *ex post* and *ex ante*. The Auditor-General also prepares reports on defence expenditure for Parliament (Auditor-General of Canada, 2016; Parliament of Canada, 2016e). However, Bland and Rempel (2004, pp. 25–27) have in the past questioned the effectiveness of expenditure oversight and claims that estimates are not reviewed in detail. This tendency continues to be reflected in, for example, a review of the meetings of the Standing Committee on National Defence that reveals relatively short meetings on defence expenditure (Parliament of Canada, 2016e). A similar trend unfolds in terms of *defence policy* oversight. For example, in the 41st Parliament, the Standing Committee on National Defence published a number of reports discussing policy matters such as Defence in North America and Canada's Role in International Defence Cooperation (Parliament of Canada, 2016f). However, Bland and Rempel (2004, p. 21) note that "neither the Commons committee nor the Senate reports have ever been particularly successful in decisively influencing the government's defence policy. Defence policy is ultimately made not by Parliament." Lagasse (2010, p. 20,24) states that direct parliamentary involvement in the setting of defence policy should be addressed cautiously as there are negative effects to consider but that other efforts, such as enhancing the committees' support staff, should rather be considered to strengthen oversight of defence policy in Canada.

Between 2009 and 2015, the Auditor-General of Canada produced four reports dealing with *defence procurement* which were submitted to Parliament. The Standing Committee on National Defence did arrange meetings related to some of these procurement aspects (such as fighter jet and helicopter procurement), but neither this Committee nor the Senate Committee produced reports related to the

work of the Auditor-General (Parliament of Canada, 2016d, 2016e). In contrast, matters related to *human resources* are regularly reviewed, notably by the Standing Committee on National Defence. A review of meetings during the 41st Parliament reveal engagement on the welfare of the Canadian Armed Forces and a number of related human-resources discussions such as the care of injured soldiers and sexual assault in the military (Parliament of Canada, 2016d, 2016e).

Defence deployments in Canada remain the prerogative of the executive as per the National Defence Act of 1985. Nonetheless, a long tradition of the executive consulting the House of Commons on foreign defence deployments exists despite a lack of legal requirements. Lagasse (2013) states that “the executive is left with a considerable degree of discretion over how and when the armed forces are deployed, as well as how and when parliamentarians can express their views on the decision to deploy.” Therefore, parliamentary votes on external defence deployments are rather a show of support than an executive decision and have no obligatory impact on the decision of the executive. There are signs, though, that the Canadian Parliaments’ impact is increasing. In 2008, the Parliament moved that the government of Canada notify the North Atlantic Treaty Organisation (NATO) that Canada will end its presence in the Kandahar Province of Afghanistan as of July 2011 (Parliament of Canada, 2008). The executive ultimately adhered to this date.

5.2.3 Lower-order focus areas of defence oversight in the Canadian Parliament

Both the defence committees of the House of Commons and Senate address matters of *annual and quarterly performance*. In the 41st Parliament, for example, committee minutes reveal a focus on aspects such as the armed forces’ performance in external missions and the implementation of defence policies (Parliament of Canada, 2016d, 2016e). Furthermore, the Canadian Parliament notes the requirement for the Minister of Defence to table an Annual Report within three months after the end of the financial year (Parliament of Canada, 2016a). Canada’s Financial Administration Act (Section 65) was amended in 2009 to make provision for quarterly financial reports to be submitted to Parliament. The latter does not include quarterly performance, but only financial expenditure. Aspects of *inter-departmental cooperation* do not receive any specific attention by the Standing Committee on National Defence. Rather, the Senate’s National Security and Defence Committee has an overarching mandate, often dealing with various departments that operate in the realm of national security such as the Royal Canadian Mounted Police and Ministry of Foreign Affairs (Parliament of Canada, 2016d).

Although no dedicated meetings were held by either of the defence committees on *military training* in the 41st Parliament, it did receive attention during meetings on defence expenditure (Parliament of Canada, 2016e). The National Security and Defence Committee also focused on training in its in-depth studies on Canada’s national security and defence policies, circumstances and capabilities during the 41st Parliament (Parliament of Canada, 2016d). Matters of *gender equality* received limited attention in the 41st Parliament. The Standing Committee on National Defence, in a meeting on 17 June 2015, heard evidence on gender inequality, but this was rather in the context of sexual

harassment (Parliament of Canada, 2016e). A similar view of discussions on *defence morale* emerges where it is discussed as part of other meetings, but not addressed as a stand-alone aspect. No meetings and/or reports dealing specifically with the state of *defence infrastructure* are reflected in an overview of activities of the defence committees in the 41st Parliament. However, spending on infrastructure did emerge as part of meetings on the Departments expenditure estimates (Parliament of Canada, 2016d, 2016e). In 2012, the Auditor-General of Canada also submitted a report to Parliament on Real Property in the defence environment, but this was not discussed by either of the committees.

5.2.4 Reviewing the potential for weaknesses in oversight of the military in the Canadian Parliament

Section VI of the Canadian Constitution deals extensively with the powers of Parliament, including the institution's right to legislate over defence affairs (Union of Canada, 1867). Set *constitutional provisions* for parliamentary oversight of the military are therefore in place. Furthermore, oversight tools are readily available and utilised by the Canadian Parliament and form part of an entrenched democratic system, thus reflecting democratic *customary practices*. Customary practices are underpinned by Canada's maintenance of consistently high levels of democracy and democratic principles/practices. This is reflected in high ratings by the Economists' Index for Democracy (Kekic, 2007, p. 3) and the Freedom House's Report on Global Freedom (Freedom House, 2015a, p. 20). Despite these achievements, the *political will* to execute oversight of the military in the Canadian Parliament has been questioned in the past. Bland and Rempel (2004, pp. 19–20) argue that competition between political parties often impacts negatively on cooperation, which weakens oversight. This view is, however, disputed by Lagasse (2010, p. 13) who notes that “[t]he partisan adversarial system evolved to guarantee that the government is vigorously held to account.” To balance these views, a potential weakness was corrected in 2002 that saw the shift from the Prime Minister appointing chairpersons of parliamentary committees to them being nominally elected. Bland and Rempel (2004, pp. 20–21) note, however, that this is unlikely to stop chairpersons (and other members) from toeing the party line that impacts negatively on broader oversight. They further argue that committees cannot reach their full potential and that there is a need to “reduce partisanship and party discipline in committee deliberations and recommendations; emphasize the importance of examining the annual estimates in detail; increase the experience and knowledge of committee members” (Bland & Rempel, 2004, p. 3). The criticism above correlates strongly with signs of executive dominance.

Research support to Canadian MPs are provided by the Parliamentary Library (Parliament of Canada, 2016c). Assistance to the Defence Committees is provided on an *ad hoc* basis and lack regularity. Bland and Rempel (2004, p. 25) as well as Lagasse (2010, p. 19) highlight this as an institutional shortfall, noting that defence committees receive limited research capacity and that not all researchers are defence experts. Minutes from meetings do, however, reflect a higher utilisation of

external defence experts to brief both defence committees. In terms of *follow-up* on parliamentary recommendations to parliamentary oversight of the military, there seems to be limited success. For example, the Senate's National Security and Defence Committee produced eight substantive reports (excluding legislative reports) during the 41st Parliament to which four government responses are noted in that period (Parliament of Canada, 2016b). The Standing Committee on National Defence, in turn, produced 19 reports to which three government responses are noted (Parliament of Canada, 2016f). In some cases, such as the Committee's Report on the Defence of North America, the Committee made clear recommendations with no official government response noted in relation to the report. Therefore, scope for improvement of follow-up arguably exists.

5.3 Parliamentary oversight of the military in Australia

Oversight of the military by the Australian Parliament is highly rated on its efficiency and impact. Transparency International, for example, considers Australia (along with Germany) to have the lowest corruption risk in the defence sector due to, in part, the effectiveness of parliamentary oversight of the security sector (Cover & Meran, 2013a, pp. 7–9). A 2011 study by Transparency International also found it to have among the world's most transparent defence budgets (Gorbanova & Wawro, 2011a, p. 26). Given this acclaim, it would be expected that the Australian Parliament utilises a high number of oversight tools and covers a wide array of defence-related focus areas.

5.3.1 Oversight tools utilised in the Australian Parliament

Defence in the Australian Parliament receives significant attention, notably from the Senate's Committee on Foreign Affairs, Defence and Trade as well as the Joint Standing Committee on Foreign Affairs, Defence and Trade. *Parliamentary debates* occur regularly within these committees as well as at plenary level. During plenaries, debates are often based on the introduction of committee reports while written and oral questions also prompt defence-related debates. Committee meetings occur regularly. For example, during the 43rd Parliament (September 2010 to August 2013) the Senate Committee met a total of 176 times while the Joint Standing Committee held 306⁴¹ meetings (Parliament of Australia, 2016d). The difficulty with determining the actual number of committee debates regarding defence lies in the multifocal nature of the committees. Given that foreign relations, trade and defence all form part of the portfolio of these committees, the exact level of debate on defence-specific matters is difficult to determine. However, a review of completed inquiries and reports in the 43rd Parliament reveals that that the Senate Committee completed 23 reports of which at least 11 related directly to defence. The Joint Standing Committee drafted 19 reports during the same period of which six related directly to defence (Parliament of Australia, 2013a, 2013b). It is therefore evident that defence matters are considered and debated with relative frequency.

⁴¹ Statistics of meetings for the Joint Standing Committee combine briefings and inspections with private and public meetings. These often overlap, so the actual number of meetings will be less.

Parliamentary questions are widely used in the Australian Parliament. During the 44th Parliament (November 2013 to April 2016), a total of 199 written questions were posed by MPs of the Senate to the Minister and Deputy Minister of Defence of which 192 were responded to (The Senate of Australia, 2015). *Special defence inquiries* are used to a lesser extent by both the committees dealing with defence. The committees publish reports on in-depth studies, but these stem largely from normal committee work and are not necessarily special defence inquiries. Furthermore, given the multiple focus areas of the committees, these reports focus moreover on matters related to international relations (Parliament of Australia, 2016b; The Senate of Australia, 2016b). *Oversight visits and study tours* are referred to as ‘inspections’ in the Australian Parliament and are conducted relatively frequently. In terms of defence-related oversight visits, the Joint Standing Committee conducts more frequent visits. During the 43rd Parliament, for example, it conducted nine oversight visits, including a visit to the Middle East Area of Operations in March 2012 and a European visit to countries that build and maintain equipment for the Australian Defence Force (Parliament of Australia, 2016c, 2016d). Finally, *external audit* services are provided by the Australian National Audit Office that formulates an array of reports for consideration by Parliament. These reports cover both performance and financial audits and are frequently used by the defence committees (Australian National Audit Office, 2016).

5.3.2 Focus areas and lower-order focus areas of defence oversight in the Australian Parliament

Providing oversight of the *defence budget* carries priority in the Australian Parliament. The Senate’s Foreign Affairs, Defence and Trade Legislation Committee takes primary responsibility and reviews the defence budget annually. A review of oversight done by the Committee in the 44rd Parliament reveals intense rounds of public hearings and stakeholder engagements regarding the budget. Following this process, an official Committee Report with budgetary recommendations is published (Parliament of Australia, 2016a).

Despite its multidimensional focus, the Joint Standing Committee on Foreign Affairs, Defence and Trade produces a yearly review of the DOD’s annual report that covers various aspects of the Defence Force. A review of the 2012/13 and 2013/14 Reports reveals oversight of the following focus areas and lower-order focus areas:

- *Defence policy* oversight is included in the scope of activities of the Committee. This is evident in, for example, its intention around tracking the 2015 White Paper on Defence (Parliament of Australia, 2015, pp. 13–14).
- *Defence procurement* as well as procurement processes were reviewed to an extent when the Committee addressed asset management and capital investment in 2014 (Parliament of Australia, 2014a, pp. 7–15). In 2015, the Committee also reviewed procurement of new fighter aircraft (Parliament of Australia, 2015, pp. 42–44).

- *Human resources* was reviewed in 2015, including a focus on recruitment, critical areas of employment and the employment of women in the Australian military (Parliament of Australia, 2015, pp. 15–36). The latter also highlights a focus on *gender*. However, reports reveal no specific reference to advancing opportunities for indigenous Australians in the armed forces, but do make reference to enhancing such opportunities in terms of facilities investment contracts (Parliament of Australia, 2014a, p. 11). Personnel well-being was reviewed through, for example, a focus on mental well-being of the armed forces. Although this has some relevance to the *morale* of the Australian armed forces, no dedicated discussions on force morale are reflected in committee minutes.
- *Annual reports* submitted to Parliament by the DOD are considered by the Joint Standing Committee on Foreign Affairs, Defence and Trade, including an overview of performance. This practice has been in place since 2002 and results in the Committee producing its own report focusing on specific aspects of performance (Parliament of Australia, 2015, p. vii). No *quarterly performance* or financial reports were considered.
- *Defence infrastructure* was reviewed in terms of base rationalisation, the management of military assets (including land) and defence housing and accommodation (Parliament of Australia, 2014a, pp. 3–11; 2015, pp. 53–56). The Defence Housing Australia budget and activities were also reviewed annually.
- *Training* in the Australian Defence Force was addressed in committee reports, although in-depth studies thereof seem to be lacking. Committee recommendations included the need to upgrade training facilities and balancing retention with recruitment to lower the cost of training (Parliament of Australia, 2014, p. 4; 2015, p. 24). Although reference to military education is made, limited engagement on this matter is noted.

While the above focus areas and lower-order focus areas enjoy some degree of parliamentary attention, two other focus areas generally receive limited attention. The scope for parliamentary oversight of *defence deployments* remain ambiguous. Section 51K (2)(f) of the Australian Defence Act of 1903 states that “[w]hen a general security area is declared (within the Australian territories), the Minister must forward, within 24 hours after the declaration is made, a statement to the Presiding Officer of each House of the Parliament for tabling in that House declaring the content of the order and the area affected.” Section 51X (1)(d) of the Act further notes that the Minister must report any utilisation of the Defence Force that occurred under the order. While the Defence Act provides for parliamentary oversight of defence deployments, it does not make any clear pronouncements on the powers of Parliament in this regard. In the past, opposition parties have generally concurred with the deployment of the armed forces, but in some cases, such as the 1991 Gulf War, the opposition parties were against involvement. This resulted in a vote where the majority of the House of Representatives voted in favour of deployment (McKeown & Jordan, 2010, pp. 7–23). However, regardless of a vote, the deployment prerogative remains with the executive. Furthermore, no clear focus is placed on *interdepartmental cooperation* by the Committees. While reference is made to cooperation between the Defence Department and the Department of Veterans’ Affairs, no other

interdepartmental aspects were reviewed, for example, between 2012 and 2014. However, the nature of the Committees (dealing with foreign affairs, trade and defence) does mean some aspects of departmental overlap are catered for.

5.3.3 Reviewing the potential for weaknesses in oversight of the military in the Australian Parliament

As noted, parliamentary oversight in Australia is highly rated by a number of international institutions. This notion is reflected in the limited weaknesses to oversight identifiable in Australia. The principle of parliamentary oversight is deeply entrenched in the Australian Constitution. This is specifically extended to military functions in the country. Section 51(vi) of the Constitution (Parliament of Australia, 1990) notes “[t]he Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to... the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth.” Given these legal parameters, it is not surprising that oversight tools are widely available and utilised, reflecting enshrined democratic *customary practices* of oversight. This is further amplified by Australia’s consistently high rating in terms of democracy and democratic principles/practices as reflected in the Economists’ Index for Democracy (Kekic, 2007, p. 3) and the Freedom House Report on Global Freedom (Freedom House, 2015a, p. 20).

There is, arguably, elevated levels of *political will* to do oversight. In 1989, a study by the Department of the Parliamentary Library and the Australasian Political Studies Association found executive dominance of Parliament to be largely in place and that party discipline inhibits the ability of MPs to check executive actions (McIntosh, 1989, p. 3). By 2000, however, a study on parliamentary control of the executive in countries around the world found Australia to have a balanced share of power between the executive and parliament (Pennings, 2000a, p. 7). On a practical level, Yamamoto (2007, p. 54) highlights that opposition parties are often prioritised in submitting oral questions and additional questions to the executive. There thus seems to be progression over time in ensuring broader parliamentary oversight. The Australian Parliament also receives significant *institutional support*. From the official documentation published by the two defence committees, it is evident that an adequate research capacity exists to support MPs on defence-related oversight. Annual reports by the Senate’s Foreign Affairs, Defence and Trade Legislation Committee generally note at least three researchers that assist in drafting reports. The Joint Standing Committee on Foreign Affairs, Defence and Trade also make use of researchers as well as military advisors (who appears to be serving members of the armed forces). Both committees also have additional administrative staff that can assist them (Parliament of Australia, 2015, p. xv).

Finally, the Australian parliament places significant focus on *follow-up* to Parliamentary recommendations. In March 1973, the senate took a resolution that “within six months of the tabling of

a committee report, the responsible minister would make a statement in the Parliament outlining the action the government proposed to take in relation to the report” (Parliament of Australia, 2014b). This was ultimately reduced to a three month response period by 1983 and the practice remains in place and has been adhered to as is reflected in recent government responses to parliament.

5.4 Parliamentary oversight of the military in Zambia

Zambia’s parliament underwent an important transition in the early 1990s following years of executive dominance and economic decline since the mid-1970s. The introduction of Zambia’s Constitution (Act 1 of 1991) aimed to bring about a level of executive accountability through defining parliamentary powers. Article 51 of the Constitution states that “Cabinet and Deputy Ministers shall be accountable collectively to the National Assembly.” Furthermore, Article 86 of the Constitution made provision for parliamentary committees to be established, which points to further efforts at enhancing oversight of the executive. Given these developments, Burnell (2002, p. 23) notes a perception that oversight in the Parliament of Zambia increased markedly in the Third Republic (after 1991). The advent of the Third Republic was characterised by positive indicators for parliamentary oversight of the military, including sporadic debates on defence expenditure by the Public Accounts Committee and scrutiny by the Auditor-General (Haantobolo, 2008, pp. 214–215). It was not until 1999 that the Zambian Parliament established a committee to deal specifically with oversight of the military, the National Security and Foreign Affairs Committee. Despite advances made, parliamentary oversight of the military in Zambia should be viewed against the broader context of questionable entrenchment of the concept of oversight. The Zambian Parliament and executive are not “mutually independent” and Members of the Cabinet are not individually accountable to Parliament. This lack of accountability transfers to Committee level that, despite the ability to call the executive to account, has little power to enforce change. (Burnell, 2002, pp. 2–4). These observations are in line with a general view that democracy in Zambia is not yet fully entrenched (Freedom House, 2015a, p. 26) and that oversight of the military, for example the defence budget, is not mature in its transparency (Gorbanova & Wawro, 2011a, p. 6).

5.4.1 Oversight tools utilised in the Zambian Parliament

Several tools for oversight are available and utilised on the Zambian Parliament, but with varying degrees of success. *Parliamentary debates* on defence occur mostly within the National Security and Foreign Affairs Committee. The Committee reports annually on its activities and, between 2010 and 2014, 70 meetings were held (National Security and Foreign Affairs Committee, 2016). Given the broad scope of portfolios covered by the Committee, not all these meetings pertained to defence. Similarly, in the plenary, limited debates related to defence were held. Some noteworthy defence-related debates between 2010 and 2014 include debates on the Estimates of Revenue and Expenditure for the Ministry of Defence, questions related to personnel and Zambian Air Force equipment (Parliament of Zambia, 2010, 2011). Debates were limited and, in addition, only one

ministerial statement related to defence was made between 2010 and 2014 (Parliament of Zambia, 2012). This limited scope of activity also resulted in limited special *defence inquiries*. Between 2010 and 2014, the Committee conducted no specifically framed special defence inquiries. The Committee did, however, continuously review three defence-related aspects over this period, including Zambia's participation in peacekeeping operations, preparedness for terrorist attacks, and aspects of border security (National Security and Foreign Affairs Committee, 2014, 2015). However, these discussions should be seen as part of normal committee work and do not truly adhere to the requirements for special defence inquiries. *Parliamentary questions* are also utilised poorly in the Zambian Parliament. For example, a review of House debates for 2014 reveal only three oral questions posed to the Minister of Defence for the year (Parliament of Zambia, 2014).⁴²

The National Security and Foreign Affairs Committee makes use of *oversight visits and study tours*, but to a very limited extent. Between 2010 and 2015, the Committee visited Rwanda and Angola, but these tours focused largely on matters pertaining to immigration. Similarly, local oversight visits were conducted and although border security formed part of the focus of these visits, no defence-specific oversight visits were conducted (National Security and Foreign Affairs Committee, 2016). Parliament also makes use of *external audit* in its oversight process. The Auditor-General produces an annual report on ministerial expenditure, including a focus on defence expenditure. This is considered by Parliament's Public Accounts Committee that oversees public expenditure (Chungu in le Roux et al., 2012, p. 62). However, reports by the Auditor-General clearly lack depth, limiting its oversight value. For example, the 2014 Annual Report by the Auditor-General contained only four pages related to defence expenditure that merely covers broad expenditure trends and identified cases of financial mismanagement (Auditor-General of Zambia, 2014, pp. 251–255).

5.4.2 Focus areas of defence oversight in the Zambian Parliament

One of the main achievements of the Zambian Third Republic was the introduction of a new constitution and multiparty democratic system of governance. Section 63 of the new Constitution made clear provision for *budgetary oversight* by parliament, including defence (Republic of Zambia, 2016). As was noted, this work is primarily conducted by the Public Accounts Committee in its consideration of the Auditor-General's Report. The Public Accounts Committee does, however, deal with all state departments that limits focus on individual departments. The 2015 Report by the Committee, for example, considered only eight matters related to defence expenditure highlighted by the Auditor-General (Public Accounts Committee, 2015, pp. 203–206). A further major shortfall is that no defence "pre-budget consultations" are conducted (Chungu in le Roux et al., 2012, p. 62). In addition to budgetary considerations, the official responsibilities of the National Security and Foreign Affairs Committee makes provision for the review of existing *defence policies* and legislation (National Security and Foreign Affairs Committee, 2015, p. 1). However, a review of Committee Reports

⁴² No reference to written questions is made in the Zambian Parliament's Hansard.

between 2010 and 2015 reveals no significant inquiries into defence policy (National Security and Foreign Affairs Committee, 2016).

Procurement is more frequently scrutinised by the National Security and Foreign Affairs Committee. A review of Committee Reports between 2010 and 2015 reveals several engagements with the Ministry on Defence on procurement, specifically specialised equipment for peacekeeping operations. However, while the Reports indicate discussions around the procurement and amounts involved, actual acquisition procedures and a focus on potential irregularities are not reflected (National Security and Foreign Affairs Committee, 2016). Practical defence aspects such as *human resources* feature occasionally in Committee work. Between 2010 and 2015 such discussions related to transport for military personnel, personal equipment and the security of personnel stationed at border posts (National Security and Foreign Affairs Committee, 2012, p. 32,33; 2015, p. 32). The *deployment of the military* received limited consideration by the Committee between 2010 and 2015. Section 195 of the Constitution requires the President to declare any deployment of military personnel outside the republic to Parliament (Republic of Zambia, 2016). Neither the Constitution nor the Defence Act reveals any specific action to be taken by Parliament on defence deployments. Committee discussions on defence deployments revolved around the deployment of Zambian troops as part of the AU Mission in Somalia (AMISOM) and deployment to the borders. These discussions did, however, focus more on the attainment of domestic security than matters related to the actual deployments (National Security and Foreign Affairs Committee, 2012, p. 33; 2014, p. 9).

5.4.3 Lower-order focus areas of defence oversight in the Zambian Parliament

Given the limited number of meetings by the National Security and Foreign Affairs Committee, and the fact that it has to oversee several departments, little time remains to conduct adequate oversight of the military's lower-order focus areas. The Committee's formal responsibilities state no reference to the evaluation of *quarterly reports*, only *annual reports*. The Committee's own annual reports also reveals no review of any Defence Department annual reports between 2010 and 2015 (National Security and Foreign Affairs Committee, 2016). Over the same period, Committee reports further reveal no oversight visits to *military training* units. The only finding on training was for the DOD to increase training for peacekeeping operations (National Security and Foreign Affairs Committee, 2012, p. 23). Over the same period, no meetings were held on matters of *gender and racial equality*, neither was *defence morale* discussed (National Security and Foreign Affairs Committee, 2016). Some aspects related to *defence infrastructure* received attention, but this was limited to the need for officer accommodation in border areas and was a broader recommendation across departments (National Security and Foreign Affairs Committee, 2013, p. 43). *Defence infrastructure* as a concept did not receive specific focus. The Committee does, however, show an ability to address matters of *interdepartmental cooperation*, with aspects such as peacekeeping operations and border security being discussed occasionally. This ability most likely stems from the Committee's multi-departmental focus.

5.4.4 Reviewing the potential for weaknesses in oversight of the military in the Zambian Parliament

As noted (See Section 5.4), *constitutional provisions* for oversight by the Zambian Parliament exist. Although no specific provision for oversight of the military are made, general provision for oversight extend to the military. Haantobolo (2008, pp. 217–219) notes that parliamentary oversight of the military increased in the Zambian Third Republic producing tangible results, including arrests of corrupt officials. It can thus be argued that broader *political will* for oversight exists. However, increased oversight should be seen in the context of a country in the process of developing democratically. While advances have been made in allowing for oversight of the military, it is in execution that the Zambian Parliament falls short. Four indicators substantiate the concerns related to the execution of oversight. First, although Haantobolo (2008, pp. 218–220) argues that significant parliamentary control of the military was regained, but that executive dominance continues to characterise the Zambian Parliament of the Third Republic (Burnell, 2002, p. 27; Chungu in le Roux et al., 2012, p. 59). Second, *customary practices* reveal that oversight tools are not used optimally for overseeing the military. A lack of democratic customary practices correlates with Zambia's relatively low score in terms of democracy and democratic principles/practices. Freedom House's Report on Global Freedom (Freedom House, 2015a, p. 20) considers Zambia to be only partly free while the Economists' Index for Democracy provides it with a relatively low score of 5.25/10 in terms of democratic indicators (Kekic, 2007, p. 4). Third, a major downfall of parliamentary oversight of the military in Zambia is, arguably, a lack of active engagement on defence matters, specifically by the National Security and Foreign Affairs Committee. This is primarily reflected in the small number of the Committee meetings, a limited focus on defence matters, and superficial oversight of the defence budget. Fourth, committee minutes reflect no engagement with external experts on military matters, thus contributing to a reduced public interest.

Two aspects that have the potential to increase the level of defence oversight are committee support and committee follow-up. The Zambian Parliament has a Research Unit that provides *institutional support* to MPs, including those on the National Security and Foreign Affairs Committee. The library also provides research services to MPs (Parliament of Zambia, 2016). The Committee is further supported by several staff members, including committee clerks, administrative assistants and a stenographer (National Security and Foreign Affairs Committee, 2015, p. 56). It remains unclear whether any of these staff members are defence specialists. *Committee follow-up*, in turn, is noted in annual reports between 2010 and 2015 that reveal regular consideration on government feedback to its recommendations and demands for further action (National Security and Foreign Affairs Committee, 2016). While such follow-up is a positive indicator, the limited time spent on defence matters undermines the impact of oversight.

5.5 Parliamentary oversight of the military in India

Similar to Zambia, India offers an opportunity to review oversight of the military in a parliament based on the Westminster model within the context of the developing world. The Indian Parliament comprises a bicameral system with the Rajya Sabha (Council of States) and the Lok Sabha (House of the People). Oversight of the military is primarily conducted through the Standing Committee on Defence in the Lok Sabha (Parliament of India, 2017a). Some broad concerns related to the Indian Parliament's oversight of the military are immediately apparent when considering that Transparency International, for example, considers India to be at a high risk of corruption in the defence sector (Cover & Meran, 2013a, p. 8). However, the same study also found India to be a good case study for oversight of defence budgets (Cover & Meran, 2013b, p. 31). A review of Lok Sabha activities related to defence will thus assist in understanding where the Indian Parliament does well and where concerns exist related to the utilisation of oversight tools and the review of oversight focus areas.

5.5.1 Oversight tools utilised in the Indian Parliament

Debates on defence-related matters in the Lok Sabha plenary occur relatively regularly. Between 2011 and 2016 (15th and 16th Lok Sabha)⁴³, for example, several plenary debates on military affairs were held. Debates often occur as a result of reports submitted by the Standing Committee on Defence. Statements by MPs and the Minister of Defence also result in such debates (Parliament of India, 2017b). At committee level, regular debates on defence transpire in the meetings of the Standing Committee on Defence. Between 2011 and 2016, a total of 82 meetings were held (Parliament of India, 2017a). The election year (2013/14) saw the least number of meetings held (11). *Parliamentary questions* were used extensively between 2011 and 2016 with a total of 2 443 questions posed to the Ministry of Defence. Oral questions reflected a limited number of these, with 164 oral questions posed over the period (Parliament of India, 2017c).

A review of Committee activities between 2011 and 2016 reveals that a number of *special defence inquiries* were held. These refer to in-depth reviews of selected subjects by the Committee that result in a special report being drafted by the Committee and presented to the Lok Sabha. In some cases, these reports also include action taken by the government related to committee recommendations. Between 2011 and 2016, 32 such reports were submitted to the Lok Sabha (Parliament of India, 2017a). It should be noted that these special inquiries often correlate with standard committee work, but can be considered more in-depth due to the formal submission of a report to the Lok Sabha and the in-depth nature thereof. *Oversight visits and study tours* were relatively well utilised. Between 2011 and 2016 seven oversight visits were held to Indian defence facilities. No indications of foreign study tours reflect in committee activities (Parliament of India, 2017a). Finally, the Comptroller and Auditor-General of India publish *ad hoc* reports on the military. Between 2011 and 2016, the entity

⁴³ The 2011 to 2016 period covers the second half of the 15th Lok Sabha and the first half of the 16th Lok Sabha. The period was chosen due to the availability of information for this period and the wish to cover a five-year span of parliamentary activity on defence oversight.

produced at least 24 reports related to Defence and National Security (Comptroller and Auditor-General of India, 2017). Reports of the Standing Committee on Defence do, however, make limited reference to the input of the Comptroller and Auditor-General. Between 2011 and 2016, only three reports of the committee made reference to the findings of the Comptroller and Auditor-General (Parliament of India, 2017c). The use of *external audit* is, however, more evident in the Parliament's Public Accounts Committee. This Committee comprises a number of subcommittees, including a subcommittee dealing with defence matters. The Public Accounts Committee reports between 2011 and 2016 show regular references to reports tabled by the Comptroller and Auditor-General. Furthermore, representatives of the Comptroller and Auditor-General are present during deliberations by the Public Accounts Committee (Lok Sabha Public Accounts Committee, 2013).

5.5.2 Focus areas and lower-order focus areas of defence oversight in the Indian Parliament

Despite some risks identified by Transparency International (Cover & Meran, 2013b, p. 30), the organisation notes India as a case study for good practice in terms of oversight of *defence budgets*. It states that “[a]s part of the wider process of parliamentary approval of the annual budget, the ‘Demand for Grants’ is placed before the appropriate standing committees. In the case of the defence budget, the Parliamentary Standing Committee on Defence is empowered to approve or reject the budget demands made [and] reduce the amount of money requested by the government.” This oversight is evident in the Standing Committee on Defence’s work between 2011 and 2016, with ‘Demand for Grants’ being regularly discussed and government responses to Committee findings being reviewed (Parliament of India, 2017a). Transparency International does, however, identify scope for improvement. Annual reports on Committee decisions related to the defence budget are lacking, including reasons for recommendations made by the Committee (Cover & Meran, 2013b, p. 30). The committee further reviews aspects related to *defence policy* relatively regularly. This is reflected in, for example, discussions on defence procurement policy and defence production policy (Standing Committee on Defence, 2013b, 2013c, 2016d).

In 2013, Transparency International provided the Indian Parliament with a rating of only 45/100 in terms of *defence procurement* oversight. However, subsequent years have seen a significant increase in the focus on procurement. The increased focus on procurement in the first sessions of the 16th Lok Sabha could, for example, be attributed to allegations of increased corruption during the 15th Lok Sabha (Kumar, 2012). Engagements on procurement policy in 2016 serve as an example of in-depth engagement with several recommendations made by the Committee. *Human resources* matters also receive regular references in Committee Reports. Although dedicated meetings on human resources are largely lacking, this aspect is regularly referred to as a subset of other discussions. In the 15th Lok Sabha, for example, aspects related to the lack of Coast Guard Personnel, issues of personnel retirement as well as the transfer of military personnel to the paramilitary forces and the police were discussed (Standing Committee on Defence, 2013a, 2013b, 2013c). In the 16th Lok

Sabha, the welfare of servicemen as well as force strengths and critical personnel shortages were discussed among other aspects (Standing Committee on Defence, 2015d, 2016a).

The *deployment of the military* receives comparatively little attention. The Indian Defence Review noted, in 2017, that “it is high time we have a debate as to when and where we need to deploy the military, so that checks and balances could be imposed on the executive decision-making process in order to ensure greater accountability” (Khanna, 2017). This concern is reflected in, for example, the Armed Force Special Powers Act (1958) that hands extraordinary powers to the military in areas declared ‘disturbed areas’ (Parliament of India, 1958). The Act makes no direct concession for Parliamentary oversight. Similarly, the Seventh Schedule of the Constitution makes provision for the deployment of the military, but no direct role is provided for Parliament. Despite the lack of a direct provision for Parliamentary oversight, the Standing Committee on Defence received regular briefings on deployments in the 15th and 16th Lok Sabha, including border deployments and deployments with the State Police (Standing Committee on Defence, 2013d, 2015b). Debates regarding military deployments have also been held in the plenary, but the impact of such debates on the actual deployments remain limited (The Hindu, 2016).

In terms of lower-order oversight, the Indian Parliament only addresses some of the focus areas identified. Burman (2012, p. 48) notes that “the Speaker refers annual reports from all departments to the relevant committee. Public hearings should also be conducted to gain inputs regarding the areas covered in the annual reports.” However, *annual and quarterly reports* on defence does not seem to be considered regularly as a stand-alone subject by the Standing Committee on Defence. Committee reports between 2011 and 2016 reveal that although *ad hoc* reference is made to the Ministry of Defence’s annual report, no dedicated meetings were held (Standing Committee on Defence, 2013c, 2013b). Similarly, some aspects of quarterly expenditure were reported to the Committee, but no in-depth meetings related to such expenditure were conducted (Standing Committee on Defence, 2015c). Quarterly performance was not measured. In terms of *interdepartmental cooperation*, *ad hoc* meetings were held in this regard. These include, for example, meetings related to the military’s joint responsibility for border control, the coordination mechanism with the Central Armed Police Forces and the integration of some military personnel into the police forces (Standing Committee on Defence, 2015d, 2016a). Interdepartmental cooperation focused largely on cooperation between the military and the police while other instances, such as cooperation with departments of Revenue, Forest, Mining, Public Works, Power and meetings related to coastal management, were limited (Standing Committee on Defence, 2011, 2015b).

Training and education of the military received more frequent attention throughout 2011 to 2016, including dedicated meetings on manpower and training as well as reviews of training aspects during discussions on the Demands for Grants (Standing Committee on Defence, 2013d, 2014, 2015a, 2015b). Discussions on military education were limited. Engagement on *gender and racial equality* were very limited. Between 2011 and 2016, only one discussion was held regarding the admission of

girl cadets (Standing Committee on Defence, 2015b). No discussions on racial equality were held. No dedicated meetings were held on *defence morale* and it was only raised on an *ad hoc* basis during standard meetings. No measurement of defence morale was presented during the period 2011 to 2016. Finally, *defence infrastructure* received more regular attention by the Standing Committee on Defence between 2011 and 2016. Most meetings by the Committee included some reference to infrastructure, often related to how well the state of infrastructure supports the functioning of the military. More in-depth discussions regarding defence infrastructure were also held, including the state of naval infrastructure, the infrastructure of ordinance factories, infrastructure needs of the Indian Coast Guard and the modernisation of airfield infrastructure (Standing Committee on Defence, 2011, 2013d, 2016a, 2016b).

5.5.3 Reviewing the potential for weaknesses in oversight of the military in the Indian Parliament

Constitutional and legal powers regarding the role of the Indian Parliament *vis-à-vis* the military are not directly stated in the Indian Constitution of 1949. However, Section 53 (2) of the Constitution notes that “the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law.” As such, while executive power of the military remains with the executive, provision through law is made for Parliamentary oversight. Despite legislative provision for parliamentary oversight and supporting parliamentary rules, Burman (2012, pp. 65–66) notes some concerns. He claims that oversight is impeded by certain legislative aspects such as the Official Secrets Act that limits the powers of committees to call for documents and witnesses. *Customary practices* of oversight refer to the availability and usage of oversight tools in parliament. The tools for oversight of the military identified in this study are generally well utilised in the Indian Parliament (See Section 5.5.1). India is also characterised by medium to high levels of democracy as is reflected in, for example, the Freedom House’s Report on Global Freedom (Freedom House, 2015a). The Economists’ Index for Democracy further reflects a relatively high score of 7.68/10 (Kekic, 2007, p. 3), albeit lower than those provided for the UK, Canada and Australia.

Significant concerns are evident in the *resources and expertise* available to the Indian Parliament (Madhukar, 2011; Rajiv, 2010, p. 15). Burman (2012, p. 31) notes that “[n]ot only do committees not have their own research staff, individual Parliamentarians also do not get any personnel, or allowance for personnel for conducting research. As a result, there is a huge asymmetry of information between the executive and Members of Parliament.” Outside experts are used to make briefings to the committee, but committee reports reflect a limited use of such expertise between 2011 and 2016 (Standing Committee on Defence, 2011, 2013a). *Political will* has been identified as a concern in terms of parliamentary oversight in India. A key indicator is the decrease in parliamentary activity. Madhukar (2011) notes, for example, that “[t]he number of sitting days has come down from about 140 days a year in the 1950s to an average of sixty-five days over the past five years.” Burman (2012, p. 75) notes, as is the case in many other parliaments, there is a lack of incentive for the governing

party MPs to do in-depth oversight, notably on matters that may reflect negatively on the party. A number of authors also point to a high level of executive dominance in India, limiting the scope of parliamentary oversight in general (Pennings, 2000a; Sing & Saxena, 2011, p. 145). Finally, the Standing Committee on Defence shows elevated levels of *follow-up* on parliamentary recommendations. Recommendations by parliamentary committees in India are not binding on the executive (Rajiv, 2010, p. 16). However, Standing Committee on Defence reports between 2011 and 2016 reveal constant executive replies to parliamentary recommendations. Rajiv (2010, p. 15) notes that committees produce “Action Taken Reports (ATR) detailing the government responses on their inputs.” A clear and continuous line of follow-up is thus evident in the Committee’s work.

6. Conclusion

Within the context of liberal and representative democracy, this chapter elaborated on oversight as one of the primary functions of parliaments. Given the importance of transparency and accountability in liberal democracies, parliaments’ oversight function also extends to the realm of defence. With the principle of parliamentary oversight of the military established, a number of oversight tools, focus areas and potential weaknesses for parliamentary oversight of the military were identified. General consensus exists in terms of the tools utilised to ensure effective oversight, as has been highlighted in studies by Transparency International, the World Bank, the IPU and the DCAF.

The aim of detailing these oversight tools, focus areas and potential weaknesses for parliamentary oversight of the military is to create a basis for evaluation against which to measure the South African case study in the following chapters. In order to affirm the applicability of the identified tools, focus areas and weaknesses, five cases were analysed to determine the level of applicability. The cases chosen reflect countries with varying degrees of democratic strength and oversight capacity. In terms of the oversight tools identified, this chapter found that parliamentary debates, questions, special defence inquiries, oversight visits and the use of external audit have widespread application. Furthermore, the chapter showed that countries where oversight tools are utilised more robustly, generally received higher ratings in terms of democracy and oversight of the military.

Oversight focus areas also reflect the pattern above. Countries with higher ratings in terms of democracy and oversight of the military generally covered a wider variety of defence-related focus areas. Reviews of the defence budget, policy, procurement, deployment and human resources in particular found broad application. In addition to the focus areas stemming from existing research, this study aims to expand thereon by identifying a number of lower-order focus areas that may be considered in studies on parliamentary oversight of defence. Through a review of the five parliaments’ activities it is evident that oversight of lower-order focus areas occur to varying degrees among the cases utilised. A focus on annual reports, interdepartmental cooperation, military training, and defence infrastructure did not find as broad application, but showed sufficient frequency to ensure the relevance thereof in the measurement of oversight of the military. Aspects related to gender and racial

equality as well as defence morale did not find broad application in the cases reviewed. However, the review of these parliaments' activities do reveal that although dedicated meetings on lower-order focus areas were not frequent, they were often addressed during other committee discussion. It therefore highlights the need to focus on the day-to-day activities of parliamentary defence committees when reviewing the quality and standing of defence oversight. The inclusion of the lower-order focus areas is further substantiated by the importance attached thereto in existing literature. Finally, the chapter also highlighted potential weaknesses such as a lack of constitutional powers for oversight, a lack of parliamentary support staff, low political will for oversight and a lack of follow-up on parliamentary recommendations. The cases analysed revealed that, in general, states with lower scores in terms of democracy and oversight of the military are often constrained by one or more of these weaknesses.

This chapter presented a broad overview of the application of tools, focus areas and potential weaknesses for parliamentary oversight of the military in selected countries. While not an exhaustive review, it nonetheless justifies the selection of these criteria as a credible indication of the quality and standing of parliamentary oversight of the military. This criteria will be utilised in Chapters 4 and 5 to review oversight of the military in South Africa between 1994 and 2014 (South Africa's first four democratic parliaments). The next chapter provides an overview of the political changes in South Africa both prior to and immediately after 1994 and highlights how these impacted on parliamentary oversight of the military. Thereafter, it reviews parliamentary oversight of the military during the first two parliaments (1994 to 2004) utilising the criteria for evaluation as set out in Chapter 3.

CHAPTER 4 PARLIAMENTARY OVERSIGHT OF THE MILITARY IN SOUTH AFRICA BETWEEN 1994 AND 2004

1. Introduction

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 (Madue, 2012, p. 433; Rockman, 1984, p. 415). Chapters 2 and 3 highlighted oversight as a parliamentary activity and its connection to theories of democracy, which intends to ensure accountability and transparency of the executive. The link between oversight and theories of democracy is essential to the South African case study as 1994 marked the transition to a liberal democratic state through constitutional means. Based on this democratic transition and the implicit need for checks and balances, it should follow logically that parliamentary oversight is prioritised. The transition to democracy further holds implications for civil-military relations. Chapter 3 emphasised that parliaments play a central role in maintaining effective democratic civil-military relations. Born (2003, p. 19) notes that parliaments ensure "a bridge to the public" as MPs are in contact with the population of a state and can serve to establish this contact point with the military. The oversight process is key to the establishment and maintenance of this 'bridge' and ensuring democratic civil-military relations.

Chapter 3 derived a number of broadly accepted tools and focus areas that may enhance parliamentary oversight of defence. Tools include parliamentary debates; parliamentary questions; special defence inquiries; oversight visits and study tours; and, the use of external audit, while the focus areas include the defence budget; defence policy; defence procurement; human resources; and, military deployments. It was further established that room exists for expansion of these criteria of oversight to include a focus on annual and quarterly departmental performance; aspects of interdepartmental cooperation; military training and education; gender and racial equality; defence morale; and, defence infrastructure. Finally, in order to avoid weak oversight, it should be ensured that a number of aspects are in place, including constitutional and legal powers; customary practices for oversight; resources and expertise; political will; and, the ability to follow up on recommendations.

The aim of this chapter is to review parliamentary oversight of the military during the first ten years of democracy in South Africa (1994 to 2004). The chapter commences with a brief overview of parliamentary oversight of the military prior to 1994 and then lays the foundation for analysis after 1994 by unpacking relevant legislative and policy advances. The tools, focus areas and potential weaknesses of oversight identified in Chapter 3 are thereafter used as a framework for analysis of parliamentary oversight of the military in South Africa's first two parliaments.

2. An overview of parliamentary oversight of the military prior to 1994

Chapter 1 alluded to the value of critical theory's ontological underpinnings related to historical realism. Although this study is largely based on the ontology of the interpretivist paradigm, the inclusion of historical context was identified as important as it provides crucial historical context. As such, prior to reviewing parliamentary oversight of the military in a democratic South Africa (post-1994), it is of value to briefly review whether this practice was established prior to democratisation. To determine a snapshot of oversight prior to 1994, the work of Arthur Marwick can be used as a framework. In reviewing the consequences of conflict, Marwick (1973, p. 83) notes that war serves as "the supreme test of a country's military, social, political and economic institutions." Given the previously stated role of Parliament as a political institution, and its role in maintaining civil oversight, a review of the impact of conflict (war) on Parliament's oversight role will provide insight into the historic status of institutionalised parliamentary oversight.

A logical starting point would be the establishment of the Union Defence Force (UDF) formed in 1912 after the formation of the Union in South Africa in 1910 (le Roux, 2005, p. 243). The UDF was guided by the 1912 Defence Act (RSA, 1912) that postulated specific roles for the two houses of the Parliament. Section 77(2) of the Act, for example, noted the need for the Governor to inform Parliament of the reasons for the deployment of the UDF. The Second Schedule of the Act noted that the Minister of Defence shall be responsible for reporting annually to Parliament on the governance of the UDF in the previous calendar year. The advent of the First World War in 1914 saw the South African Parliament engage in robust debate to determine whether South Africa should become involved (Khan, 2014, pp. 7–11). However, gaps in the institutional power of Parliament were immediately visible as the Defence Minister, Jan Smuts, began mobilisation for an invasion of German South West Africa prior to obtaining parliamentary approval (Crafford, 1945, p. 106; van der Waag, 2015, p. 94). Parliament subsequently approved South Africa's participation in the war, but seemingly with little concern for criticism of the state of readiness of the UDF. The military experience of many UDF leaders and the capacity to partake in an international conventional conflict was questioned by many (van der Waag, 2013, pp. 153–154). The impact of Smuts as 'super-minister'⁴⁴ and Parliament's unwillingness to adequately scrutinise UDF capacity prior to a decision on participation in the First World War thus highlight fault-lines in the institutionalised nature of oversight of the military.

The start of the Second World War again saw parliamentary oversight of the military intentionally limited. Robust parliamentary debate surrounded the decision to enter the war, resulting in a vote in favour of Smuts' proposal to participate (Hancock, 1968, pp. 322–323). However, these debates occurred in September 1939, and Parliament was not reconvened until mid-January 1940. This meant the executive, under Prime Minister Smuts, made preparations for a major conflict without any oversight function being fulfilled by Parliament. Furthermore, Hancock (1968, p. 334) notes that

⁴⁴ The terming of Smuts as 'super-minister' is in line with findings by van der Waag (2013).

Smuts “did not have the statutory emergency powers which have been drafted under the previous government but had to take the powers he needed by proclamation in advance of parliamentary sanction.” Crafford (1945, p. 293) also notes the deplorable state of the South African military at the beginning of the war, despite significant budgetary allocations by Parliament. This highlights a potential lack of oversight by Parliament on the utilisation of budgetary allocations, bringing into question the ability to perform ongoing oversight.

After the establishment of the Republic in 1961, a significant shift occurred that impacted on parliamentary oversight of the military. The 1966 Verster Commission recommended that the position of Defence Secretary be discontinued and the Chief of the Defence Force become the primary accounting officer. Furthermore, the Minister of Defence was now to focus only on matters related to defence policy. This essentially created a direct link between the Chief of the Defence Force and Cabinet, which severely undermined the scope for parliamentary oversight (Mollo, 2000, p. 16). By 1975, South Africa became involved in a protracted conflict in South West Africa. This conflict should be seen in the context of the ‘total strategy’, which was based on the perception that South Africa faced a ‘total onslaught’. Subsequently “the military assumed a more influential role in government planning and policy and defence spending was increased” (Perk, 2011: 17). This shift is reflected in the 1977 White Paper on Defence that was drafted as strategic doctrine under which the Defence Department gained prominence over other state departments (van der Waag, 2015, pp. 251–252). In the context of the changes brought about by the Verster Commission, the ascendancy of the Defence Department further limited parliamentary influence.

In the 1980s, under Prime Minister (later President) Botha, the State Security Council (SSC) was established as the solitary defence policy-making institution. The SSC was chaired by the President and served by some cabinet ministers and the chiefs of the security departments. Former President, F.W. de Klerk (1998, p. 133) noted that the SSC was central to the ‘securocrat-system’ that impacted not only on security-related portfolios, but all government departments. While the SSC’s decisions were, in theory, subject to Cabinet approval, in practice it became far more powerful than Cabinet itself. De Klerk even noted that, while he served as president, he felt “marginalised” within the SSC (de Klerk, 1998, p. 134). The SSC was not accountable to Parliament, or those serving on it. In addition, the majority of military procurement was done through the Special Defence Account, established in 1974. The Account also lacked effective parliamentary oversight (Sylvester, 2011a, p. 12). Under the ‘total strategy’ and within the context of the war in South West Africa, parliamentary oversight thus gradually subsided and made way for strengthened executive dominance.

In addition to Marwick’s framework that reveals executive dominance over Parliament during periods of conflict, other sources evaluating the strength of military and political institutions further substantiate this finding. Of specific relevance is the impact that the ‘total onslaught’ had on these institutions. In line with the findings noted, Cock and Nathan (1989: 3-13) notes the broader militarisation of South Africa during the 1970s and 1980s. They claim that militarisation manifested at

economic, political and ideological levels. Specifically at political level, Cock and Nathan (1989: 6) state that the power of the military can be conceptualised through “its increasing influence in state decision-making.” Evans and Phillips (in Swilling *et al*, 1988: 139) use the declaration of a state of emergency in June 1986 as an example of how opportunities were created for the security forces to formulate and implement state policy. They further claim that “powers granted to the security forces...have assisted the building of a shadow state behind the contention-ridden civilian façade.” Liebenberg (2008: 147) similarly refers to the development of parallel structures and restricted political institutions during this period. These claims thus confirm the rising power of military institutions at the expense of political institutions which would include Parliament. Liebenberg (2008: 148) states it directly by noting “the locus of decision-making moved away from parliament and the influence of, for example, the police bureaucracy declined, while the influence of the military bureaucracy increased.”

Although elementary in its review, what is evident from the pre-1994 overview is that during periods of conflict, the executive rose to overshadow the oversight powers of Parliament. Therefore, in the context of Marwick’s framework that uses wartime periods to test the strength of military and political institutions, the historic strength of the South African Parliament’s oversight of defence is questionable. Similarly, the militarisation of South Africa amid the ‘total onslaught’ clearly strengthened military institutions at the expense of political institutions, including Parliament. This approach underlies what Huntington termed subjective control of the military which infers the disappearance of the distinction between the armed forces and government (Huntington, 1957, pp. 83–84). A shift to democracy after 1994 and the simultaneous move away from the militarisation of the country thus had the potential to shift away from such subjective control of the military.

3. The advent of democracy and the impact on the oversight of the military

Chapter 2 already established that post-1994 South Africa defined itself as a liberal democracy through constitutional means. Chapter 2 further highlighted a key characteristic of liberal democracy namely the separation of powers between the executive, legislative and judicial spheres of government. This separation is essential in establishing a system of checks and balances and parliaments form an integral part of such a system.

The separation of powers and the key roles of Parliament were of concern to both the ANC and pre-1994 South African government during negotiations on the transition to democracy. Tjønneland and Mathisen (2001, p. 2) note that the ANC saw a robust Parliament as necessary to ensure popular participation in politics while the pre-1994 government saw it as a means of ensuring that that new executive power remained checked. This resulted in the 1993 Interim Constitution (RSA, 1993) placing significant focus on parliamentarianism and the principle of the separation of powers (See Constitutional Principles Number VI in (RSA, 1993)). This focus impacted on oversight of the military as, firstly, Parliament’s role was elevated and, secondly, the system of checks and balances required

increased transparency of government sectors. The impact on oversight is most evident in the evolution of legislation and policies regarding defence. However, to contextualise the legislative developments, it is crucial to first highlight the country's shift in security focus during the transition to democracy in 1994.

3.1 A shift in security focus

A review of the security focus in South Africa is essential as the democratisation of the country was likely to impact significantly on the *status quo* of the state's security focus. In the traditional view of security, national security is defined in relation to a state's ability to protect its physical territory; its international economic relations; its government and internal political processes, and its borders (Brown, 1983, p. 4). The inter-state connotation of the Cold War security focused specifically on protection against aggression from foreign states. During this period, it was the perception of military threats that shaped national security. The traditional view of national security thus revolved around the state and the perception of imminent external threat. This notion was further entrenched by Cold War thinking where the external focus often resulted in internal threats to national security being neglected (Hough, 2003, p. 2).

The post-Cold War era has seen a change in the concept of national security and of the dominant focus placed on external military threats. Societal, economic and ecological threats became increasingly important in maintaining national security (see Buzan, 1991, pp. 122–134). Furthermore, any significant development that may have an impact on the territorial integrity or political stability of a state may be considered a national security threat (Ayoob, 1995, p. 8). As such, the internal (intra-state) dimension of national security gained prominence. In addition, the concept of human security, or individual security, gained prominence. The inclusion of human security can largely be attributed to the irreversible connection between the state and individuals, which is in line with the liberalist paradigm and the rise of liberal democracies. Threats to individuals may arise from pressures on the social, economic and political environments (Buzan, 1991, pp. 37–39).

Prior to 1994, South Africa's focus on external threat perception revealed that it interpreted national security in the traditional sense. This is reflected in, for example, the state's military response to both internal and external security threats framed as the 'total onslaught' and the 'soviet onslaught' (Garnett, 1989; Malan, 1980). Human security was thus not necessarily prioritised. Post-1994, changes in threat perception and a shift along with international trends towards the inclusion of human security characterised developments around the military. This was reflected in, for example, the 1996 White Paper on Defence that notes the inclusion of socio-economic and political matters as national security threats by stating that "the greatest threats to the South African people are socio-economic problems like poverty, unemployment, poor education, the lack of housing and the absence of adequate social services, as well as the high level of crime and violence" (RSA, 1996b, p. 6).

Post-1994 South Africa, with a security focus now including human security, sought a two-pronged approach to national security. First, in international terms, national security would mean the assurance of “sovereignty, territorial integrity and political independence... and the promotion of regional security...” (RSA, 1996b, p. 6). Secondly, it would focus on advancing democracy, addressing rising crime levels, ensuring social justice within the scope of maintained economic growth, and maintaining a politically stable state (RSA, 1996b, p. 6). This significant change in focus also had clear implications for civil-military relations. Most notably, the Constitution and White Paper’s call for the advancing of democracy aimed at bringing civil-military relations in the country in line with international democratic norms.

3.2 Legislative and policy changes: The shift in civil-military relations

Negotiations regarding defence during the immediate pre-1994 transition period saw opposing schools of thought on the future defence trajectory. Jordaan (2004, pp. 25–28) observes that both idealist and realist views were put forth on defence matters and that the former often dominated. The exact role of the military in the context of a democratic South Africa was often questioned. In order to draft subsequent legislation, a degree of compromise had to be reached regarding the military and, specifically, the question of civil-military relations. The discussions around shifts in civil-military relations based on compromise and cooperation between civil and military roleplayers show strong correlation to Rebecca Schiff’s concordance theory. Such discussions highlight a shift away from the subjective control form of civil-military relations observed prior to 1994. The subsequent legislation that flowed from such discussions arguably laid the foundation for a new structure of civil-military relations based on cooperation and dialogue.

3.2.1 The 1993 Interim Constitution

Post-1994 policy changes regarding oversight of the military in South Africa should logically commence with an overview of the 1993 Interim Constitution (RSA, 1993) as this lay the foundation for the democratisation of the country. Two focal points of the Interim Constitution impacted on the oversight of the military, namely its provisions on parliament and its restructuring of the military.

The first provision of the Interim Constitution that impacted indirectly on parliamentary oversight refers to the legislative authority ascribed to Parliament as per Section 37 (RSA, 1993). This allowed for Parliament to approve/reject laws related to defence and, indirectly, determine the defence trajectory. In terms of its direct impact on oversight, the Interim Constitution, Section 58 (1)(a), allowed for the creation of committees of Parliament and for the institution to determine rules guiding such committees. Section 60(4) also provided for Parliament to consider and approve money bills that include the defence allocation. The Interim Constitution further impacted on the construct and management of the SANDF. Section 225 (RSA, 1993) noted that the President will appoint a Chief of the SANDF who will be “subject to the directions of the Minister responsible for defence.” This sentiment provided a clear foundation for civil control of the military. In addition, Sections 226 (2) and

226 (3) noted that both the permanent force and reserve force's "establishment, organisation, training, conditions of service and other matters...shall be as provided for by an Act of Parliament." This placed Parliament at the centre of civil oversight of a broad range of activities and spheres of the military. The President is also compelled by Section 228 (4) to inform Parliament of any deployment of the SANDF and Parliament may, through a resolution, terminate any such deployment. This provision for accountability to Parliament is further cemented through Section 228 that notes the following:

- Section 228 (1): *The Minister responsible for defence shall be accountable to Parliament for the National Defence Force.*
- Section 228 (2): *Parliament shall annually approve a budget for the defence of the Republic.*
- Section 228 (3)(a): *A joint standing committee of Parliament on defence shall be established, consisting of members of all political parties holding more than 10 seats in the National Assembly and willing to participate in the committee.*

3.2.2 The 1996 Constitution

The 1996 Constitution (hereafter the Constitution) remained true to the liberal democratic principles of the 1993 Interim Constitution and sought to permanently entrench the principle of the separation of powers. This is evident in Section 198 (d) (RSA, 1996a) which states that "[n]ational security is subject to the authority of Parliament and the national executive." The 1996 Constitution goes further than the Interim Constitution in focusing directly on the oversight role of Parliament. Section 42 (3) of the Constitution (RSA, 1996a) notes that "[t]he National Assembly is elected to represent the people and to ensure government by the people... [through] scrutiny[s]ing and overseeing executive action." This duty is enhanced through Section 55 (2) that indicates that Parliament must establish mechanisms to ensure that executive organs of state remain accountable to Parliament and that the institution must oversee executive action and the implementation of legislation. To enable Parliament to fulfil this function, the Constitution allows for the establishment of committees in the National Assembly and for Parliament to determine and control its internal arrangements, including the functioning of such committees (Section 57 of RSA, 1996b). Sections 60 to 70 of the Constitution allows for similar control of internal arrangements of the National Council of Provinces.

The 1996 Constitution also sought to entrench the principle of civil control of the military as was the case in the 1993 Interim Constitution. As such, Sections 201 and 202 (RSA, 1996a) highlight the commanding role of the President over the SANDF and the appointment of a Minister of Defence to assume political responsibility of the military. Crucially, the 1996 Constitution makes an addition to the 1993 Interim Constitution through the legal requirement of a Defence Civilian Secretariat (RSA, 1996a, Section 204). This added a layer of civilian oversight over the military. The 1996 Constitution therefore made permanent the notions of civilian control of the military and parliamentary oversight of defence. These foundations underpinned defence policies subsequent to 1996.

3.2.3 The 1996 White Paper on Defence

The first major post-1994 defence-related policy was the 1996 White Paper on Defence. The title of the White Paper, *Defence in a Democracy*, indicates that post-1994 policy development followed the ideological shift toward liberal democracy. The White Paper on Defence also had the task of defining the country's civil-military relations trajectory within a democratic context.

It has already been established through legislation (the 1993 Interim Constitution and 1996 Constitution) that the military will remain subject to civilian control. This relation of powers is summarised in Chapter 3 of the White Paper (RSA, 1996b) which states that "the Chief of the SANDF enjoys executive military command of the armed forces; this command is exercised under the direction of the Minister of Defence in times of peace and under the direction of the President during a state of national defence; and the Minister is in turn accountable to Parliament and Cabinet for the SANDF." This statement provides clear guidelines on how accountability should be ensured. The White Paper also recognises the need for public scrutiny of the military and transparency on military matters. In an effort to achieve the required balance, Chapter 3 of the White Paper (RSA, 1996b) identifies specific roles for Parliament in relation to the military, including:

- a. Parliament's legislative powers regarding defence.
- b. Parliamentary approval of the annual defence budget.
- c. Reviews of the President's decision to deploy the SANDF.
- d. The JSCD's powers to investigate and make recommendations on defence matters.
- e. The Joint Standing Committee on Intelligence's role in providing oversight of Defence Intelligence.
- f. Parliament's right to "independent and critical judgement on defence policy and practice."

By providing for constitutional parameters, a structure for civil control, the assurance of judicial control through the separation of powers, and clear roles for Parliament, the 1996 White Paper on Defence recognises the supporting structures for democratic civil-military relations. Chapter 3 of the White Paper (RSA, 1996b) further highlights core values of defence policy that are reconcilable with democratic civil-military relations. These included, for example, a need for military professionalism, including the "acceptance by military personnel of the principle of civil supremacy." In order to achieve such high levels of professionalism, the White Paper notes the importance of education and training for military personnel. The White Paper also notes the responsibility of the government towards the military and the need for a balanced approach in their utilisation. Finally, the White Paper reflects on the importance of the relations between civil society and the SANDF. These focus points address several of the requirements for democratic civil-military relations as highlighted by Huntington (1957, pp. 83–85), Shiff (1995, p. 13), Williams (1998, pp. 39–40) and Hangii (2003, p. 16).

3.2.4 The 1998 Defence Review

Following on the 1996 White Paper on Defence, the 1998 Defence Review (RSA, 1998) aimed to provide long-term planning at a policy level based on the guidance of the White Paper. The Defence Review consulted “with Parliament and with broader civil-society in the form of business, labour, clergy, non-governmental organisations and community leadership” (RSA, 1998, p. Chapter 15, Section 10). The Review further cemented the relationship between Parliament and the DOD by highlighting the need for a “collaborative partnership” and recognises the oversight role of Parliament (RSA, 1998, p. Chapter 15, Section 11). Parliament’s role in compiling the Defence Review is also noteworthy as MPs formed part of the Working Group and subcommittees that drafted the Review (RSA, 1998, p. Chapter 1, Section 9). Furthermore, the Defence Review reiterates Parliamentary roles related to oversight:

- Parliamentary debates on peace support operations are important and Parliamentary approval for such operations is required (RSA, 1998, p. Chapter 5, Section 4-5).
- Parliament is empowered to review the decision of the President to deploy the SANDF in peace support operations (RSA, 1998, p. Chapter 5, Section 22).
- Parliamentary approval of the Defence Review’s Force Design was sought (RSA, 1998, p. Chapter 8, Section 7).
- Parliament remains responsible for oversight of finances, legislation and the policy framework of the military (RSA, 1998, p. Chapter 9, Section 2.1).

4. Restructuring parliamentary oversight structures in the post-1994 environment

The previous section established that, according to legislation and policy, Parliament was considered a crucial component of the changing civil-military relations dynamic in South Africa. Specific roles were identified for Parliament, notably in terms of oversight. It is thus necessary to review how Parliament as an institution set out to practically achieve these requirements. This can firstly be done by considering broader Parliamentary initiatives for creating oversight structures and, secondly, by reviewing the establishment of specific measures aimed at oversight of the military.

4.1 Providing for oversight in the South African Parliament

Reviewing the practical manifestation of policy and legislative ideals aimed at increasing Parliamentary oversight capacity is essential to determine whether the foundations exist for the fulfilment of oversight. The two sections below highlight broader Parliamentary initiatives to creating oversight-enhancing structures.

4.1.1 Developing the Committee System

The utilisation of the committee system in Parliament changed drastically after 1994. Calland (1997, pp. 3–7) highlights a key difference in that before 1994 only 13 committees existed in Parliament and their meetings were closed to public scrutiny. The immediate post-1994 system saw the number of committees increase to more than 50 and committee meetings being opened to the public. Macozoma (1995, p. 112) ascribes this to, *inter alia*, the ANC's immediate post-1994 focus on the utilisation of the committee system as a means of ensuring enhanced accountability and oversight of the executive. It is thus unsurprising that the committees also received prominence in legislation.

Section 58 of the Interim Constitution (RSA, 1993) reflected the desire for the increased involvement of committees as it allowed for both the National Assembly and Senate⁴⁵ to establish committees and determine the rules guiding such committees. The Interim Constitution further allowed for committees to sit at venues other than at parliament and, crucial to oversight, allowed for committees to summon persons and receive representations as requested. This focus on committees was transferred to the 1996 Constitution with Sections 56 and 57 confirming the powers of committees (RSA, 1996a). Section 59 of the Constitution further calls for parliament to ensure public access to, and involvement in, committee work (RSA, 1996a).

The legislative framework that created space for parliamentary committees also allowed for parliament to control these structures, notably through the Rules of Parliament. In February 1995, new rules for the National Assembly were drafted that stipulated the functions and roles of portfolio committees. Rule 52(1) and Rule 53 (Parliament of South Africa, 1995b, p. 9) note that a portfolio committee shall, *inter alia*:

- Consider or deal with bills or other matters which are referred to it by the Speaker under these Rules, or by or under a resolution of the House.
- Consider or deal with an appropriation or money bill or any aspect of an appropriation or money bill referred to it by the Speaker or the House.
- Monitor, investigate, enquire into and make recommendations relating to any aspect of the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, personnel, policy formulation or any other matter it may consider relevant, of the government department or departments falling within the category of affairs consigned to the committee.

From the above it is evident that there were various ways in which to establish parliamentary committees. These include establishment in terms of the Constitution, in terms of Statutes, in terms of the rules of Parliament, and in terms of a House resolution (Parliament of South Africa, 2011, pp. 12–14). The structure of the new committees was aimed at ensuring maximum oversight over the various

⁴⁵ The National Council of Provinces (NCOP) was formerly known as the Senate.

government departments. Committees were therefore established to mirror government departments, notably the portfolio committees of the National Assembly. As from 1999, under the National Council of Provinces (NCOP), a number of Select Committees were also established with the power of oversight, focusing on aspects affecting the various provinces (Parliament of South Africa, 1999d, p. 53). However, due to comparatively lower number of MPs, these Select Committees are not linked to government structures. Each committee thus focuses on several government departments. Furthermore, joint committees were established that consisted of MPs from the National Assembly and the NCOP (Obiyo, 2006, pp. 63–68). The size of committees varied, but generally ranged between 15 and 25 MPs while the majority of committees were chaired by MPs from the ruling party (Calland, 1997, pp. 6–7).

4.1.2 Additional oversight structures in the post-1994 South African Parliament

In addition to the prominence of the rise of committees, two existing tools (structures) of oversight in Parliament were maintained and enhanced. First, parliamentary debates in the plenary remained a means of oversight. While plenary debates existed prior to 1994, its use was reinforced in both the 1993 Interim Constitution and the 1996 Constitution. The Interim Constitution focused on the notion of freedom of speech to allow for robust debate in both the National Assembly and the Senate (RSA, 1993, p. Section 55). The Constitution (Section 57(2)) notes, *inter alia*, that the National Assembly should provide for the establishment and composition of committees and the involvement of minority parties in the procedures of the assembly (RSA, 1996a). Based on these fundamentals, Esau (2008, p. 98) postulates that the “constitutional mandate for oversight refers to both plenary and non-plenary...activities.” The plenary also provides an opportunity for debate where an important issue requires broader debate beyond the scope of, for example, a committee setting that will likely receive less media and/or public focus (Nwuche, 2015, p. 455). The value of plenary debates to oversight, in the context of representative democracy, thus lies in the sense of collective ownership of debates and decisions. This value is also reflected in the Constitution that allocates decision-making to the assembly (plenary) (RSA, 1996a, p. Section 53). However, Shaw (1998, pp. 226–227) concludes that although plenaries are often the best-known feature of a parliament’s oversight function, such large meetings are not always effective. Plenaries, he argues, can be viewed as “a series of meetings of informal committees.”

Second, parliamentary questions were also not a new phenomenon in post-1994 South Africa, but it was important to make provision for this practice to continue in an effort to enhance oversight. Tjønneland and Mathisen (2001) argue that while the Parliament drifted from the Westminster tradition, parliamentary questions remained as an important feature. In the first edition of the Rules of the National Assembly, Rules 191 to 201 make explicit provision for the utilisation of interpellations, oral and written questions by MPs to the various departmental ministers, the Deputy President and/or the President (Parliament of South Africa, 1994b).

4.2 Providing scope for military-specific oversight by Parliament in post-1994 South Africa

The previous sections determined that oversight and accountability structures received attention in the immediate post-1994 period. Central to this was the rapid expansion of the committee system. Committees were therefore bound to be central to oversight of the military. Two key defence-related committees emerged in the post-1994 period to provide oversight of the military, namely the JSCD and Portfolio Committee on Defence and Military Veterans (PCDMV).⁴⁶ A third committee, the Select Committee for Security and Constitutional Affairs in the NCOP, was established to deal with defence-related matters on an *ad hoc* basis. However, given the wide scope of oversight of this committee, its largely provincial focus and the existence of a JSCD which comprises Members of the NCOP, the committee has a limited focus on defence.

The establishment of the JSCD was of significance in the immediate post-1994 period as it played an important role in the difficult integration process of the South African Defence Force (SADF) and former non-statutory forces to form the SANDF (Ngculu, 2002, p. 180; Sylvester, 2011a, p. 15). The requirement for oversight of the military in this context was of such priority, that the Interim Constitution prescribed the establishment and functions of the JSCD. Section 228 of the Interim Constitution (RSA, 1993) determined the establishment of the JSCD which should consist “of members of all political parties holding more than 10 seats in the National Assembly and willing to participate in the committee.” Section 228(v) further crucially described the oversight powers and functions of the JSCD:

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 and to perform such other functions relating to parliamentary supervision of the Force as may be prescribed by law.

In addition to these functions, the Interim Constitution (RSA, 1993, p. Sections 4-5) noted the requirement for the President to inform the JSCD of all military deployments when Parliament is not in sitting. This places the JSCD in a central position regarding the executive’s utilisation of the military. The JSCD thus enjoys a wide range of powers and played a key role in facilitating the 1998 Defence Review (Sylvester, 2011a, p. 15). As per legislative directive, Parliament also assigns general powers to all joint committees. The Joint Rules of Parliament allow committees to summon any person to give evidence, receive petitions, conduct public hearings, permit oral evidence, and meet at venues determined by it on any day and/or time (Joint Rules Committee Parliament of South Africa, 2008a, pp. 20–21). The PCDMV, in turn, was established under Rule 51 of the National Assembly Rules Book. This rule calls for the establishment of portfolio committees on governmental affairs and bills

⁴⁶ The PCDMV was initially only known as the Portfolio Committee on Defence. However, for purposes of comparison in subsequent chapters, the Committee is referred to as the PCDMV throughout the study.

that may be assigned to it by the Speaker (Parliament of South Africa, 1995b, p. 8).⁴⁷ The reason for the establishment and maintenance of two defence-related committees can thus largely be attributed to legislative requirements. Since Section 228 of the 1993 Interim Constitution remains in place, the JSCD cannot be dissolved. Section 228 of the 1993 Interim Constitution also does not explicitly state the review of bills as a function of the Committee, thus creating a potential gap in oversight and Parliament's legislative function. The creation of the PCDMV in line with parliamentary rules and with functions including the consideration of bills therefore fills this void. The JSCD and PCDMV represent the 'engine rooms' of Parliament in terms of oversight of the military.

5. Parliamentary oversight of the military from 1994 to 2004

Chapter 3 provided broad criteria for an analysis of oversight of the military. This section aims to apply these criteria to the South African Parliament's oversight of the military during the first two parliaments (1994 to 2004). Oversight tools utilised, focus areas, lower-order focus areas, and potential weaknesses for defence oversight during this period are reviewed. Addendum B provides a summary of the findings of this review and can be read in conjunction with the sections below.

5.1 Oversight tools utilised in defence oversight

The following subsections review several oversight tools that are utilised to conduct oversight of the military. These include parliamentary debates, parliamentary questions, special defence inquiries, oversight visits and study tours as well as the use of external audit.

5.1.1 Parliamentary debates

Parliamentary debates on defence can take place either in the plenary or committee level. Yamamoto (2007, p. 62) defines debates as "oral exchanges of opinions that are intended to facilitate the chamber's collective decision-making on certain issues." While frequent debates itself does not ensure quality oversight, regular engagements are essential to broader oversight efforts.

When reviewing debates in the plenary to determine a focus on defence matters, it is essential to remain as close to the definition of debates as possible. As such, the basic requirement for a debate is for 'exchanges of opinion' to take place. While defence-related matters are noted in some speeches by MPs, this does not necessarily translate to a defence-centred exchange of opinion. For the purpose of this study, only in-depth debates on defence (where a defence-related topic was scheduled for debate) are considered.⁴⁸ A review of debates in the Houses of Parliament between

⁴⁷ See Section 4.1.1 for the roles of portfolio committees as per the National Assembly Rules.

⁴⁸ In holding with the definition, Member statements on defence, the introduction of defence-related bills, the Minister's statements on defence, and State of the Nation references to defence were not considered as defence-related debates as no substantial exchange of opinion took place. Similarly, the NCOP often notes a discussion

1994 and 2004 reveal limited focus on military affairs. The National Assembly held the majority of debates on defence, with the Appropriation Bill and Adjusted Appropriation Bill being debated every year. These defence budget votes often resulted in robust debate covering an array of focus areas related to defence.⁴⁹ Furthermore, the introduction of defence-related bills, such as the 1995 Defence Amendment Bill and the 1996 White Paper on Defence, also resulted in extended debate. The majority of parliamentary debates on defence therefore focused on budgetary and policy-related matters. Few other specific defence-centered debates were scheduled. The exceptions to this include a 1997 debate on the government ban on landmines; a 1998 debate on the theft of weapons from military bases; two debates in 1998 on the situation in Lesotho following the SANDF's involvement; and two debates (1999 and 2002) on the SDPP (Parliament of South Africa, 1997a, p. 434; 1998, pp. 2819, 6763, 7317; 1999c, p. 807; 2002a, p. 6593). The Senate/NCOP had no dedicated defence-related debates between 1994 and 2004, except for the consideration of the appropriation bills, adjusted appropriation bills and other *ad hoc* introduced bills referred to it for approval through the legislative process. Finally, although joint sittings of the two Houses of Parliament are limited, one defence-specific debate was held in 2000 that considered peacekeeping and the humanitarian role of the SANDF (Parliament of South Africa, 2000c, p. 23).

In terms of committee work, the JSCD and PCDMV met with varied frequency between 1998 and 2004 (See Graph 4.1).⁵⁰ Addendum D provides a list of all JSCD and PCDMV meetings between 1998 and 2004. The JSCD was more active than the PCDMV in 1998. This can largely be attributed to the work on the Defence Review as a number of meetings on this matter were scheduled. However, except for a resurgence in 2001, the regularity of committee meetings by the JSCD declined from 1999 onwards. The 2001 surge can largely be attributed to the JSCD's work on the SDPP that comprised nine of its 23 meetings for the year (PMG, 2017a). These meetings were held jointly with the PCDMV and are reflected twice in the statistics for 2001.⁵¹ The regularity of PCDMV meetings stabilised from 2001 onwards and fluctuated between 18 and 25 meetings per year.

In order to contextualise defence committee's frequency of meetings, it may be of value to compare it to that of other committees, specifically committees in the security cluster (See Graph 4.2). From such a comparison it is clear that the reduced frequency of JSCD meetings after 1998, resulted in it comparing unfavourably to other committees. Post-2000, the PCDMV's frequency of meetings compared more favourably to that of other committees. However, in general, the Portfolio Committee on Police maintained a much higher frequency of meetings than other committees in the cluster (PMG, 2017b, 2017c, 2017d).

on Defence appropriation or adjusted appropriation. However, where these votes are simply adopted and not thoroughly debated they were also excluded.

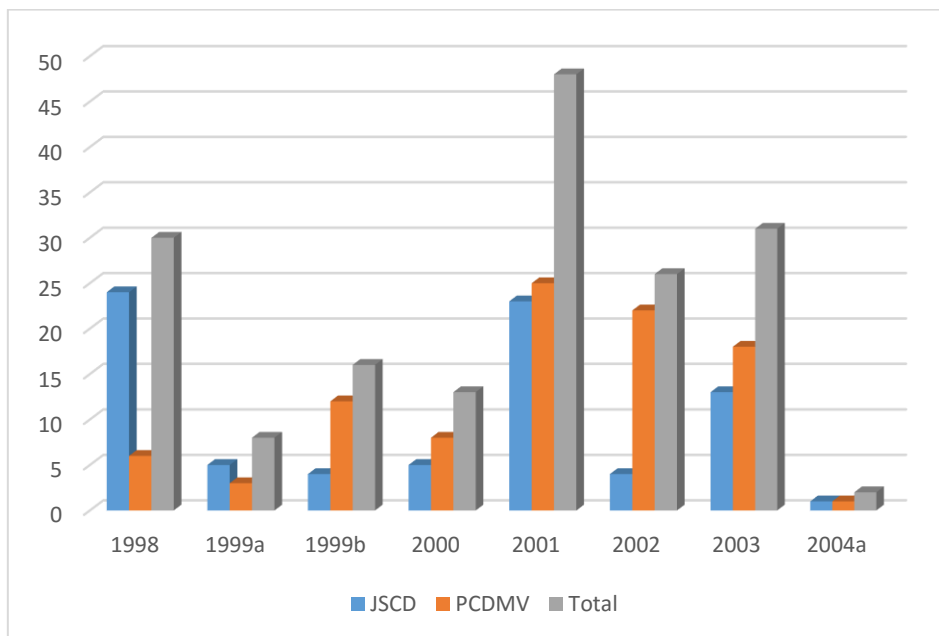
⁴⁹ See National Assembly Hansard 1994 – 2004 (Parliament of South Africa).

⁵⁰ Committee minutes are based on records kept by the non-governmental organisation, the Parliamentary Monitoring Group (PMG). This is due to the lack of official physical or electronic committee minutes being kept by Parliament's Committee Section (see similar concerns raised by Govender *et al.* (2007) p. 71). PMG minutes of parliamentary committee meetings can only be traced back to the beginning of 1998.

⁵¹ Integrated statistics are discussed in Chapter 6.

While the activities of the PCDMV and JSCD are reflected, an important demarcation to the study should be added in terms of the Select Committee for Security and Constitutional Affairs. While crucial to note the existence of this Committee and the fact that it discusses defence matters on an *ad hoc* basis, the work of this Committee can largely be excluded for the purposes of this study. For example, between 1998 and 2004, the Committee held only 12 meetings related to defence. Crucially, ten of these meetings related to the discussion on legislation (bills) referred to the Select Committee by the PCDMV. Only in May 2001 and June 2003 were meetings held to discuss defence-related matters, including the defence budget (PMG, 2001a, 2003d). While the value of the Select Committee for Security and Constitutional Affairs in evaluating legislation is apparent, its oversight role in terms of the military is highly limited. This is largely linked to the wide range of departments overseen by the committee, resulting in little time for a portfolio such as defence that has limited provincial impact.

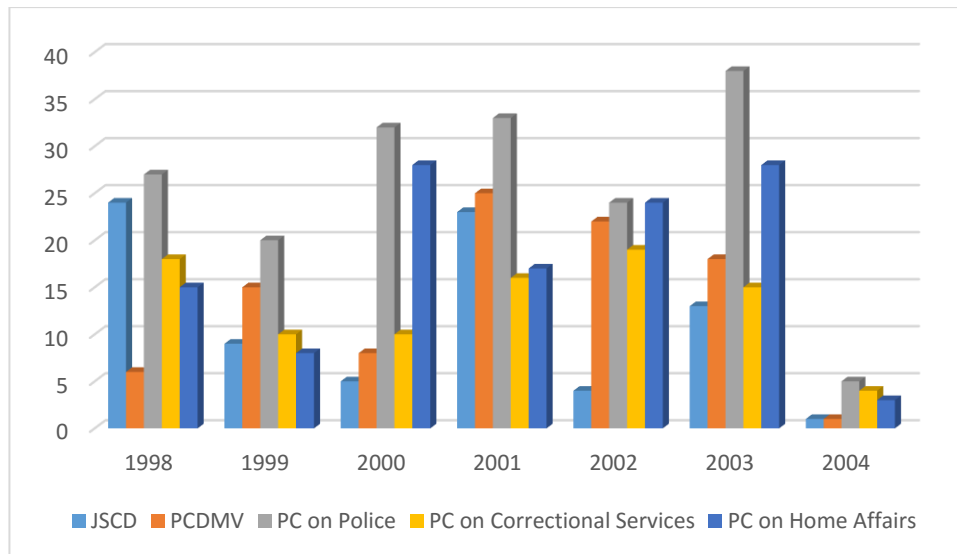
Graph 4.1 JSCD and PCDMV Meetings: 1998 - 2004⁵²



Source: Compiled from PMG Committee Minutes (1998 – 2004)

⁵² For 2004a, data only reflects information up to the date of the general elections (the end of the Second Parliament).

Graph 4.2 JSCD and PCDMV meetings compared to other Security Cluster Committee meetings: 1998 - 2004⁵³



Source: Compiled from PMG Committee Minutes (1998 – 2004)

5.1.2 Parliamentary questions⁵⁴

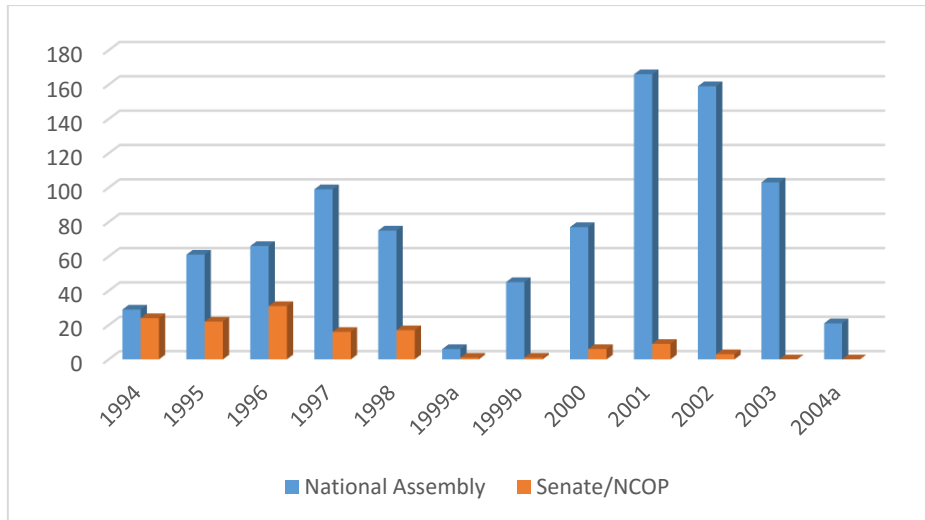
Questions from MPs to the executive can either be submitted orally or in written form.⁵⁵ A review of questions to the Minister of Defence between 1994 and 2004 reveals a high number of questions. In total, 447 questions were posed during the First Parliament and 590 during the Second Parliament, bringing the total number of questions on defence during the first ten years of democracy to 1 037 (See Graph 4.3).

Three immediate assumptions can be drawn from the frequency of questions. First, this oversight tool underwent a period of incremental use over the two parliaments as it grew from a 53 questions in 1994 to a high of 175 questions in 2001. Second, there is a significant disparity in the frequency of questions posed by MPs of the two houses of Parliament. Defence-related questions posed by the Senate/NCOP decreased significantly during the Second Parliament. Between 1999 and 2004, only 19 defence-related questions were raised by MPs from the NCOP, while MPs from the National Assembly posed 571 questions. This decrease in NCOP questioning in relation to defence coincides with the decreased activity of the JSCD (Note that the JSCD is a joint committee which includes MPs from the National Assembly and NCOP). Third, it is noticeable that fewer questions were posed during election years, including 1994, 1999 and 2004. Both in 1994 and 1999, only 53 questions were asked per year while 21 questions on defence were posed in 2004 prior to the election.

⁵³ For 2004, data only reflects information up to the date of the general elections (the end of the Second Parliament).

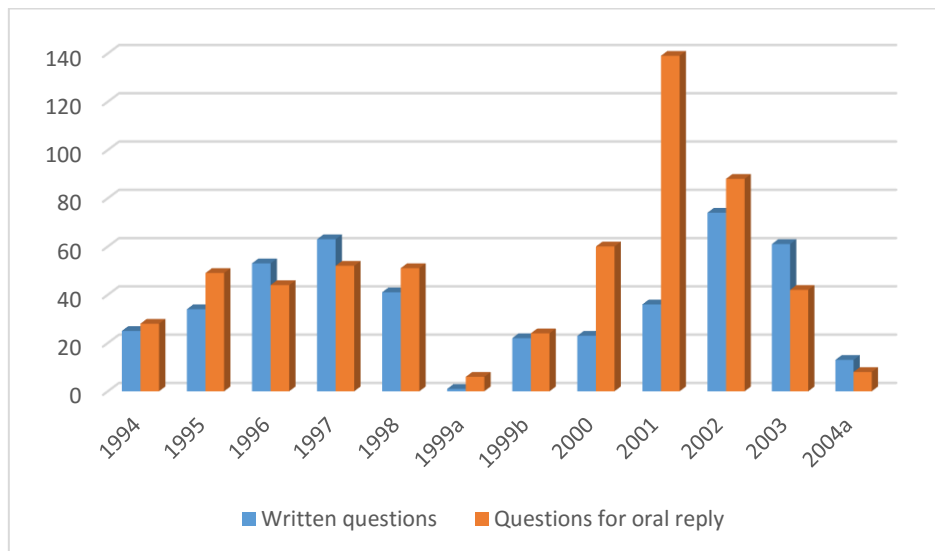
⁵⁴ Statistics on parliamentary questions were compiled from National Assembly Questions and Replies as well as Senate/National Council of Provinces Questions and Replies, as produced annually by Parliament.

⁵⁵ As is permitted by House Rules, questions that are submitted for written reply may be raised as oral questions should the opportunity arise in either the National Assembly or NCOP. In such cases, for the purpose of this study, questions are considered as oral questions.

Graph 4.3 National Assembly and Senate/National Council of Provinces questions to the Minister of Defence: 1994 - 2004⁵⁶

Source: Compiled from National Assembly and Senate/NCOP Question Papers (1994 – 2004)

Questions to the Minister of Defence can also be viewed in terms of a breakdown between written and oral questions (See Graph 4.4). Oral questions are posed to the Minister during his/her appearance in the Houses of Parliament. When reviewing this breakdown, it is clear that there has generally been a balance between the number of written and oral questions, except for 2001 and 2002 where oral questions outnumbered the number of written questions.

Graph 4.4 Written and oral questions to the Minister of Defence: 1994 - 2004⁵⁷

Source: Compiled from National Assembly and NCOP Question Papers (1994 – 2004)

⁵⁶ 1999a refers to the period prior to the general elections in 1999 and thus falls within the First Parliament. 1999b falls in the Second Parliament. For 2004a, data only reflects information up to the date of the general elections (the end of the Second Parliament).

⁵⁷ 1999a refers to the period prior to the general elections in 1999 and thus falls within the First Parliament. 1999b falls in the Second Parliament. For 2004a, data only reflects information up to the date of the general elections (the end of the Second Parliament).

Finally, it is crucial to determine the relevance of parliamentary questions as this is linked to the effectiveness thereof as an oversight tool. When reviewing questions, it is possible to determine several main categories of questions that occur frequently.⁵⁸ Key categories that are apparent in parliamentary questions on defence include matters related to (1) personnel, (2) the defence budget and other military spending, (3) defence policy and legislation, (4) the procurement and sale of military equipment for/by the DOD and broader defence industry, (5) operational aspects, including the deployment of the SANDF, and (6) individual DOD members. Further categories that relate to the focus areas identified in this study include (7) training and education, (8) gender and race, (9) defence infrastructure and equipment, and (10) military discipline. Lastly, (11) a category for questions of a purely political nature was included. This refers to questions relating specifically to the Minister and other Members of the executive, as well as questions where political determinants are at play, such as international relations.

Table 4.1 Categories of parliamentary questions on defence asked: 1994 - 2004

	Personnel	Budget	Policy	Procurement and Sales	Operations	Training	Gender/Race	Infra-structure/Equipment	Individual	Political	Discipline	Other	TOTAL
1994	6	1	14	5	4	2	1	3	1	10	1	5	53
1995	14	9	8	8	12	2	1	7	4	10	2	6	83
1996	33	11	15	7	6	5	1	5	4	4	1	5	97
1997	25	12	6	16	5	4	2	13	4	14	7	7	115
1998	17	8	8	10	3	0	0	22	6	4	8	6	92
1999a	0	2	0	0	1	0	0	2	0	0	2	0	7
1999b	5	1	8	4	3	4	0	5	2	5	4	5	46
2000	4	14	15	3	13	2	5	9	2	3	6	7	83
2001	12	20	34	17	18	9	4	16	7	13	6	19	175
2002	22	18	34	12	22	8	4	10	5	13	3	11	162
2003	8	14	23	4	11	7	6	11	2	6	3	8	103
2004a	4	1	4	0	2	1	2	1	2	4	0	0	21
TOTAL	150	111	169	86	100	44	26	104	39	86	43	79	1037

Source: Compiled from National Assembly and NCOP Questions and Replies (1994 – 2004)

A review of the parliamentary questions during the first ten years of democracy reveals a significant focus on policy matters that is in line with the need to establish defence policy in the immediate post-1994 period (See Table 4.1). Personnel-, budget-, infrastructure/equipment- and operational-related

⁵⁸ The construct of the categories of questions is based on two overlapping determinants. Firstly, questions with a recurring theme, such as personnel-, policy and budgetary-related questions were used to determine overarching categories. Secondly, the focus areas identified in this study (See Chapter 3) were used to determine categories where a sufficient number of such questions were found. Efforts were made to identify the central focus point of each question to determine the category to which a question belongs. However, the categorisation of questions is admittedly subjective.

questions make up the bulk of the remaining questions asked. Personnel-related questions received more attention during the First Parliament, while budgetary-related questions increased substantially in the Second Parliament. Other lower-order focus areas received comparatively less attention in terms of parliamentary questioning (the utilisation of questions per category is expanded on further in discussions on oversight focus areas, notably Sections 5.2 and 5.3).

5.1.3 Special defence inquiries

Special defence inquiries are characterised by in-depth engagement on specific defence-related aspects. An overview of JSCD and PCDMV activities between 1998 and 2003 reveals limited utilisation of this oversight tool. One significant defence inquiry was, however, conducted in 2001. This was a joint defence inquiry between the JSCD and PCDMV into the SDPP. Although this can be considered a special defence inquiry, it did not take the form of an independent inquiry by the two committees. Rather, several joint meetings were held between 14 November 2001 and 4 December 2001 when briefings were provided to the committees by government's investigating agencies (PMG, 2001n). Further, the JSCD conducted public hearings and at least two meetings on the language policy of the SANDF in 1999 (PMG, 1998f, 1998g). While public and/or expert opinion was sought and this represented a deeper level of inquiry, it still falls short of the criteria set for a special defence inquiry (See Chapter 3). In addition, although the development of subcommittees were discussed in the JSCD in 2000 (PMG, 2001c), no mention is made of the subsequent work of such committees. The only functioning subcommittee established during the Second Parliament was the Parliamentary Integration Oversight Committee. Although exact minutes of meetings held by this committee are not available, several briefings were made to the committee by the SANDF Integration Committee and the BMATT (le Roux, 2005, p. 254). As such, the utilisation of subcommittees as a means of conducting special defence inquiries was not extensively used in the first and second parliaments.

5.1.4 Oversight visits and study tours

The effectiveness of oversight visits and study tours should ideally be measured through its impact, which is difficult to determine. However, a basic condition for an oversight visit or study tour to have impact is for it to be conducted within the rules of parliament and for concrete recommendations to emanate therefrom. The 1995 version of the Rules of Parliament (Rule 53 (f)) established that committees may "conduct its proceedings or any aspect of its work, at any venue it deems to be the most suitable" while Rule 61 stated that "[t]he report of a portfolio committee shall be presented to the House by the chairperson or another member of the committee" (Parliament of South Africa, 1995b, pp. 10–11). The Rules therefore provide a requirement for a report to be submitted to the National Assembly and/or NCOP by any committee on its activities, including oversight visits and study tours. Reports are officially published in Parliament's ATC Reports.

A Review of the ATCs between 1994 and 2004 reveal that the Parliament's defence committees conducted two study tours. In 1998, the PCDMV conducted a study tour to Germany, Switzerland and Belgium. The visit focused on integration and the establishment of a Military Ombud office (Parliament of South Africa, 1999b). 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 (Parliament of South Africa, 2001b). Official reports were tabled for these study tours, in line with the parliamentary requirements. However, only one such report was published in the ATCs for oversight visits. In 1994, the JSCD visited various military bases in an effort to observe the integration process. The report included several recommendations to the Minister of Defence and Chief of the SANDF (Parliament of South Africa, 1994a).

While only one report was published in the ATC, Committee minutes between 1998 and 2004 reveal that other oversight visits did take place. In 2001, the Chairperson and eight members of the JSCD visited the territorial reserve forces in Kirkwood and Grahamstown. The content of the visit was opened for discussion by the JSCD in a June 2001 meeting (PMG, 2001i). The 2003 Annual Report of the PCDMV also noted three oversight visits by smaller groups of MPs on the Committee to Tellumat (Pty) Ltd (a defence company), the Artillery Formation in Potchefstroom, and the De Brug military training area (PMG, 2000a). No official reports of these visits are reflected in available committee minutes or in the ATCs and therefore the direct impact of such oversight visits can be questioned.

5.1.5 Use of external audit

During the period under review, the use of external audit by Parliament started off slowly, but increased over the years. External audit opinions utilised by Parliament were mostly that of the Auditor-General of South Africa (AGSA). A review of the PCDMV and JSCD meetings between 1998 and 2004 reveals some briefings to the committees making reference to auditing work completed by the AGSA. In September 2000, the JSCD received a briefing of an audit on the integration process while an August 2003 meeting made reference to the AGSA Report on excess stock in the SANDF (PMG, 2000b, 2003g). Over this period, however, no direct briefings by the AGSA to the JSCD or PCDMV were recorded. On only three occasions (1998, 2002 and 2004) did committee minutes make reference to the AGSA's input on the budgets of the military (PMG, 1998c, 2002f, 2004a). The committee did respond positively through tabling formal reports in relation to the Ombudsman Report on Salary Adjustments in 1995 (Parliament of South Africa, 1995a). Similarly, in 2001, the JSCD tabled a formal report (Joint Investigation Report into the SDPP) that, in part, responded to the Special Review by the Auditor-General of the Selection Process of SDPP (Parliament of South Africa, 2000b, 2001a). The irregular use of external audit thus undermined the potential impact thereof as an oversight tool.

Of specific concern regarding the use of external audit is the misalignment between the work of the AGSA and information reflected in the minutes of the JSCD and PCDMV committees. In 1996 and

1998, for example, the AGSA compiled two reports dealing with (1) performance of the DOD during the last 6 months of 1995 and, (2) an audit report on the annual financial statements and vehicle fleet management in the SANDF (Auditor-General of South Africa, 1996, 1998; Parliament of South Africa, 1999a). In 2000, a Special Report of the Auditor-General on the Investigation into the Stockholding of the DOD was also referred to the PCDMV (Parliament of South Africa, 2000a). Although submitted to Parliament and referred to the PCDMV, the 1998 and 2000 reports do not reflect in Committee discussions of the JSCD or PCDMV. It should be noted that the 2000 AGSA report on Stockholding was deliberated on and the DOD called for questioning by the SCOPA (PMG, 2000g).⁵⁹

5.2 Focus areas of defence oversight

The sections below review to what extent the South African Parliament focused on several key focus areas related to the military. These focus areas include the defence budget, defence policy, procurement, human resources and the deployment of the military.

5.2.1 Defence budget

Since 1994, the defence budget received regular attention by Parliament, both *ex post* and *ex ante*. It is reflected in the ATCs of Parliament that the defence budget was submitted to Parliament each year between 1994 and 2004. The defence budget, as well as the annual adjusted appropriation, resulted in robust debates in the National Assembly and the Senate/NCOP during this period.⁶⁰ This is in line with the regulatory requirement for parliamentary appropriation of the budget as per Section 228 (2) of the 1993 Interim Constitution and Section 77 of the Constitution. A review of JSCD and PCDMV meetings between 1998 and 2004 reveals regular engagement on budgetary aspects (See Table 4.2). These meetings reflect that, during the period under review, the DOD budget was analysed by one or both committees each year. In addition, the DOD's medium-term budget was also reviewed regularly. This indicates that both short- and medium-term budgetary imperatives received oversight by Parliament.

Budgetary aspects received increasing attention in terms of parliamentary questions. During the First Parliament, 43 questions related to the DOD's budget and/or expenditure were posed by MPs. This increased to 58 during the Second Parliament.

⁵⁹ Minutes of the SCOPA are not available on PMG prior to 2000. Committee minutes of the SCOPA requested from Parliament's Committee Section for meetings prior to 2000 were also not available.

⁶⁰ Refer to the National Assembly and NCOP Hansards (1994 – 2004).

Table 4.2 Defence Committee Meetings on DOD Budgets: 1998 - 2004

	JSCD	PCDMV
1998	29 October: DOD Medium-term budget	20 May: DOD Budget 1998/99
1999	23 February: Defence 1999/2000 budget 20 October: The defence budget cycle	20 October: The defence budget cycle
2000	4 October: DOD Medium-term budget	03 April: DOD Budget 2003/04
2001		31 May: DOD Budget 2001/02 1 June: DOD Budget 2001/02
2002	25 October: DOD budget and planning for 2003/04	8 May: DOD Budget 2002/03
2003	13 March: DOD Budget 2003/04	13 May: DOD Budget 2003/04 16 September: Adjusted budget for 2003/04
2004	17 February: DOD Budget 2004/05	No meetings prior to the end of the Second Parliament.

Source: Compiled from PMG Committee Minutes (1998 to 2004)

5.2.2 Defence policy

Given the transition to democracy and the shift in civil-military relations, alterations to defence policy in the immediate post-1994 period were required. The role of Parliament was crucial to provide credence to the 'defence in democracy' approach as is reflected in the 1996 White Paper on Defence (RSA, 1996b). Calland (1997, p. 15) notes that between 1994 and 1997, the JSCD in particular became increasingly involved in oversight of policy development.

The National Assembly and NCOP plenaries debated defence-related bills frequently when tabled. Between 1994 and 2004, 11 bills and two policy documents were debated by the Houses of Parliament.⁶¹ This is in line with the constitutional requirements for Parliament to pass legislation (RSA, 1996a). In terms of Committee discussions regarding defence policy, JSCD and PCDMV records available after 1998 reveal regular focus on matters of defence policy and legislation (See Table 4.3). From this overview it is evident that the legislative function dominated the first and second parliaments and significant time was spent on finalising legislation. It also emerges that the PCDMV played a more significant role in dealing with legislation than the JSCD who had more discussions on policy matters. This likely relates to the fact that proposed bills are only considered by Joint Committees when a Bill is expressly referred to such committees (See for example Rule 111 of the

⁶¹ Refer to the National Assembly and NCOP Hansards (1994 – 2004).

Joint rules of Parliament (Parliament of South Africa, 1997b)). As such, briefings on possible legislation to the JSCD would only have been for information while the actual processing of draft bills would be considered by the PCDMV.

Table 4.3 Defence Committee meetings focusing on policy and legislation: 1998 - 2004

	JSCD	PCDMV
1998	The DOD Language Policy The 1998 Defence Review Military Veterans Affairs Bill Military Disciplinary Code (Defence Act)	Defence Special Tribunal Bill Regulation of Foreign Military Assistance Bill Demobilisation Amendment Bill
1999	White Paper on Defence Industries Civil-military relations in South Africa Transformation policy in the SANDF Military Discipline Supplementary Measures Draft Bill	Draft Defence Bill Civil-military relations in South Africa
2000	The Armscor Bill	The Armscor Bill Draft Defence Bill Conventional Arms Control Bill
2001	The DOD HIV/Aids Policy Policy on Recognition of Non-Statutory Forces for Pension Benefits	The Conventional Arms Control Bill Demobilisation Amendment Bill Termination of Integration Intake Bill
2002	<i>None</i>	Defence Bill Anti-personnel Mines Prohibition Bill Burundi Appropriation Bill National Conventional Arms Control Bill
2003	White Paper on Peacekeeping Defence Foreign Relations Policy Equal opportunities policy Transformation policy in the SANDF	The Armscor Bill Anti-personnel Mines Prohibition Bill Project Phoenix (phasing out Commandos) White Paper on Defence Industries
2004	<i>None</i>	Common African Defence Security Policy

Source: Compiled from PMG Committee Minutes (1998 – 2004)

The utilisation of oral and written questions on defence offers an additional oversight tool to review defence policy. An analysis of questions between 1994 and 2004 reveals that the majority of questions asked were policy-related questions (See Table 4.1). A total of 169 such questions were posed by MPs during the first two parliaments. Of further interest is the fact that policy-related

questions became increasingly prominent during the Second Parliament and focus on such questions extended beyond Parliament's work on the White Paper on Defence and the 1998 Defence Review. These questions often focused on the implementation of earlier policy decisions.

5.2.3 Defence procurement

Defence-related procurement requires constant oversight as procurement is an ongoing process in the defence environment. Griffiths (in Olson et al., 2008, p. 236) notes the importance of parliamentary oversight of procurement "due to the controversy generated by arms sales, their technical complexity, and the potential for corruption often associated with such lucrative transactions." Oversight of procurement therefore provides a good indication of the level of accountability achieved through parliamentary oversight.

In terms of committee work, procurement received regular attention between 1998 and the end of the Second Parliament. In March 1998, for example, the JSCD received a briefing on Defence Acquisition Management (PMG, 1998b). In the same year, procurement also featured regularly in engagements on the Defence Review. In-depth scrutiny of procurement policies and processes in the DOD came to the fore during and after 1999 with oversight of the SDPP. While 1999 saw the JSCD and PCDMV deliberate the Defence Industry White Paper and the Armscor Act, it was in 2001 that both these Committees resorted to in-depth oversight of procurement during presentations on the Joint Investigation Report into the SDPP. Between 14 November 2001 and 4 December 2001, nine joint meetings were held on the SDPP and the report officially adopted by the Committees (PMG, 2001n). Furthermore, the SCOPA held a high number of meetings on the SDPP between 2000 and 2001. At least 17 SCOPA meetings were held on this topic with a final committee report adopted on 11 December 2001 (PMG, 2001j).

Despite this in-depth oversight of the procurement process in 2001, there has been widespread criticism of the way Parliament conducted oversight of the SDPP. Griffiths (in Olson et al., 2008, pp. 236–238) concludes that oversight of this process revealed the negative impact of party-discipline as well as the lack of capacity and expertise of parliamentary committees to conduct in-depth oversight of procurement. Sylvester and Seegers (2011, p. 58) confirm these concerns by noting that Parliament, notably the JSCD, must approve all major arms procurements, but that the committee "has faced is the high rate of turnover among members, members' limited expertise, and insufficient research support. Despite its effort, the JSCD often lags behind the SANDF in understanding defence issues." Obiyo (2007, p. 61) in turn notes that the SCOPA also fumbled in its investigations due to pressure from the executive. In essence, the marginalisation of Parliament and its oversight process *vis-à-vis* the power of the executive branch of government is one of the main weak points that characterised the SDPP process and subsequent investigations (Sylvester & Seegers, 2011, p. 73). This imbalance in power is in line with concerns identified in the pre-1994 period (See Section 4.2).

Following the 2001 inquiry, the focus of oversight on procurement fell largely on discussions regarding the National Conventional Arms Control Bill and annual reports of the National Arms Control Committee (NCACC) (PMG, 2002d, 2003h). The NCACC reports to Parliament on all international arms sales and procurement by the South African government and private institutions, as enacted in 2002 (RSA, 2002b). A key concern regarding oversight emanates from Section 21(3)(b) of the NCACC Act that requires the NCACC to make quarterly and annual reports to a committee of Parliament (RSA, 2002b). A review of JSCD and PCDMV meetings in 2003 show that only the annual report and one quarterly report were considered by the JSCD (PMG, 2003i).

The need for information on - and oversight of - defence procurement is arguably also demonstrated by the number of parliamentary questions related to defence. Between 1994 and 2004, 86 questions on defence procurement and the sales of arms to others states were posed by MPs. A significant portion of these do, however, relate to the sale of arms. It can therefore be expected that the regular reporting on such sales by the NCACC after 2002 should reduce questions in this regard. This decline is evident in 2003, for example, when only 4 questions related to procurement and the sales of arms were posed (See Table 4.1).

5.2.4 Human resources

Human resources and related personnel matters received significant attention during the first two democratic parliaments. This is most evident in the 150 personnel-related parliamentary questions posed between 1994 and 2004. In addition, 39 questions related to individuals serving in the DOD were also posed, the majority of which related to conditions of employment (See Table 4.1). These questions reveal that one of the primary reasons for the focus on human resources is most likely the complex process of integration⁶² and force rationalisation in the post-1994 period. This focus is also reflected in the establishment of a Parliamentary Integration Oversight Committee as a subcommittee of the JSCD that provided oversight of the integration process (le Roux, 2005, p. 254).

The work of the JSCD and PCDMV on human resources between 1998 and 2004 reflects the prioritisation thereof by committees. Committees paid specific attention to Force Structure as a subset of human resources matters. In 1998, the JSCD discussed the Force Structure as part of the Defence Review (PMG, 1998e). In February 2003, the JSCD also received a dedicated briefing on the 2010 Human Resources Strategy (PMG, 2003f). Furthermore, the SANDF personnel component regularly formed part of deliberations on the DOD budget. Other discussions on human resources aspects that featured as part of committee meetings are reflected in Table 4.4, revealing continued committee engagement.

⁶² The integration process refers to the integration of the South African Defence Force with non-statutory forces, notably Umkhonto we Sizwe and the Azanian People's Liberation Army, as well as the military forces of the former homeland states to form the new SANDF.

Table 4.4 Major human resources aspects addressed by committees: 1998 - 2004

	JSCD	PCDMV
1998	Defence Review discussions on force structure/force design Force rationalisation	None
1999	Force rationalisation Human resource related Initiatives	Force rationalisation
2000	Setai Commission recommendations on human resources Audit report on force integration	Force rationalisation
2001	Integration report Setai Commission recommendations on human resources	Equal opportunities Human Resource Development Termination of Integration Intake Bill
2002	<i>None</i>	<i>None</i>
2003	Human Resources Strategy 2010 Integration and transformation in the SA Navy Integration and transformation in the SA Army	Integration and transformation in the SAMHS Force design and phasing out of Commandos Integration and transformation in the SA Air Force
2004	<i>None</i>	<i>None</i>

Source: Compiled from PMG Committee Minutes (1998 – 2004)

5.2.5 Deployment of the military

The SANDF was frequently deployed for military operations both inside and outside South Africa's borders between 1994 and 2004. Clear legislative guidelines for such deployments were provided for in both the 1993 Interim Constitution and the 1996 Constitution. The two constitutions overlapped in their directives regarding the deployment of the military. Summarising from Section 201 of the Constitution, 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. Later legislation, through Section 18(1) of the Defence Act (Act 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.

For both deployments, according to the Constitution and the Defence Act, provision is made for parliamentary oversight. Section 201(3) of the Constitution states that, should the Defence Force be employed, the President must inform Parliament of (a) the reasons for the employment of the Defence Force; (b) any place where the force is being employed; (c) the number of people involved; and (d) the period for which the force is expected to be employed. In addition to these requirements,

subsections 18(2)(e) of the Defence Act also advises the President or Minister to inform Parliament of the expected expenditure of the relevant deployment. Furthermore, Section 201(4) of the Constitution notes that “[i]f Parliament does not sit during the first seven days after the defence force is employed ... the President must provide the information required [above] to the appropriate oversight committee.”

In addition to the guidelines regarding the oversight of parliament in the Constitution, certain sections of the 1993 interim Constitution should also be considered for the 1994 to 2004 period, as these sections were retained under the 1996 Constitution. In terms of the Constitution (Act 108 of 1996) Schedule 6, Transitional Arrangements Clause 24, Sections 224 to 228 of the Interim Constitution remain in operation. These Sections have an impact on parliamentary oversight of defence deployments as they provide legislative guidelines for the JSCD’s role. Section 228(4) of the Interim Constitution stipulates that:

The President shall, when the National Defence Force is employed for service referred to in section 227 (1)(a), (b) or (e), forthwith inform Parliament of the reasons for such employment.

If, in the case of such an employment referred to in section 227 (1) (a) or (b), Parliament is not sitting, 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. 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.

Given the specific role of the JSCD in reviewing SANDF deployments and the power to terminate deployments, it is of value to review the committee’s activity in this regard. The SANDF’s first major foreign deployment in the post-1994 period was Operation Boleas, a regional military intervention in Lesotho (Neethling, 2006). This first external deployment already showed concerns in terms of parliamentary oversight. While the deployment commenced on 22 September 1998, the Joint Standing Committee only received a briefing on the matter on 2 November 1998. It should be noted, however, that this was a rather extensive briefing on Operation Boleas by the Deputy Minister of Foreign Affairs, Aziz Pahad, the Deputy Minister of Defence, Ronnie Kasrils, and the Operational Commander, Colonel Robbie Hartsliel (PMG, 1998i). Nonetheless, the inaction by Parliament shows a lack of immediate oversight capacity to deal with deployments. This is exacerbated by the fact that ATC’s reveal that Parliament indeed received the Presidential Letter of Deployment of the SANDF to Lesotho on 22 September 1998, but only deliberated on it more than a month later (ATC No 117 of 1998).

The SANDF peacekeeping deployment to Burundi that commenced on 29 October 2001, reflected the country's first foray into international peacekeeping operations (ACCORD, 2007, p. 26; Engelbrecht, 2009a). It should be noted that the roles prescribed for Parliament in oversight of defence deployments as per the Constitution and the Defence Act were maintained in the 1998 White Paper on South African Participation in International Peace Missions. Section 7.3 of the White Paper (RSA, 1998) notes the following procedures when the President employs the SANDF in peacekeeping roles:

- The President will promptly and in appropriate detail inform Parliament, if in session, or, if Parliament is not in session, the appropriate Parliamentary Committees, as to the reasons for the deployment; the place where the force is to be deployed; the number of persons involved; and the expected duration of the deployment.
- Those Parliamentary Committees with a direct interest in South Africa's involvement in peace support operations - the Parliamentary Committees on Defence, Foreign Affairs, Intelligence and Finance - should be briefed on the preparation for the peace support operation in question.
- The Parliamentary Committees must be informed of the proposed entry and exit criteria and risks involved, and the Treasury Committee on the financial implications of the operation in the operation.
- The Parliamentary Committees should be informed of the proposed command and control arrangements and the details of the proposed force, as well as the proposed [Rules of Engagement] and the proposed withdrawal plans for the force in question.
- Documentation must be provided to parliamentarians in a timely fashion to expedite their decision. This would outline to the parliamentarians whether the operation, in the opinions of those state departments involved in preparing for the operation, accords with South African national interests, national policy and foreign policy objectives.

While the above suggested guidelines were put forward in 1998, peacekeeping largely escaped such 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 (ATC No 142 of 2001). On 30 October 2001, the JSCD held its first meeting that touched on the Burundi deployment. Subsequent meetings on the deployment were held in November 2001 and March 2002 (PMG, 2001f). While this sequence of events highlighted a more structured oversight than, for example, the Lesotho case, concerns did emerge. The haste with which the deployment took place did not allow for thorough engagement by Parliament. Furthermore, a Cabinet Memorandum approving the deployment was only signed in February 2002 (ACCORD, 2007, pp. 26–27). Furthermore, in the first JSCD meeting on the deployment, MPs raised concern about not being properly briefed on the deployment and having to rely on media reports for information (PMG, 2001q). This unfolding of events thus exposes that even when constitutional protocol is followed, it does not necessarily ensure thorough oversight, especially in terms of the stringent procedures suggested in the White Paper on South African Participation in International Peace Missions.

Except for additional meetings on the SADC Mutual Defence Pact and the White Paper on Peacekeeping, which did not deal with actual SANDF deployments, the JSCD did not receive any further dedicated briefings on defence deployments between 1998 and March 2004. This comes despite the fact that Parliament's ATCs reveal letters of deployment submitted from the President regarding deployments to, *inter alia*, Angola, Tanzania and the DRC (in 1998), Mozambique (1999 – 2001), the Comoros (2001) and Iran (2004). As such, while the executive complied with the formal legislative requirements for military deployments, the JSCD did not deliberate on all of these deployments. Furthermore, Parliament never exercised its prerogative to terminate SANDF deployments. This reflects a poor overall level of oversight of military deployments as the executive is largely free to announce deployments without constant in-depth scrutiny by Parliament.

Finally, parliamentary questions reflect an increasing focus on operational matters, notably after 2000. This coincides with the increasing operational demands on the SANDF following the 1998 Operation Boleas involvement, the 2001 deployment to Burundi, and growing border safeguarding responsibilities. During the First Parliament, only 31 questions on operational matters were posed to the Minister of Defence. This increased to 71 during the Second Parliament, arguably indicating a need for additional information on defence deployments. This increase reads in line with frustration uttered by MPs during meetings on deployment that there is a lack of information provided to Parliament on such deployments (PMG, 2001q).

5.3 Lower-order focus areas of defence oversight

Several lower-order focus areas for oversight of the military were identified in Chapter 3. The sections below review Parliament's focus on these areas, including annual and quarterly performance, interdepartmental cooperation, military training and education, gender and racial equality, defence morale and defence infrastructure.

5.3.1 Annual and quarterly performance

The submission of annual and quarterly departmental reports allows Parliament to track performance and not merely focus on financial indicators. However, this tool remained underdeveloped in South Africa prior to 2000 (National Treasury of South Africa, 2005, p. 3). Major advances in terms of Parliament's oversight of departmental performance only came about during the Second Parliament. The Public Finances Management Act (1999) established a statutory requirement for national departments to submit an annual report to parliament (RSA, 1999, p. Section 55(3)). Of importance is that Section 40(3)(a) of the Act requires the accounting officer of a department to include performance against predetermined objectives in the annual report (RSA, 1999). While these requirements were set in 1999, regulations imposed by National Treasury in 2001 further expanded the scope for Parliament to track departmental performance. Section 5.3.1 of the Treasury Regulations (National

Treasury of South Africa, 2001) issued in April 2001 states that “[t]he accounting officer of an institution must establish procedures for quarterly reporting to the executive authority to facilitate effective performance monitoring, evaluation and corrective action.”

Given the development of these directives in 1999 and 2001 respectively, it is only possible to review parliament's oversight of annual and quarterly performance after these implementation dates. Nonetheless, a review of JSCD and PCDMV activities between 1999 and 2004 reveal little focus on annual reports and no engagements related to quarterly reports. Only the annual reports of Armscor were considered in 1998 and 2003 by the JSCD and PCDMV respectively (PMG, 1998a, 2003a). The lack of engagement on performance related matters as per the annual reports was highlighted, for example, in 2003 when DOD officials requested MPs to consult the annual report for information on performance in terms of the departmental Strategic Plan (PMG, 2003d). While legislative parameters for improved parliamentary monitoring of the DOD's performance have been developed during the Second Parliament, the JSCD and PCDMV failed to use these effectively.

5.3.2 Interdepartmental cooperation

Interdepartmental cooperation is essential to the achievement of broader government goals. The DOD often supports other departments or is reliant on other departments for services. Interdepartmental cooperation received limited attention by the JSCD and PCDMV during the first two parliaments. One of the key departments with which the DOD cooperates is the South African Police Service (SAPS). Three defence committee meetings related to the cooperation between the DOD and SAPS were held during the first two parliaments. On 9 and 16 May 2000, the JSCD received two briefings and held deliberations on the policing powers for SANDF when in support of SAPS (PMG, 2000c, 2000d). Furthermore, a PCDMV meeting in October 2002 related to the DOD budget dealt to a limited degree with cooperation between the SANDF and SAPS regarding border safeguarding (PMG, 2002e). No other meetings were held dedicated to cooperation between the DOD and other departments.

5.3.3 Military training and education

In the context of non-offensive defence, militaries are prone to focus on training and preparation for the deployments (Moller as cited by Jordaan, 2004, p. 53). Given the White Paper's (RSA, 1996b, p. Section 11) assentation that South Africa will pursue peaceful international relations, it is clear that the country entered a period underscored by a non-offensive, defensive approach. Jordaan (2004, p. 74) argues that, during the immediate post-1994 era, training and preparation of military personnel were deemed essential in the process of defence policy formulation. This was reflected in, for example, the White Paper on Defence (RSA, 1998, p. Chapter 10) that emphasised the need for training and education in the SANDF. Training competencies and improving the quality of training was prioritised

and educational needs also received significant attention ranging from basic educational needs to tertiary and civil education.

Based on the White Paper's identification of training as a priority, it can be expected that parliamentary oversight in the first two parliaments would have reflected this. Of specific importance would have been the work of the JSCD, given that the 1993 Interim Constitution (RSA, 1993) makes provision for the committee to oversee the "state of preparedness" of the national Defence Force that would invariably relate to aspects of training. While the work of the JSCD and PCDMV reveals several interactions related to training, no *dedicated* meetings on this were held. Interactions on training between 1998 and 2004 most frequently came during meetings on the defence budget. This largely related to the impact of financial allocations on training. Meetings on transformation, integration and equal opportunities also had some reference to training. Meetings with a more specific focus on training include a PCDMV engagement in October 2001 which focused on how training addresses equal opportunities in the SANDF (PMG, 2001g). Similarly, meetings by the JSCD in March 2003 on integration and transformation in the SA Navy and SA Army included discussion on the training of SANDF members, notably the training of African personnel, women and spending on training (PMG, 2003j, 2003k). Training and re-training of former soldiers for the civilian labour market also featured in discussions around force rationalisation, notably during a PCMDV meeting held in March 2000 (PMG, 2000e). A total of 44 questions on training and education were asked during the first ten years of democracy, with the majority thereof being posed during the Second Parliament.

Military education received more dedicated attention than aspects of training by the defence committees between 1998 and 2004. In November 2001, the PCDMV held a meeting on the education offered by the SA Military Academy and the Defence College (PMG, 2001p). The content of this meeting focused on civic education in the SANDF, which was also the focus of an April 2003 PCDMV meeting (PMG, 2003c). Civic education was also dealt with in deliberations regarding the Defence Bill in May 2002 (PMG, 2002c) as well as on an *ad hoc* basis during other meetings by the JSCD and PCDMV. The focus of oversight on aspects of civic education in the first ten years should be viewed in the context of the democratisation of South Africa and the need for the SANDF to function within this democratic setting (Cawthra, 2005, p. 98; Modise in le Roux *et al.*, 2012, p. 47).

5.3.4 Gender and racial equality

Given the need for integration of the various armed forces and an overhaul of the SANDF's personnel component, it can be expected that gender and racial equality received significant oversight during the first years of democracy. This is reflected in, for example, Chapter 6 of the 1996 White Paper on Defence (RSA, 1996b) that emphasises the need for integration, the provision of equal opportunities including education and training opportunities for "black officers, service women and other previously disadvantaged personnel." While the DOD prioritised racial and gender equality through its policies, parliamentary oversight in terms of questions by MPs were lacking. During the first ten years, only 26

parliamentary questions related to race and gender were asked (See Table 4.1).⁶³ Questions in this regard were likely minimal due to the extent of work done by the parliamentary committees in terms of oversight of gender and racial equality.

Equal opportunities, largely under the theme of organisational transformation, featured regularly in the work of the JSCD and PCDMV. References to racial and gender equality featured in the majority of meetings of both the JSCD and PCDMV between 1998 and 2004. It would therefore be of value to rather review committee meetings dedicated exclusively to race and gender equality. The JSCD was particularly active in overseeing the DOD's search for increased equality. In 1999, a dedicated meeting on transformation in the DOD was held, while engagements regarding the BMATT Report also focused heavily on transformation and race/gender equality (PMG, 1999e, 1999c). In 2000, the JSCD met to discuss transformation in the Reserve Force as well as the Setai Commission recommendations on transformation (PMG, 2000h, 2000f). In 2001, the JSCD again engaged the Setai Commission's recommendations and also met to discuss the official Integration Report (PMG, 2001h, 2001r). In 2003, the Committee dealt with the DOD's formal response to the Setai Commission recommendations on transformation. Transformation and integration were also dealt with at a lower level through oversight of transformation activities in the SA Army, SA Navy and SA Air Force respectively (PMG, 2003j, 2003k, 2003l).

5.3.5 Defence morale

Section 228(v) of the Interim Constitution (RSA, 1993) notes one of the key functions of the JSCD as overseeing morale of the country's Defence Force. A review of JSCD deliberations between 1998 and 2004 do not reveal any significant engagements on the morale of the SANDF. Of interest is that during three separate JSCD meetings, in 1999, 2001 and 2003, the committee was informed of the challenge of low morale in the SANDF (PMG, 1999a, 2001l, 2003c). However, no follow-up discussions are noted during these and other meetings. Similar to the JSCD, the PCDMV received information on the challenge of low morale in 2000 and 2001 (PMG, 2000c, 2001b). In an October 2001 meeting, the PCDMV Chairperson noted that "anything that impacts on the policy and morale of the Department becomes the business of Parliament's oversight role" (PMG, 2001e). The chairperson indicated that this matter should be revisited by the Committee at a later stage. However, by the end of the Second Parliament, no dedicated meeting on this matter was recorded.

Eekelen (in DCAF, 2010, p. 59) notes that "[p]ublic reports by an inspector general and an ombudsman greatly assist the parliamentary committee in judging the overall situation in the services and the morale of their personnel." When reviewing the work of the two defence committees, no engagements with external role players regarding the morale of the SANDF are found. It is thus evident that the JSCD failed to effectively address its constitutional directive to oversee the morale of

⁶³ Questions related to race and gender exclude questions related to integration as these were considered policy-related questions.

the SANDF, despite being informed of the challenges. The PCDMV similarly failed at addressing this, notably in a period where a loss of qualified personnel and challenges to operational standards posed a threat to morale in the DOD (Kummel & von Bredow, 2000, p. 69).

5.3.6 Defence infrastructure

Parliamentary questions related to SANDF infrastructure and equipment⁶⁴ reveal a high level of interest from MPs. Between 1994 and 2004, a total of 104 questions related to infrastructure and equipment were asked. The trajectory of the frequency of questions is of interest as it increased steadily over the ten-year period (See Table 4.1). This may be an indication that, due to the prioritisation of aspects such as the integration process and organisational transformation, less opportunities existed for oversight of equipment and infrastructure. This trajectory is also reflected in the work of the JSCD and PCDMV between 1998 and 2004. While the PCDMV briefly referred to infrastructure management in its 1999 European Study Tour Report (PMG, 1999d), concerns around infrastructure only started coming to the fore in 2001 and 2002. During two PCDMV meetings in 2001, the Committee was informed that expenditure on infrastructure programmes are urgently needed (PMG, 2001d, 2001k). The need for infrastructure investment and dissatisfaction with the Department of Public works (DPW) were also reflected in terms of budget requirements to the JSCD in 2002 (PMG, 2002e). Nonetheless, the review of JSCD and PCDMV meetings reveals limited engagement on the matter. No Committee meetings dealt exclusively with defence infrastructure. Budgetary aspects of infrastructure, which are prioritised by the IPU and DCAF (Born, 2003, p. 134,157), also did not receive any significant attention.

5.4 Reviewing the potential for weaknesses in oversight of the military

The sections to follow review the extent to which identified weaknesses to oversight of the military in South Africa manifested between 1994 and 2004.

5.4.1 Constitutional and legal powers

The IPU and DCAF note that constitutional and/or other legal requirements for executive accountability to a parliament regarding defence matters are essential for strong oversight. Sections 3.2 and 4 of this Chapter already elaborated on the constitutional and legal parameters established after 1994 that created space for parliamentary oversight in general, and oversight of defence in particular. Both the 1993 Interim Constitution and 1996 Constitution firmly entrenched civil oversight of the military, including parliamentary oversight. Section 228 of the Interim Constitution (RSA, 1993), which was not repealed in 1996, maintained specific oversight criteria over the military through the powers of the JSCD. These powers and the principle of parliamentary oversight were also reflected in

⁶⁴ These questions do not deal exclusively with defence infrastructure, but includes questions related to equipment utilisation, needs and maintenance.

lower-order defence policy, such as the 1996 White Paper on Defence and the 1998 Defence Review that aligned it with legislative requirements (RSA, 1996b, 1998). As such, it is clear that definitive constitutional and legal powers for parliamentary oversight of defence were established after 1994, marking an improvement from the pre-1994 era (See Section 2). The constitutional and legal powers for oversight should be viewed in the context of the post-1994 democratic adjustment made by South Africa. For example, by 2006, the Economists' Index for Democracy allocated South Africa a score of 7.91/10 in terms of the level of democracy. Although categorised as a 'flawed democracy' this score placed South Africa at a relatively high standing in terms of electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture (Kekic, 2007, p. 3).

5.4.2 Customary practices

Customary practices in terms of oversight refer to the availability and usage of oversight tools in parliament. From the above-mentioned sections, it is evident that oversight tools were used with varying degrees of success in the South African Parliament in terms of oversight of the military between 1994 and 2004. Dedicated parliamentary debates on defence matters during plenaries were very limited, except during budgetary and bill debates. Defence committee meetings also varied, with the reduction in JSCD meetings after 1998 detracting from the value of committee-debates as an effective oversight tool. Parliamentary questions as an oversight tool were used frequently, although questions posed by MPs from the NCOP decreased significantly during the Second Parliament. The focus areas of these questions were largely related to policy, personnel, operational and budgetary aspects (See Table 4.1) which, it can be argued, coincided with the developmental priorities in the immediate post-1994 era. Special defence inquiries were not used effectively to maximise oversight. Although some inquiries were held, these were not truly independent special defence inquiries. Oversight visits and study tours were used to a very limited extent. Two study tours were conducted, reported on and recommendations made. The impact of oversight visits were limited by the fact that between 1994 and 2004, only one official JSCD oversight visit report was tabled in Parliament. Finally, the use of external audit as a tool for oversight was used to a very limited extent. Limited reference is made to input provided by reports of the Auditor-General and no dedicated briefings by the AGSA to the JSCD or PCDMV were recorded between 1998 and 2004.

5.4.3 Resources and expertise

Calland (1997, p. 4) argues that, with the advent of democracy in 1994, new MPs of the South African Parliament were often inexperienced and unfamiliar with the institution as well as its procedures. He further notes that Parliament was severely underprepared for this drastic change and lacked, for example, administrative, technological and research support for MPs. This had the potential to impact negatively on the work of committees. Of specific importance in terms of addressing inexperience and limited content knowledge is the work of parliamentary researchers. Researchers are responsible, in part, for providing input to the committee programme and for preparing research briefs prior to

committee engagements (Dlomo, 2004, p. 62). By 1997, Calland notes that for committees to become successful, they will need to “nurture expertise and policy specialism in both its support staff and within the committee membership itself.” Jordaan (2004, p. 20) again notes the lack thereof as an inhibiting factor that contributed to a weak legislature by the end of 2004. The lack of research support to MPs in the defence committees was also highlighted by Griffiths (Pelizzo *et al.*, 2006, p. 51) as a particular concern during the interrogation of the SDPP deliberations.

Perhaps the clearest indication that research support for committees was lacking during the first ten years of democracy came from the findings of the Independent Panel Assessment of Parliament, published in 2007. The report noted that MPs felt that they “lacked adequate research staff, that the available researchers did not have appropriate skills and that the present administrative structure did not allow researchers to develop the necessary technical skills to service the needs of Members of Parliament and committees properly” (Govender *et al.*, 2009, p. 70). Given that the lack of research support was noted throughout the first and second parliaments, efforts were made to address this. While only 10 researchers were employed in 1997, this increased to 34 by 2007. Research staff were also encouraged to further their training and specialisation in their respective fields (Govender *et al.*, 2009, pp. 70–71). The 2007 Report therefore confirms the inadequacy of research support between 1994 and 2004 and highlights the fact that this was likely to be addressed during the Third Parliament.

Parliamentary committees are also supported by a Committee Section that includes committee secretaries and other administrative staff. “The support provided by Committee Secretaries are wide ranging, including activities such as minute taking, drafting committee reports, securing venues for committee meetings, and addressing the travel and catering requirements” (Govender *et al.*, 2009, pp. 70–71). The Report of the Independent Panel Assessment of Parliament found significant shortcomings in the Committee Section, including record keeping of committee minutes. This severely limited institutional memory. The Report also found that language services to parliament require improvement. Between 1994 and 2004, limited interpretation services were offered and an interpreting unit was only established in 2004. In addition, a digital recording system was only introduced in 2003. These factors, in conjunction with personnel limitations, limited the services rendered by the Language Services Department during the first two parliaments (Govender *et al.*, 2009, p. 71). Broadly viewed, research and administrative support to MPs and committees thus fell short between 1994 and 2004.

5.4.4 Political will

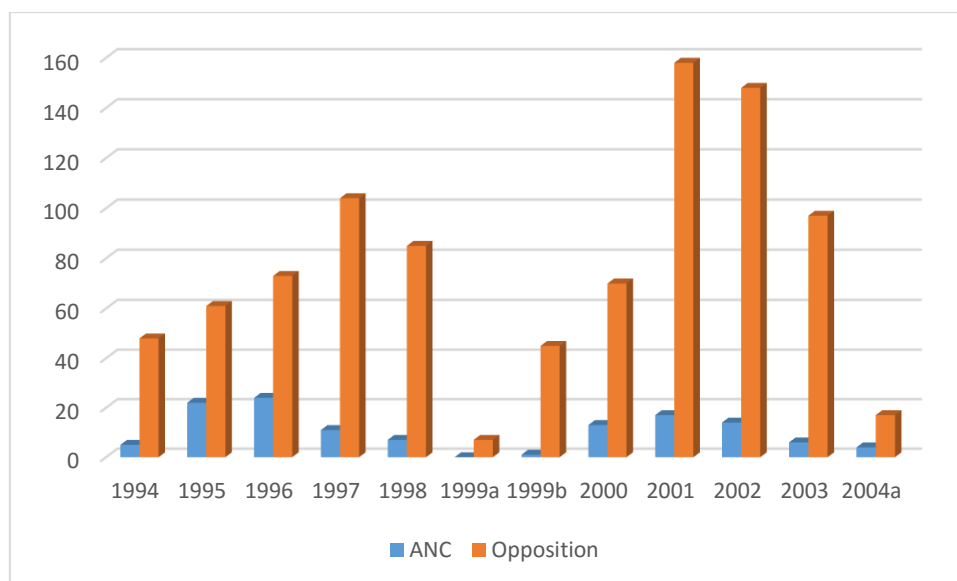
The World Bank (Born, 2003, p. 76) notes three possible indications of a lack of political will for effective oversight that may find application in South Africa. First, due to party discipline, parliamentarians from the governing political party might be unwilling to effectively hold the executive to account (Power in Pelizzo *et al.*, 2004, pp. 47–58). While difficult to determine party discipline, a review of the regularity of parliamentary questions posed by members of the governing party (the

ANC), provides insight. During the first two parliaments, a total of 1 037 parliamentary questions on defence were asked. Of these, only 124 were asked by MPs from the governing party, representing 11.96% of all questions asked. Of further interest is that these questions were particularly limited during years preceding elections and during election years (See Graph 4.5).

The fact that such limited questions on defence have been asked by members of the governing party reveals that parliamentary questions as an oversight tool were not optimally used by ANC MPs. Of further interest is the fact that the majority of questions posed by ANC MPs were oral questions; thus, only asked when a member of the executive (primarily the Minister of Defence) is present in the Houses of Parliament. This reveals a lack of continuous and consistent questioning by MPs from the governing party. Several examples of 'sweetheart questions' can be found in the questions posed by MPs of the governing party. Sweetheart questions are not truly aimed at inquiry (with an aim at oversight), but rather affords the executive an opportunity to explain government policy or to reflect on the achievements of the department (Dlomo, 2004, p. 4; Helen Suzman Foundation, 2009). Often sweetheart questions refer to questions where the answers are already widely known or information available publicly. Although subjective in its determination, some clear examples of sweetheart questions between 1994 and 2004 include:

- Oral Question 197 (2001) from Ms SB Ntuli to the Minister of Defence: Whether any SANDF members were deployed to the DRC as part of the United Nations (UN) mission to the DRC; if so, (a) how many and (b) for how long is it anticipated that they will be deployed in the DRC? (Parliament of South Africa, 2001c, p. 2511)
- Oral Question 45 (2001) from Ms ZA Kota to the Minister of Defence: How many Memoranda of Understanding have been signed with countries in Africa and what is the significance of those memoranda to South Africa and to Africa as a whole? (Parliament of South Africa, 2001c, p. 99)
- Oral Question 6 (2002) from Ms ZA Kota to the Minister of Defence: Whether the SANDF has embarked on a programme to recruit volunteers? (Parliament of South Africa, 2002b, p. 1118)

Graph 4.5 Parliamentary questions on defence – Governing party versus opposition: 1994 - 2004



Source: Compiled from Parliamentary questions (1994 – 2004)

Second, a lack of political will may be elevated by low levels of public interest in defence matters (Born, 2003, p. 76). In this sense, it may be of interest to review the consulting of NGOs and other external stakeholders by the JSCD and PCDMV between 1998 and 2004. A review of committee activities over this period refers to some level of engagement with external stakeholders and the recognition of the role of these. For example, during a JSCD seminar on civil-military relations in September 1999, the chairperson noted the importance of engagement with all NGOs as a means of utilising them as a resource. Furthermore, an academic from the United States Naval Postgraduate School was used as a facilitator for the seminar (PMG, 1999b). Deliberations by the PCDMV on the banning of landmines also involved input from a number of NGOs and other civil society organisations (PMG, 2002a). In May 2002, the US Department of Defense sponsored a three-day seminar for members of the PCDMV to develop an understanding of the importance of the relationship between the legislative branch and the armed forces. Various MPs from the PCDMV as well as a number of NGOs attended the workshop (PMG, 2002b). Finally, the committees also received input from NGOs, civil society organisations and other interested parties on a number of occasions. Between 1998 and 2004, the following matters discussed by the two defence committees received submissions:

- 1998: JSCD meeting on the SANDF Language Policy. Input received from three interested parties (PMG, 1998h).
- 1998: PCMDV meeting on the Foreign Military Assistance Bill. Input received from nine interested parties, including NGOs and academic institutions (PMG, 1998d).
- 2001: JSCD meeting on the role of the Commandos. Input received from three stakeholders (PMG, 2001o).
- 2000: PCDMV meeting on the policing powers of the SANDF. Input from 11 stakeholders received (PMG, 2000d).

- 2001: PCDMV meeting on the National Conventional Arms Control Bill. Input from nine external stakeholders received (PMG, 2001m).
- 2001: PCDMV meeting on the Demobilisation Amendment Bill and Termination of Integration Intake Bill. Input received from three stakeholders (PMG, 2001e).
- 2002: PCDMV meeting on the Defence Bill. Input from seven stakeholders (PMG, 2002c).
- 2002: PCDMV meeting on the Anti-Personnel Mines Prohibition Bill. Input from five stakeholders received (PMG, 2002a).
- 2002: PCDMV seminar on civil-military relations. Input from one academic institution received (PMG, 2002b).
- 2003: PCDMV meeting on the Armscor Bill. Input from four stakeholders received (PMG, 2003b).

Third, security considerations could limit parliamentary oversight of the military. A review of parliamentary questions between 1994 and 2004 reflect no clear instances where questions were not responded to by the DOD due to security considerations. Furthermore, the PMG database reflect no closed meetings (closed to public attendance) between 1998 and 2004. As such, parliamentary debate on the military remained open to the public and largely unhindered by security considerations.

5.4.5 Follow-up on defence-matters

Follow-up on defence matters refers to follow-up debates by committees on recommendations made or requesting department officials to report on progress made (Agnihotri, 2011, p. 9; Pelizzo *et al.*, 2006, p. 44). A review of JSCD and PCDMV meetings between 1998 and 2004 reveal some clear instances where follow-up was requested and executed (See Table 4.5). However, while some cases like these exist, the execution of follow-up on committee recommendations and meetings was generally lacking between 1994 and 2004.

Table 4.5 Committee meetings follow-up commitments: 1998 - 2004

Committee	Meeting date	Commitment to follow up	Follow-up
PCDMV	06 Sep 1999	How to apportion time to different sections of the Draft Defence Bill	Seven additional meetings held in 1999 on the Draft Defence Bill
PCDMV	19 Aug 2002	Briefing on Disciplinary Reviews and the Military Justice System	Related matters discussed in 2004, but no dedicated follow-up meeting
JSCD	28 Aug 2001	Military Trade Unions	Follow-up meeting held on 9 October 2001
JSCD	4 June 2001	Defence Secretariat performance since 1994	Follow-up meeting held on 26 February 2001

Source: Compiled from PMG Committee Minutes (1998 – 2004)

While the meetings in Table 4.5 note successful follow up on commitments made during committee meetings, challenges remained. The concern related to follow-up of the defence committees was highlighted in 1999 by the Chairperson of the PCDMV, Ms T Modise (PMG, 1999b), when she noted that “[t]he lack of resources limits the committee's chances of speciali[s]ing and following-up.” Three specific areas of concern exist. First, the lack of follow-up on the deployment of the SANDF is of significant concern. No formal reports were produced by the JSCD on SANDF deployments following on letters of deployment from the President. Furthermore, only the SANDF’s deployments in Lesotho (1998) and Burundi (2001) were extensively discussed in JSCD meetings while a meeting in 2003 reviewed all deployments in that year (PMG, 1998i, 2001f, 2003e). Second, no formal departmental response was reflected in the ATCs or minutes of Committee meetings on the recommendations made on the 1998 Study Tour to Europe or 2001 Study Tour to Nigeria. Finally, no system existed to effectively track the follow-up by the Defence Committees or by the DOD, which had the potential to undermine the core function of oversight and limits opportunities for public scrutiny.

6. Conclusion

South Africa entered the post-1994 period of democratisation on unstable foundations in terms of parliamentary oversight of defence. Prior to this period, the quality and strength of parliamentary oversight of the military was largely overshadowed by the role of the executive. However, negotiations prior to the 1994 transition saw a sense of deliberation and compromise between political and military elites steering civil-military relations more towards concordance. The 1993 Interim Constitution subsequently symbolised the first step in permanently addressing poor oversight as it set clear guidelines and made pronouncements on the roles of Parliament in ensuring effective oversight. These guidelines were reaffirmed in the 1996 Constitution and subsequent defence legislation and policies. Legislative advances were mirrored by a concurrent process of institutional developments within parliament as a means of strengthening the oversight capacity of the institution. The roles and functions of the committee system received specific attention. Despite the legislative advances toward transparency and enhanced oversight, oversight between 1994 and 2004 should be seen within the context of a changing institution. This implies that the process of oversight was characterised by a steep learning curve for MPs amid the growth of the institution. As such, many challenges in terms of oversight remained.

Despite legislative and institutional advances, the first two parliaments were characterised by several factors that undermined the quality and standing of oversight of the military. Oversight tools were used with varying degrees of success. Parliamentary debates had varying degrees of success, less so in the plenaries. Parliamentary questions were used more frequently while oversight visits and study tours saw very limited usage and formal reporting. The utilisation of special defence inquiries and the use of external audit was severely underutilised as oversight tools. Committee work in

conjunction with the use of parliamentary questions resulted in several primary focus areas being addressed more successfully, including defence policy, annual budgetary aspects, defence procurement and human resources. However, quarterly budgetary and performance aspects, and the deployment of the military saw low levels of scrutiny. In terms of lower-order focus areas for defence oversight, parliament fell short in a number of areas. Departmental performance assessment, interdepartmental cooperation, military training and education, and defence morale received little to no attention. Only matters related to defence infrastructure, and race and gender equality, saw higher levels of oversight. Finally, several indicators point to weak oversight in the first two parliaments. Despite a solid legislative framework allowing for oversight, oversight tools were used with varying degrees of regularity and success. Indicators of a lack of political will for effective oversight also surfaced and there was a lack of follow-up on concerns identified related to defence. Sufficient parliamentary resources, notably a research department, were not well established during the first ten years of democracy, thus failing to maximise institutional support for oversight.

The following Chapter follows a similar structure to Chapter 4 in reviewing parliament oversight of the military during the third and fourth parliaments (2004 – 2014). Given that the first ten years of democracy arguably presented a major learning curve in terms of parliamentary oversight, it may be assumed that the foundations have been laid for improved oversight in subsequent years. This is specifically relevant in the context of improved oversight mechanisms developed over the first years. Chapter 5 reviews parliamentary oversight of the military in South Africa during a period of enhanced institutional capacity, subsequent to the first ten years of democracy where Parliament's focus on legislation often overshadowed that of oversight.

CHAPTER 5 PARLIAMENTARY OVERSIGHT OF THE MILITARY IN SOUTH AFRICA'S THIRD AND FOURTH PARLIAMENTS

1. Introduction

Chapter 4 reviewed parliamentary oversight during the first and second parliaments (1994 to 2004) based on the tools and focus areas for defence oversight identified in Chapter 3. Chapter 4 determined that the post-1994 Parliament focused predominantly on the establishment of a democratic state through the enactment of necessary legislation to support such a state. This also reflected in oversight activities related to defence, where substantial time was spent on the passing of legislation to establish a Defence Force within a democratic setting and based on the principle of civil oversight. The said chapter further revealed that different oversight tools were used with varying degrees of success, thus diminishing the general quality of oversight of the military.

With ten years having passed since the start of the First Parliament, it was expected that the capacity for oversight has been well established by the start of the Third Parliament in 2004. This is reflected in the legislative developments and capacity building of oversight during the first two Parliaments. The concept of civil oversight of the military, including the role of Parliament, was also well entrenched during the first ten years of democracy. The role of Parliament and its committees were established through both the the 1993 Interim Constitution, the 1996 Constitution and emphasised in the 1996 White Paper on Defence and the 1998 Defence Review. With this platform having been laid, the question then arises whether the South African Parliament was able to build on the foundations for oversight of the military. Bucur-Marcu (2009, p. 46) notes that “[o]versight is a continuous activity for every branch of government.” This implies that an ongoing focus of oversight of the military in the third and fourth parliaments was required for it to entrench the values of civil oversight of the military as established in the post-1994 period.

Chapter 5 reviews parliamentary oversight during South Africa's third and fourth parliaments (2004 to 2014).⁶⁵ This analysis is done according to the tools and focus areas for defence oversight identified in Chapter 3. The aim of the chapter is to determine the quality and standing of parliamentary oversight of defence over this ten-year period which will lay the foundation for comparison in Chapter 6.

2. The 2004 elections: A shift in Parliamentary focus

Chapter 1 already referred to a stated shift in parliamentary focus from its legislative to its oversight function after the Second Parliament as the foundation for the period-split in this study. While this shift was alluded to, specifically by Parliament's Presiding Officers, it is still of value to analyse to

⁶⁵ The Third Parliament commenced after the April 2004 general elections and lasted until the April 2009 elections. The Fourth Parliament commenced after the April 2009 general elections and lasted until the May 2014 elections.

determine whether focus actually shifted in practical terms. The sections below aim to qualify this information and highlight measures put in place by Parliament to enhance oversight and point to potential challenges to oversight despite this shift in focus.

2.1 Qualifying the shift in parliamentary focus

The transition to democracy in 1994 and the need for the establishment of a truly democratic state required significant improvement to the pre-1994 legislative framework. The 1993 Interim Constitution and the 1996 Constitution laid the foundation for this democratic transition. However, in addition to the adoption of the Constitution, a large number of further legislative changes were required to see the establishment of a state based on democratic constitutional principles. Parliament played the central role in the development and passing of legislation to fulfil these democratic aspirations. It thus follows logically that the immediate post-1994 period was marked by parliamentary focus on its legislative function (Parliament of South Africa, 2004, p. 33). The focus on legislation is reflected in the high number of bills introduced and passed between 1994 and 2004. Table 5.1 reveals that the focus on legislation was extremely high during the First Parliament, but stabilised during the Second Parliament and was reduced significantly by the third Parliament.

Table 5.1 Legislation introduced and passed: 1994 - 2004

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Bills introduced	51	108	108	116	142	66	70	85	70	74	25	42	35	51
Bills passed	52	89	108	108	137	60	70	69	75	61	40	39	28	45

Source: Parliament of South Africa (2004). p.33; Parliament of South Africa (2008c). p.33;

The 2004 general elections brought to a close the first ten years of democracy in South Africa and the end of the first two parliaments. With a decreased need for Parliament's focus on its legislative role, the institution increasingly began to focus on its oversight role. This shift was already evident in 1999 when Parliament commissioned a report with recommendations on the status of oversight. The shift to oversight was further confirmed by the Speaker of the National Assembly (Speakers Forum South Africa, 2008, p. 1) who stated that, "[i]n the second decade of democracy, the focus has shifted to the effective implementation of policies and laws and overseeing delivery on the ground."

The shift in focus from its legislative focus to oversight became entrenched by the beginning of the Third Parliament. In 2004, the Presiding Officers noted that "in giving credence to its increasingly important oversight role, Parliament's new strategic vision...is driven by the ideal of realising a better quality of life for all the people of South Africa, underpinned the manner in which the organisation began engaging on the need to institutionalise public participation as an integral part of its oversight

function (Parliament of South Africa, 2009).” Parliament’s Strategic Plan for the Third Parliament also reaffirms the shift in focus by emphasising the institution’s development of the Parliamentary Oversight Model. The oversight model highlighted the oversight cycle that “feeds into a longterm view of oversight in order to ensure effective oversight and sustainable delivery. It therefore provides a means through which Parliament can monitor government delivery in terms of long-term commitments, as well as on annual commitments, annual planning and performance assessments thus providing for continuity in Parliament’s oversight activities from year to year” (Parliament of South Africa, 2008c: 72). Oversight from the Third Parliament onwards therefore aimed at effective policy implementation through constant monitoring and evaluation. This focus remained entrenched throughout the Third Parliament.

Based on the above developments, the third and fourth parliaments were therefore expected to see a broader institutional focus on oversight which were to be incrementally developed and become increasingly effective. Such a shift in focus correlates with the evolution in civil-military relations theory. Increased oversight of the military can still be explained in terms of Schiff’s concordance theory that focuses on deliberation and cooperation between political and military roleplayers. Under conditions of enhanced oversight, deliberations are just likely to be more constant. However, increased focus also links strongly to Cohen’s theory of active control of the military that focuses on high levels of questioning, nagging and bullying by political elites. Under conditions of enhanced oversight, such engagements between political and military role players can thus be expected.

2.2 Enhancing oversight in the third and fourth parliaments

Given the stated intention to increase Parliament’s focus on oversight, it is of value to review the processes followed to strengthen this capacity. The first concrete step towards strengthening the oversight capacity was through the commissioned work of Professor Hugh Corder *et al.* from the University of Cape Town who prepared a Report on Parliamentary Oversight and Accountability (Parliament of South Africa, 2008b, p. 58). It was already established in Chapter 4 of this study that various means of oversight existed in Parliament based on constitutional imperatives and the internal rules of the institution. However, the Report on Oversight and Accountability highlighted various means to ensure improved oversight, including the following (Parliament of South Africa, 2008a Chapter 4):

- Clustering committees for oversight so that they can report jointly on overarching matters.
- Establishment of mechanisms to facilitate the processing, referral and guidance on attending to petitions.
- Amending the rules of Parliament to allow for sub-plenary sessions of the National Assembly.
- Establishing a Joint Parliamentary Oversight and Government Assurance Committee whose powers will include the governing of the work of parliamentary committees.

- Establishing an Oversight Advisory Section that can track issues between Parliament and the executive. This Section should also be responsible for archiving and ensuring institutional memory. The Section may comprise of a Financial Scrutiny Unit, a Tracking and Monitoring Unit and an Advisory Unit.
- Raising issues from constituency work by MPs.
- Enhance public participation.
- Developing parliamentary rules in sanctioning Cabinet Members for non-compliance.

In addition to these new means to ensure improved oversight, the Oversight and Accountability Model also suggested the enhancement of existing oversight measures. These include (a) improved reporting by committees to the Houses of Parliament, (b) establishing *ad hoc* committees where necessary, (c) ensuring compliance by cabinet members in answering written and oral questions and (d) enhanced oversight by individual MPs. The Oversight and Accountability Model provided the foundation for improved oversight by Parliament during the third and fourth parliaments. Further means for improved oversight were also developed throughout the period under review (2004 – 2014). In 2005, National Treasury released its Guideline for Legislative Oversight through Annual Reports (National Treasury of South Africa, 2005). The aim of the guideline was to give credence to Section 92(3)(b) of the 1996 Constitution, which states that “Members of Cabinet must provide Parliament with full and regular reports concerning matters under their control.” The guideline sought to promote a higher level of oversight of the financial and non-financial performance of government departments and entities by parliamentary committees. Internal developments at Parliament also aimed to foster increased levels of oversight. In 2011, the Manual for Parliamentary Committees was published (Parliament of South Africa, 2011). The Manual aimed at highlighting the processes and tools for oversight to ensure improvement oversight. In the same year, the Budget Analysis Manual was released to foster greater understanding of and utilisation of the budgetary oversight process in Parliament (Rustin & Nel, 2011).

2.3 Challenges to oversight during the third and fourth parliaments

Through the Oversight and Accountability Model and other internal developments in Parliament, a framework was set for improving oversight. However, as noted in Chapter 4 of this study, problems related to oversight existed prior to 2004 and this had the potential to continue during the third and fourth parliaments. In 2009 (end of the Third Parliament), the report of the Independent Panel Assessment of Parliament was released. The Report notes several challenges that manifested itself in the Third Parliament. A primary concern highlighted related to the impact of the party lists system on oversight and that it often limited MPs’ willingness to hold the executive to account. The lack of influence of chairpersons and Parliament in general were also noted as a concern related to the relationship between the executive and Parliament (Govender et al., 2009, pp. 36, 40). In terms of oversight by Committees, the Panel noted that some reports generated by committees are not adopted by the National Assembly or NCOP. This inhibits Parliament’s ability to follow up on

recommendations made. Poor drafting of reports are often a reason provided for not adopting the report. The absence of MPs from committee meetings were also noted as a concern (Govender et al., 2009, pp. 37–39). Other aspects noted were the lack of research support to committees and the general level of ineffectiveness of Parliament's Committee Section. Information management was raised as a specific shortfall of the Committee Section (Govender et al., 2009, p. 73).

While these findings were made at the end of the Third Parliament, similar concerns were also raised in studies on oversight during the Fourth Parliament. In a study on the quality of democracy in South Africa, Victoria Graham (Graham, 2013, p. 197) found the following, in relation to committees, that “[a]dministrative and staffing problems within committees; an inherent tension experienced by ANC MPs between accountability to the people they represent and allegiance to the ruling party; the lack of seriousness with which the ruling party takes question time; and the apparent interference in parliamentary committees by the executive are problematic.” Graham does, however point to a general improvement in oversight performance between 1999 and 2012. Mbete (2016, pp. 123–125) further highlights a number of concerns in the Fourth Parliament, specifically the low quality of committee reports and the fact that not all reports were adopted by the Houses of Parliament. Limited influence of the chairpersons of committees over the executive was also raised as an ongoing concern. An improvement was noted in terms of the quality of support that MPs received from support staff, but the research capacity to deal with matters related to policy remained limited. These concerns represent the broad themes that have inhibited the quality of oversight in the third and fourth parliaments. The question should then be raised whether the same applied in the case of defence oversight.

The sections above highlighted institutional improvements to enhance oversight as well as institutional inhibitors threatening the quality thereof. The following sections will review parliamentary oversight of the military in the third and fourth parliaments and reflect how these improvements and challenges played out in the defence portfolio. An overview of defence-related oversight should be viewed against the backdrop of a stated increase in focus on Parliament's oversight function.

3. Parliamentary oversight of the military from 2004 to 2014⁶⁶

Chapter 3 provided broad criteria for an analysis of oversight of the military. This section aims to apply these criteria to the South African Parliament's oversight of the military during the third and fourth parliaments (2004 to 2014). Oversight tools utilised, focus areas, lower-order focus areas, and potential weaknesses for defence oversight during this period are reviewed. Addendum C provides a summary of the findings of this review and can be read in conjunction with the sections below.

⁶⁶ The period under review includes two parliamentary terms, including the Third Parliament (2004 – 2009) and the Fourth Parliament (2009 – 2014).

3.1 Oversight tools utilised in defence oversight

The following subsections review the utilisation of oversight tools by Parliament between 2004 and 2014. These tools include parliamentary debates, parliamentary questions, special defence inquiries, oversight visits and study tours as well as the use of external audit.

3.1.1 Parliamentary debates

Parliamentary debates on defence take place either in the plenary or at committee level. Reviewing debates by the National Assembly, NCOP and Joint Sittings of Parliament reveal a limited number of dedicated defence debates.^{67 68} As customary, the Appropriation Bill and Adjusted Appropriation Bill were debated annually, including its references to defence. In addition, the introduction of defence-related bills often resulted in debate. Members' statements and Ministerial responses to oral questions were also offered on various occasions and occasionally resulted in debate. However, besides bills, statements and oral questions, only two defence-specific debates were scheduled during the third and fourth parliaments. The National Assembly debated the death and injuries to SANDF members during Operation Seboka in October 2007. In March 2008, the Assembly debated the Battle of Cuito Cuanavale. The NCOP had no dedicated debates on defence-related matters and no Joint Sitting debates regarding defence were held. Of concern is the lack of debate on significant defence-related developments. For example, neither the 2009 strike by members of the SANDF, nor the 2013 conflict in the CAR (that resulted in SANDF losses) received a dedicated debate in either of the Houses of Parliament. Rather, these developments were both limited to Member's statements and a Ministerial Response in the National Assembly.

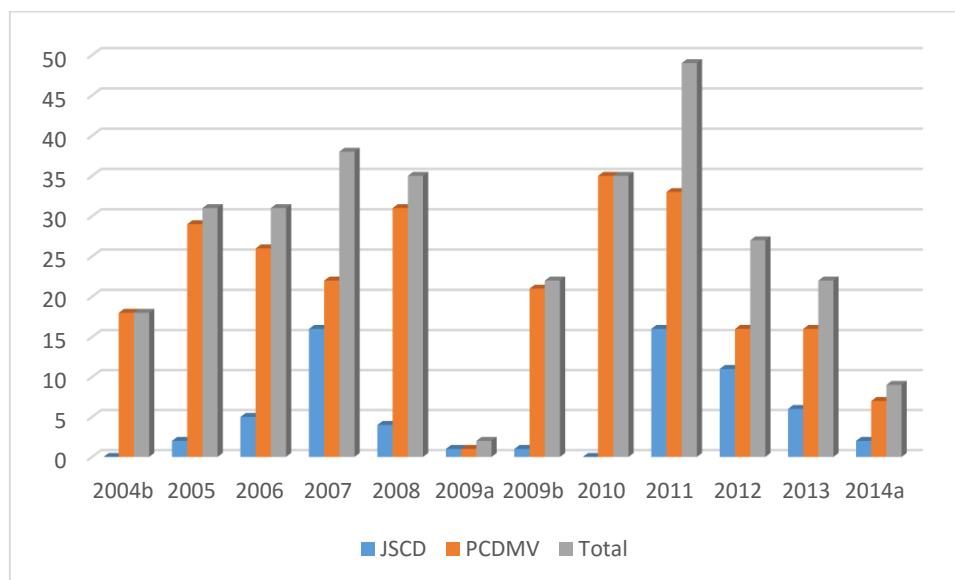
While dedicated defence-related debates in the Houses of Parliament were lacking, debate at committee level showed a higher resolve (Addendum D provides a list of all JSCD and PCDMV meetings between 2004 and 2014). This is particularly relevant in terms of the work of the PCDMV in the Third Parliament (See Graph 5.1). The number of PCDMV meetings remained consistently high with between 22 and 35 annual meetings between 2005 and 2011. In contrast to this period, there was a marked decline in the number of PCDMV meetings in the latter part of the Fourth Parliament (2012 and 2013), with only 16 meetings each year. While the PCDMV showed initial success, the JSCD showed a significantly lower frequency of meetings. During the ten-year period under review, six years were recorded where five or less meetings were held by the JSCD. During the Third Parliament, 2007 was the most successful year for the JSCD when it held 16 meetings. This increase may be related to the committee's work on military veterans' benefits that included public hearings on

⁶⁷ In holding with the definition, member statements on defence, the introduction of defence-related bills, the Minister's statements on defence, and the State of the Nation's references to defence were not considered as defence-related debates as no substantial exchange of opinion took place. Similarly, the NCOP often notes a discussion on Defence appropriation or adjusted appropriation. However, where these votes are simply adopted and not thoroughly debated they were also excluded.

⁶⁸ Parliamentary debates on defence reflected here are based on a review of the Hansard of Parliament for the Third and Fourth Parliaments.

the improvement of service to veterans. Thereafter, an improvement was only noticeable in 2011 and 2012, with 16 and 11 meetings held respectively. The number decreased again thereafter with only eight meetings held cumulatively in 2013 and 2014.

Graph 5.1 JSCD and PCDMV Meetings: 2004 - 2014⁶⁹

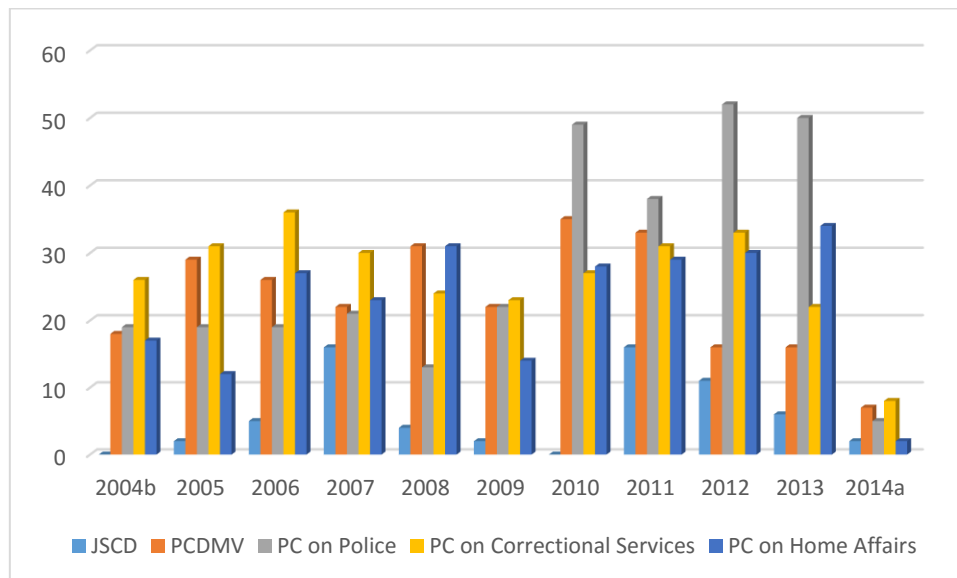


Source: Compiled from PMG Committee Minutes (2004 – 2014)

Given the noted changes in institutional focus after 2004, it is of value to compare the frequency of PCDMV and JSCD meetings to that of other committees in the security cluster (See Graph 5.2). A number of observations are apparent. First, given the already stated low number of JSCD meetings, the frequency of JSCD meetings compare poorly to the work of other committees in the cluster. Second, the frequency of PCDMV meetings compare favourably to that of other committees, notably between 2004 and 2011. Third, there was a comparative reduction in the frequency of PCDMV meetings from 2012 onwards and it compares poorly to that of other committees over this period. Finally, it should be noted that the Portfolio Committee on Police showed a marked improvement in the frequency of meetings from 2010 onwards, with up to 50 meetings held annually. This is significantly more than any of the other committees in the cluster, including the two defence committees. It does, however, reveal that the parliamentary programme allows scope for increased frequency in meetings.

⁶⁹ Committee meetings for 2004 refer only to those held after the 2004 elections. Similarly, 2009a includes meetings held during the Third Parliament and 2009b includes meetings held after the 2009 general elections during the Fourth Parliament. Meetings reflected for 2014 only include meetings held prior to the 2014 general elections during the Fourth Parliament.

Graph 5.2 JSCD and PCDMV meetings compared to other Security Cluster Committee meetings: 2004 - 2014



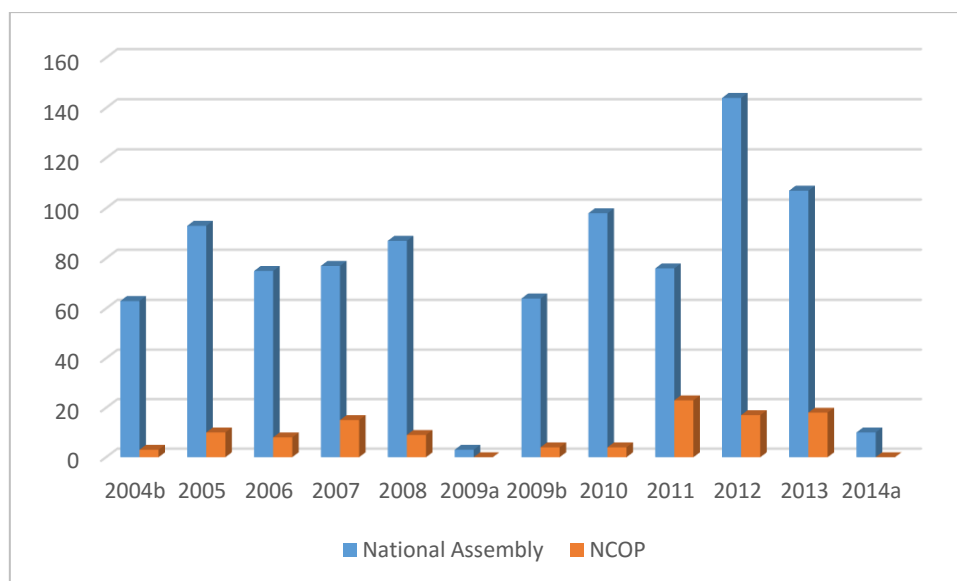
Source: Compiled from PMG Committee Minutes (2004 – 2014)

3.1.2 Parliamentary questions⁷⁰

Parliamentary questions posed to the Minister of Defence provide an important tool for continuous Parliamentary oversight of the military. The third and fourth parliaments saw the ongoing use of this tool with questions on defence regularly posed. Over the terms of these two Parliaments, a total of 1 008 written and oral questions were posed to the Minister of Defence. A number of observations on the utilisation of this tool can be made. There was clear disparity between the number of questions posed by members of the National Assembly as opposed to those of the NCOP (See Graph 5.3). A total of 897 questions emanated from the National Assembly while only 111 came from the NCOP over the ten-year period. It is noted that both Houses of Parliament posed more questions in the Fourth Parliament (565 questions) than in the Third Parliament (443 questions). A correlation between the activities of the JSCD and the number of questions posed by MPs from the NCOP is again apparent. During the Third Parliament, when the JSCD showed very low levels of activity, only 45 questions related to defence were posed by MPs from the NCOP. The Fourth Parliament saw 66 questions on defence posed which coincides with the increased activity of the JSCD between 2010 and 2013.⁷¹

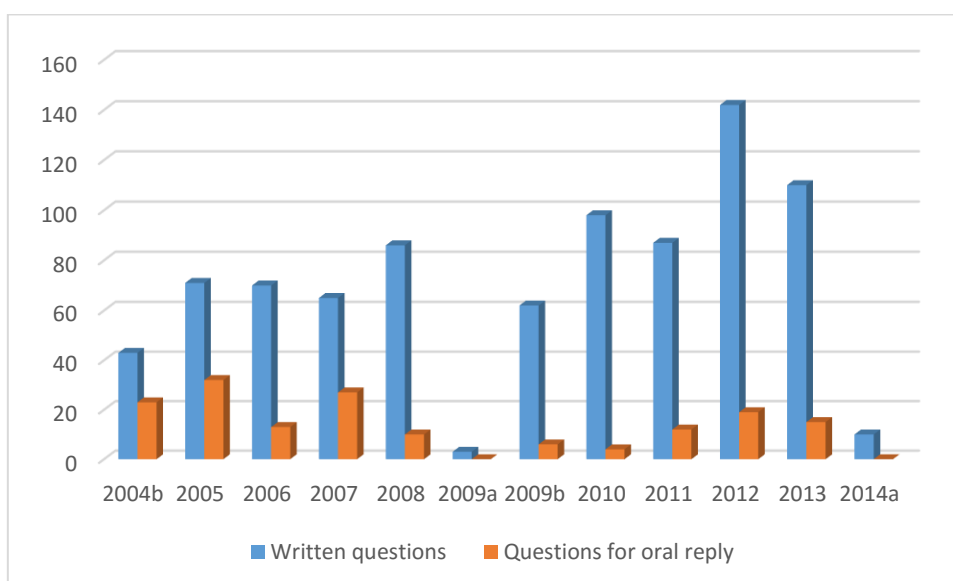
⁷⁰ Statistics on parliamentary questions were compiled from National Assembly Questions and Replies as well as Senate/National Council of Provinces Questions and Replies, as produced annually by the Parliament of South Africa (See Reference List: National Assembly Questions and Replies 2004 – 2014; National Council of Provinces 2004 – 2014).

⁷¹ The increased activity of the JSCD in the Fourth Parliament merely refers to increased activity compared to the Third Parliament. Overall JSCD activity remained low throughout the two parliaments.

Graph 5.3 National Assembly and National Council of Provinces questions to the Minister of Defence: 2004 - 2014

Source: Compiled from NA and Senate/NCOP Question Papers (2004 – 2014)

Written questions significantly outnumbered oral questions in the third and fourth parliaments (See Graph 5.4). This comes despite a development in 2000 that saw the Joint Rules Committee increase question time in the Houses from 30 minutes to two hours per week. Graham (2013, p. 191) argues that this “benefitted the ANC majority the most as questions are now allocated to parties roughly based on their proportionate representation in Parliament.” Nonetheless, a total of 847 written questions were posed by MPs while only 161 oral questions were addressed to the Minister of Defence in the third and fourth parliaments. The number of oral questions in both Houses of Parliament decreased in the Fourth Parliament compared to the Third Parliament. In the Third Parliament, 105 oral questions were posed to the Minister while only 56 oral questions were posed during the Fourth Parliament. On the contrary, written questions on defence increased from 338 in the Third Parliament to 509 during the Fourth Parliament.

Graph 5.4 Written and oral questions to the Minister of Defence: 2004 - 2014

Source: Compiled from NA and NCOP Question Papers (2004 – 2014)

Furthermore, Chapter 4 of this study highlighted that key categories are apparent in parliamentary questions on defence. These include matters related to (1) personnel, (2) the defence budget and other military spending, (3) defence policy and legislation, (4) the procurement and sale of military equipment for/by the DOD and broader defence industry, (5) operational aspects, including the deployment of the SANDF, and (6) individual DOD members. Further categories that relate to the lower-order focus areas identified in this study include (7) training and education, (8) gender and race, (9) defence infrastructure and equipment, (10) military discipline, and (11) a category for questions of a purely political nature was included. An additional category emerged in the Fourth Parliament in the build-up to and after the passing of the Military Veterans Act (2011). Several parliamentary questions were posed in relation to the establishment and functioning of the Department of Military Veterans.

Table 5.2 demonstrates that the largest number of questions on defence during the third and fourth parliaments related to policy and budgetary affairs. The increased focus on budgetary aspects was especially pronounced during the Fourth Parliament. Questions related to infrastructure and equipment, procurement and sales, as well as personnel showed a regular frequency throughout the ten year period under review. The Fourth Parliament saw a significant increase in the number of questions related to military operations, as well as questions purely political in nature. Finally, questions related to discipline, training and matter of gender and race received comparatively less attention. A total of 25 questions emerged during the Fourth Parliament specifically related to military veterans. The categories of questions will be further extrapolated in subsequent sections dealing with oversight of specific focus areas.

Table 5.2 Categories of parliamentary questions on defence: 2004 - 2014

	Personnel	Budget	Policy	Procurement and Sales	Operations	Training	Gender/Race	Infra-structure/Equipment	Individual	Political	Discipline	Other	Military Veterans	TOTAL
2004b	7	6	15	4	4	7	1	4	0	7	6	5	0	66
2005	7	8	17	8	6	2	9	10	7	11	13	5	0	103
2006	10	10	14	4	7	0	0	10	5	7	10	6	0	83
2007	8	11	33	13	5	3	1	8	3	2	2	3	0	92
2008	13	10	22	10	5	4	1	8	8	1	8	6	0	96
2009a	0	0	0	3	0	0	0	0	0	0	0	0	0	3
2009b	3	12	8	13	9	0	0	9	4	3	1	6	0	68
2010	14	25	9	6	12	3	1	12	1	6	3	2	8	102
2011	9	17	11	8	14	2	2	9	5	12	1	7	2	99
2012	5	32	21	17	10	11	0	14	5	19	8	7	12	161
2013	8	26	22	5	15	3	0	12	2	16	6	7	3	125
2014a	1	1	1	2	1	0	0	0	0	2	1	1	0	10
TOTAL	85	158	173	93	88	35	15	96	40	86	59	55	25	1008

Source: Compiled from National Assembly and NCOP Questions and Replies (2004 – 2014)

3.1.3 Special defence inquiries

Special defence inquiries include the work of parliamentary committees and their individual or collective inquiry into defence governance. Such inquiries are characterised by in-depth analysis of specific defence-related aspects. Given Parliament's admitted focus on oversight, it can be argued that an increased scope for such inquiries existed in the third and fourth parliaments. However, a review of available committee activities reveals a limited utilisation of this oversight tool.⁷²

In 2004, the PCDMV arguably came closest to a special defence inquiry in their follow-up engagements on the 1998 Defence Review. A total of six meetings were held on the Defence Review, including two days of public hearings (PMG, 2004b). Three further meetings were held in 2005, concluding with a meeting held on the White Paper and Defence Review Restructuring (PMG, 2005k). In 2008 and 2009, three meetings were held regarding unionisation in the SANDF, including a public hearing with the South African National Defence Union (SANDU). The final of these meetings dealt with an illegal protests by SANDU members in August 2009 (PMG, 2009b). Despite the more focused approach of the PCDMV on the matters related to unionisation, no in-depth specific analysis took place and no formal committee report on the matter was drafted.

⁷² In-depth inquiries, hearings and deliberations on proposed legislation are not considered a Special Defence inquiry as it falls outside the scope of oversight and related to the normal legislative function of Parliament.

In 2007, the JSCD conducted a number of hearings on the improvement of services to military veterans. This fits with the build-up to the passing of the Military Veterans Act (2011). Two meetings were held whereby public submissions on military veterans were considered (PMG, 2007f, 2007g). Furthermore, two additional meetings were held related to the Special Pensions Act (1996) and the impact this had on military veterans (PMG, 2007j, 2007k). However, no follow-up meetings were held in the subsequent years amid declining JSCD activity. As such, the outcome and/or impact of this semi in-depth inquiry is unclear. A new defence review process was introduced to the JSCD in 2012 and it was indicated that the Committee has “an important function in determining how the Defence Review would come about” (PMG, 2012a). Although preliminary meetings on the defence review were held in 2012, it was only introduced to Parliament in 2014 and Committee work on the Review thus falls outside the scope of this study.

Despite the fact that both the PCDMV and JSCD had some areas of focus that received elevated levels of attention and input from external experts, these did not conform to true special defence inquiries. In the cases noted above, no specific reports were published by the committees related to specific defence focus areas. Furthermore, neither the PCDMV nor the JSCD established any subcommittees to look into specific defence matters.⁷³

3.1.4 Oversight visits and study tours

Oversight visits and study tours were utilised to varying degrees of success by the PCDMV and JSCD during the third and fourth parliaments. Of importance is to review whether and when reports on oversight visits and study tours were published in Parliament’s ATC Reports as these reflect the formal tabling and findings by Parliament. The PCDMV showed significantly more success than the JSCD in this regard.

In terms of oversight visits, the PCDMV conducted at least 10 visits in the third and fourth parliaments. The following visits were conducted (where formal reports were adopted by the National Assembly it is indicated as such):

- October 2004: Oversight visit to De Aar and Bloemfontein. An oversight report was published in the ATC on 29 March 2005.
- November 2004: Oversight visit to Swartklip Products. An oversight report was officially published in the ATC on 8 March 2005 (PMG, 2005f; Portfolio Committee on Defence, 2005c).
- January 2005: Oversight visit to the Military Academy in Saldanha. An oversight report was officially published in the ATC on 14 April 2005 (PMG, 2005f).

⁷³ Two subcommittees were established in 2006 to deal with the Prohibition of Mercenary Activities and Prohibition and Regulation of certain activities in an area of Armed Conflict Bill [B42-2005]. This relates to Parliament’s legislative responsibility and is thus excluded from its oversight function reflected in a special defence inquiry.

- August 2005: Oversight visit to Wallmannstahl to discuss land claims. An oversight report was officially adopted in October 2005 (Portfolio Committee on Defence, 2005b). During the same period a visit was conducted to Advanced Technologies & Engineering Co., a defence related company. A report was published in the ATC on 29 November 2005.
- August 2005: Oversight visit to various military units in Thaba Tshwane (Pretoria). The oversight report was published in the ATC on 15 November 2005 (Portfolio Committee on Defence, 2005a).
- September 2007: A report related to an oversight visit to the Simon's Town Naval Base and the Military Academy was submitted. It was noted that various recommendations in the 2007 Report on the Military Academy overlapped with the findings on the 2005 Report. The Report was ultimately published in the ATC on 31 January 2008 (PMG, 2007b).
- November 2007: The PCDMV took part in the visit with the JSCD to Lohatla in 2007. A report was drafted by the Committee on 6 November 2007, but it was noted that the report would be considered further at the next meeting (PMG, 2007d). A report by the JSCD was published in the ATC on 25 January 2008.
- April 2010: The PCDMV conducted an oversight visit to various border areas to review SANDF border safeguarding deployments. The report was accepted by the Committee on 14 September 2010, but does not reflect in the ATC for 2010 or 2011 (PMG, 2010d).
- August 2011: An oversight visit was conducted to various military units around Pretoria along with the JSCD. A Joint Report was published in the ATC on 24 November 2011.
- January 2013: The Committee undertook an oversight visit to various Air Force bases countrywide, as well as selected Armscor facilities. A formal report on the oversight visit was published in the ATC on 5 June 2013 (PMG, 2013e).
- August 2013: In August 2013, the Committee conducted a countrywide oversight visit to various military bases. These included the School of Tactical Intelligence and 1 Tactical Intelligence Regiment in Potchefstroom, Lenz and Doornkop military bases in Johannesburg, the SA Army Infantry School in Oudtshoorn and, the SA Naval College in Gordons Bay. A formal report for the oversight visit was published in the ATC on 10 March 2014 (PMG, 2014d).

In addition to these oversight visits, the PCDMV also conducted several study tours. These study tours were conducted in conjunction with the JSCD and the reports published in Parliamentary records reflect them as reports of the JSCD. In October 2005, a joint visit was conducted to the South African forces deployed in the DRC.⁷⁴ A formal report on the outcomes of the visit was published in the ATC on 11 April 2006 (Portfolio Committee on Defence, 2006). In November 2006, during a

⁷⁴ In this instance the visit to the DRC was considered a study tour. Even though it was to oversee SANDF forces deployed, it is an external visit and allows scope for observation of international best practice.

PCDMV meeting, the Chairperson of the PCDMV gave feedback on a study tour to Canada undertaken by herself and two other MPs. It was indicated that an official report was not yet drafted (PMG, 2006d). During a meeting on 17 September 2007, a report on the study tour was distributed, but none of the MPs who undertook the tour were present (PMG, 2007b). A formal report was eventually published in the ATC on 30 January 2008. Similar reporting delays also characterised the joint PCDMV/JSCD study tour to Algeria in November 2006. On three occasions in 2007 the adoption of the official study tour report was postponed (PMG, 2007a, 2007d, 2007c). A report was finally adopted and published in the ATC on 19 October 2007. In September 2012, a study tour to Vietnam was allegedly approved despite opposition parties opposing the tour (PMG, 2012d). However, the tour did not go ahead as planned.

While the JSCD took part in the above-mentioned study tours, the committee conducted only three oversight visits within South Africa. Two visits took place in 2007 to the Lohatla Military Base and the Makhado Air Force Base respectively (PMG, 2007d). Reports on these visits were published in the ATC on 25 January 2008. Only one oversight visit to Pretoria was noted in the Fourth Parliament that took place in August 2011. The oversight visit included a meeting with the Chief of the Navy and Chief of the SANDF who briefed MPs on Somali-based piracy. A report was published in the ATC on 24 November 2011. A study tour to Algeria took place in November 2006 with a report on the study tour only published on 19 October 2007. The oversight visits and study tours of the JSCD occurred almost exclusively during the Third Parliament, indicating a lack of oversight at ground level during the Fourth Parliament. The dearth of oversight visits and study tours by the JSCD was raised as a concern by MPs during the Fourth Parliament. For example, in a meeting on 12 June 2013, MPs from the governing and opposition parties highlighted “the importance of this committee going out to do oversight.” MPs also expressed frustration in the long process of receiving sign-off for approval of such visits (PMG, 2013g).

From the overview of committee activities, it is evident that oversight visits became an increasingly utilised oversight tool. The inclusion of some study tours further benefited the effectiveness of oversight to improve service delivery at ground level. The effectiveness of the utilisation of this tool was, however, decreased by (1) the limited activities of the JSCD and (2) the delays in compiling and tabling of reports on oversight visits and study tours.

3.1.5 Use of external audit

The work of the AGSA reflects the most commonly used form of external audit by Parliament. It allows committees to exercise more stringent oversight of both financial and non-financial performance aspects of departments. Of interest during the third and fourth parliaments is the increased regularity to which the auditing opinions of the AGSA are referred to. MPs of the PCDMV made reference to AGSA findings every year during engagements with the DOD on its annual reports. The level of engagement between the PCDMV and the AGSA became increasingly frequent and established during the Third and especially the Fourth Parliament. Several such engagements were held:

18 October 2005:	Briefing by the AGSA on the auditing process and the performance of the DOD in preceding years (PMG, 2005b).
11 September 2006:	Members of the AGSA present during deliberations by the PCDMV on the DOD annual report. Input provided by the AGSA on the financial reporting system (PMG, 2006a).
16 June 2009:	Briefing by the AGSA on audit findings reflected in the DOD annual report (PMG, 2006f).
12 October 2009:	Briefing on the DOD Annual Audit Report (PMG, 2009a).
18 October 2010:	Briefing on the DOD Annual Audit Report (PMG, 2010e).
12 October 2011:	Briefing on the DOD Annual Audit Report (PMG, 2011d).
8 October 2012:	Briefing on the DOD Annual Audit Report (PMG, 2012b).
8 October 2013:	Briefing on the DOD Annual Audit Report (PMG, 2013b).
5 March 2013:	AGSA findings on the use of consultants in the DOD (PMG, 2013m).
27 February 2014:	Briefing on the DOD audit findings (PMG, 2014b).

The engagements above highlight the increased engagements between the PCDMV and the office of the AGSA on the DOD's audit findings. This practice seemingly became institutionalised in the Fourth Parliament as is reflected in the annual briefings by the AGSA. Of further importance is the briefing in 2013 on the use of consultants by the DOD. This meeting highlights the inclusion of external audit opinions by the PCDMV.

3.2 Focus areas of defence oversight

The sections below review the work of Parliament on certain focus areas between 2004 and 2014. These focus areas include the defence budget, defence policy, procurement, human resources and the deployment of the military.

3.2.1 Defence budget

Section 228(2) of the 1993 Interim Constitution and Sections 73 and 77 of the Constitution place emphasis on the need for parliamentary oversight of government expenditure. As per the constitutional requirement, a Money Bill is introduced to Parliament annually related to the division of revenue. This allows for *ex ante* oversight of government expenditure. As per the ATC of Parliament, the Estimates of National Expenditure (ENE) were submitted to Parliament annually between 2004 and 2014. This includes a detailed breakdown of defence expenditure. The ENEs are generally interrogated by the PCDMV and/or JSCD and result in a debate on the defence budget. Furthermore, presentations to the two defence committees on the DOD's annual reports allow an opportunity for these committees to conduct oversight of defence expenditure *ex post*. A review of PCDMV and

JSCD meeting minutes in the third and fourth parliaments reveal regular interaction related to the defence budget, both *ex post* and *ex ante*.

Table 5.3 reveals that, as from the Third Parliament, the responsibility of budgetary oversight clearly shifted to the PCDMV. A review of the meetings held also highlights a real improvement in in holistic (*ex post* and *ex ante*) oversight of defence expenditure when measured by the structure of meetings. The PCDMV, after the tabling of the ENE, held annual briefings on the DOD budget allocation and generally produced a report on this. Expenditure of the previous financial year was then reviewed as part of the annual report submissions by the DOD. The review of the DOD's annual report resulted in the PCDMV drafting a report that makes mid-year recommendations on the DODs budget as part of the adjustment-budget process. This flow of events became especially pronounced in the Fourth Parliament as all aspects of the process were not always sufficiently addressed in committee meetings during the Third Parliament. This flow of oversight events of the budget is known as the Budgetary Review and Recommendations Report (BRRR) Process and was established through the Money Bills Amendment Procedure and Related Matters Act (2009). The Act establishes that a BRRR must (1) provide an assessment of the department's service delivery performance given available resources, (2) provide an assessment on the effectiveness and efficiency of the departments use and forward allocation of available resources and (3) include recommendations on the forward use of resources. Section 7(4) of the Act then also prescribes that the Minister of Finance must submit a report to Parliament on how the budget gives effect to, or the reasons for not taking into account, the recommendations contained in the BRRR.

While the BRRR process clearly impacted on the regularity and formalisation of engagements on the DOD budget, the process was not without flaws. Time spent by the PCDMV on the DOD budget engagements were of concern. In some years such as 2004, 2009, and 2012, at least three meetings on the budget were held. In other years, all budgetary discussions were held within a single day or even a single session. While multi-day meetings may not necessarily translate to improved oversight of the budget, a single-day meeting arguably allows little scope for in-depth engagement by the committee on budgetary aspects.

Budget-related questions also reveal a similar trajectory as the Committee engagements on budgetary aspects. As the process of budgetary oversight became cemented in the Fourth Parliament, parliamentary questions on budgetary aspects also increased during that period. Budget-related questions increased from 45 in the Third Parliament to 113 in the Fourth.

Table 5.3 Defence Committee Meetings on DOD Budgets: 2004 - 2014

	JSCD	PCDMV
2004	No budget-related meetings	30 May: DOD Budget 2004/05 31 May: DOD Budget 2004/05 3 Jun: DOD Budget 2004/05 19 Oct: DOD Annual Report 4 Nov: DOD Medium Term Budget Policy Statement
2005	No budget-related meetings	8 Mar: DOD Budget 2005/06 14 Mar: DOD Strategic Plan & Budget 2 Aug: DOD Budget related to procurement 7 Nov: DOD Annual Report
2006	No budget-related meetings	13 Mar: DOD Budget 2006/07 11 Sep: DOD Annual Report 2004/05 16 Oct: Report on DOD Annual Report 2005/06
2007	21 Jun: Report on hearings on DOD's 2007/08 Budget	21 Mar: DOD Budget 2007/08 08 Oct: Report on DOD 2007/08 Budget 15 Oct: DOD Annual Report
2008	No budget-related meetings	18 May: DOD Budget 2008/09 19 May: Report on DOD 2008/09 Budget 17 Nov: DOD Annual Report 18 Nov: DOD Annual Report
2009	No budget-related meetings	16 Jun: DOD Budget 2009/10 22 Jun: DOD Budget 2009/10 23 Jun: Report on DOD 2009/10 Budget 26 Oct: DOD Annual Report 27 Oct: DOD Annual Report
2010	No meetings held	02 Mar: DOD Budget 2010/11 16 Mar: National Treasury input on the DOD Budget 2010/11 23 Mar: DOD Budget 2010/11 18 Oct: AGSA on DOD Annual Report

	JSCD	PCDMV
		25 Oct: DOD Annual Report 26 Oct: Draft Budgetary Review Report
2011	No budget-related meetings	22 Mar: DOD Budget 2011/12 11 Apr: Report on DOD 2011/12 Budget 12 Oct: AGSA on DOD Annual Report 17 Oct: DOD Annual Report 31 Oct: Draft Budgetary Review Report
2012	No budget-related meetings	24 Apr: DOD Budget 2012/13 01 May: DOD Budget 2012/13 08 May: DOD Budget 2012/13 15 May: Report on DOD 2012/13 Budget 08 Oct: AGSA on DOD Annual Report 16 Oct: DOD Annual Report 22 Oct: Draft Budgetary Review Report
2013	No budget-related meetings	7 May: DOD Budget 2013/14 21 May: Report on DOD 2012/13 Budget 08 Oct: AGSA on DOD Annual Report 14 Oct: DOD Annual Report 21 Oct: Draft Budgetary Review Report
2014	No budget-related meetings	No budget-related meetings prior to the end of the Fourth Parliament.

Source: Compiled from PMG Committee Minutes (2004 to 2014)

3.2.2 Defence policy

The first two parliaments saw significant attention paid to defence policy due to the transition to democracy and the shift in civil-military relations. This was reflected, as noted in Chapter 4, in the legislative changes and the introduction of the other policy documents such as the 1996 White Paper on Defence and the 1998 Defence Review. With the enactment of the Defence Act in 2002, it could thus be expected that the focus on policy may decrease during the period 2004 to 2014. However, committee meetings reflect that Parliament remained involved in the legislative and, to a lesser extent, the policy process.

Table 5.4 reflects on a number of bills being tabled for consideration during the third and fourth parliaments. However, the same period saw comparatively little focus on policy-related matters. Given that bills are only considered by Joint Committees when a Bill is expressly referred to such committees (See for example Rule 111 of the Joint rules of Parliament (Parliament of South Africa, 1997b)), it thus follows that the PCDMV played a more pronounced role in considering legislation. This arguably left the JSCD with an opportunity to focus more on policy-related matters, but a review of JSCD meetings reflect few such engagements. The limited number of JSCD engagements on policy-related matters tended to focus almost exclusively on transformation in the SANDF. In general, the number of bills for consideration was slightly lower in the Fourth Parliament. This declining trend is also reflected in oral and written questions related to policy. During the Third Parliament, 101 questions related to defence policy were put forward by MPs. This decreased to 72 during the Fourth Parliament (See Table 2).

During the third and fourth parliaments, the PCDMV thus showed an ongoing commitment to engage thoroughly on introduced legislation. However, the lack of efficiency of the JSCD arguably undermined the capacity of Parliament to consider a broad spectrum of defence policy as well.

Table 5.4 Defence Committee meetings focusing on policy and legislation: 2004 - 2014

	JSCD	PCDMV
2004	<i>No policy and/or legislation-specific meetings</i>	Several meetings on the 1998 Defence Review DOD Human Resources Strategy Draft Framework for a common African Defence and Security Policy
2005	<i>No policy and/or legislation-specific meetings</i>	Meetings on the 1998 Defence Review and 1996 White Paper on Defence Armscor Amendment Bill Special Defence Account Amendment Bill Military Ombudsman Draft Bill Prohibition of Mercenary Activity Bill
2006	<i>No policy and/or legislation-specific meetings</i>	Prohibition of Mercenary Activity Bill Special Pensions Act DOD Exit Mechanisms Policy
2007	Transformation Strategy/Policy	Prohibition or Restriction of Certain

	JSCD	PCDMV
		Conventional Weapons Bill Prohibition of Mercenary Activity Bill DOD Exit Mechanisms Policy
2008	Defence Amendment Bill (one meeting)	Castle Management Act Repeal Bill Restriction of Certain Conventional Weapons Bill Draft Defence Amendment Bill National Conventional Arms Control Amendment Bill
2009	<i>No policy and/or legislation-specific meetings</i>	Procurement Policies
2010	<i>No policy and/or legislation-specific meetings</i>	Defence Amendment Bill DOD Human Resources Policy DOD Exit Mechanisms Policy
2011	Human resources transformation and promotion policies in the SANDF	Military Veterans Bill Military Ombud Bill Implementation of Geneva Convention Bill
2012	Defence Review (2012 Consultative process)	Military Ombud Bill
2013	Proposed amendments to Special Pensions Act	<i>No policy and/or legislation-specific meetings</i>
2014	<i>No policy and/or legislation-specific meetings</i>	Convention on Cluster Munitions Military Veterans Act Regulations Private Defence Amendment Bill

Source: Compiled from PMG Committee Minutes (2004 – 2014)

3.2.3 Defence procurement

Parliamentary oversight of defence-related procurement is essential due to the complexity of such transactions, which elevates the risk of corruption. When analysing the focus of Parliament on defence procurement in the third and fourth parliaments, it should be done against the backdrop of the passing of the National Conventional Arms Control Act (2002) that was gazetted in February

2003. The Act establishes the NCACC and requires it to make quarterly and annual reports to a committee of Parliament (RSA, 2002b). Such reports include information on the procurement and sale of conventional arms by the state and/or private institutions permitted to trade in such arms. While the NCACC is obliged, through the Act, to submit quarterly and annual reports to Parliament, the question for oversight is to determine whether a parliamentary committee considered such reports.

A review of PCDMV and JSCD meetings reveal limited engagement on NCACC annual and quarterly Reports. In the third and fourth parliaments, the annual reports of the NCACC were only considered four times in 2005, 2009, 2011 and 2013 (PMG, 2005e, 2009c, 2010a, 2013i). The quarterly reports from the NCACC were considered only once during a 2012 JSCD meeting (PMG, 2013h). Disagreement seemed to reign between the JSCD and the NCACC as to compliance with the legislation. In 2008, the Chairperson of the JSCD drafted a letter to the Speaker regarding the non-compliance of the NCACC in appearing before the committee (PMG, 2008e). In 2013, members again raised the limited appearance of the NCACC before the JSCD. However, the Minister (Chairperson of the NCACC) noted that “the NCACC would like to be guided by the Committee how far it wanted to hear about the work” (PMG, 2013i). When considering the Rules of the National Assembly and the Joint Rules of Parliament⁷⁵, it is noted that committees have the power to summon “any person to appear before it to give evidence on oath or affirmation, or to produce documents” (Parliament of South Africa, 2015, p. 20, 2016, p. 117). As such, while it is required of the NCACC to submit its reports to Parliament (in written form), appearance before the PCDMV and/or JSCD seems to be the responsibility of the committees and its scheduling. A lack of engagement with the NCACC during the period under review thus brings into question the oversight efforts of defence procurements and conventional arms sales.

Finally, when considering questions related to the procurement and sale of arms and other defence equipment, some consistency appears between the two parliaments. Related questions increased from 42 in the Third Parliament to 51 in the Fourth Parliament (See Table 5.2). While some questions in the Third Parliament still focused on the arms deal, focus shifted to other procurement aspects in the Fourth Parliament, notably the purchasing of the Very Very Important Person (VVIP) aircraft and the SANDF’s renewal of its Infantry Fighting Vehicles. The regularity of questions related to arms sales throughout the two parliaments further highlights the impact of the lack of engagement with the NCACC.

3.2.4 Human resources

During the third and fourth parliaments, the interest in personnel matters showed a steady decrease. This is clear from the number of questions related to personnel matters. Of the 1 008 questions posed by MPs in the third and fourth parliaments, only 85 related to personnel (See Table 5.2). Except for

⁷⁵ The PCDMV is guided by the National Assembly Rules while the JSCD is guided by the Joint Rules of Parliament.

2010, the number of personnel-related questions in the Fourth Parliament was generally low and pertained mostly to vacancies and critical skills shortages.

The defence committees also showed little engagement dedicated to personnel matters (See Table 5.5). While the PCDMV dealt with the DOD's Human Resources Policy in 2004, 2005 and 2010, no other dedicated meetings were held related to the Department's strategic approach to personnel matters. The JSCD focused almost exclusively on matters pertaining to transformation in the SANDF and the various arms of service. A further observation relates to the limited engagement of both committees on personnel matters in the Fourth Parliament. This is of interest as human resources concerns, such as an ageing force and high personnel expenditure, increasingly became a concern for the SANDF over this period (Defence Review Committee, 2014, pp. 9–7; Louw, 2013, p. 60).

Table 5.5 Major human resources aspects addressed by committees: 2004 - 2014

	JSCD	PCDMV
2004	None	Briefing on the DOD HR Strategy DOD Final Integration Report
2005	None	DOD HR Strategy Update DOD HR Development Report and Force Rejuvenation
2006	None	Force Mobility Exit Mechanisms
2007	SANDF Transformation Management SA Navy Transformation	Force Mobility Exit Mechanisms
2008	None	Engagement with Defence Unions on Personnel concerns
2009	None	None
2010	None	DOD HR Policy Personnel Grievance Procedures
2011	SANDF Transformation Promotions and Demographics Challenges in the SA Air Force. Promotions and Demographics Challenges in the SA Navy.	None

	JSCD	PCDMV
2012	None	None
2013	None	None
2014	None	None

Source: Compiled from PMG Committee Minutes (2004 – 2014)

3.2.5 Deployment of the military

Chapter 4 highlighted the legislative roles of Parliament in terms of oversight of defence deployments as per the 1993 Interim Constitution and the 1996 Constitution. The special role for the JSCD in overseeing defence deployment, as per the 1993 Interim Constitution, was also noted. As was the case prior to 2004, SANDF deployments inside and outside the borders of South Africa continued throughout the third and fourth parliaments. However, committee minutes reveal limited engagement dedicated to defence deployments.

Given the JSCD's pronounced role in oversight of defence deployments, it is expected that limited attention would be paid to this aspect by the PCDMV. This is confirmed in the fact that only three dedicated meetings related to deployments were held by the PCDMV in the third and fourth parliaments. An extensive briefing was provided to the PCDMV on all peacekeeping operations in 2004 (PMG, 2004e). In 2005, the PCDMV received a briefing on SANDF missions in the DRC, Sudan and Burundi (PMG, 2005i) and in 2010, the committee received a briefing on border deployments of the SANDF (PMG, 2010d). The responsibility for oversight of military deployments therefore lay predominantly with the JSCD. However, it has already been established that the JSCD's frequency of oversight meetings were low and this impacted on the frequency of oversight meetings on military deployments. Only two dedicated JSCD meetings were held on deployments. In 2006, the Committee received a briefing on the situation in the DRC that indirectly related to the SANDF's deployment (PMG, 2006c). In April 2013, the Minister briefed the Committee on the Battle of Bangui and the impact thereof on the SANDF deployment in the CAR (PMG, 2013a). In terms of parliamentary questions on operations, a total of 88 such questions were asked during the third and fourth parliaments. The number of questions increased from 27 in the Third Parliament to 61 in the Fourth Parliament. This increase may arguably be related to the decreased JSCD focus on operations. For example, in 2013 at least 17 questions were asked by MPs from the National Assembly and NCOP related to the SANDF's involvement in the CAR *vis-à-vis* one (short) meeting on the matter by the JSCD (PMG, 2013a).

Another indication that reflects directly on parliamentary oversight of defence deployments relates to the consideration of deployment letters from the President as per required legislation. Significant gaps are visible in this process (See Table 5.6). As is clear from committee minutes, the consideration of deployment letters happened on an *ad hoc* basis at best. Several years (2004, 2009, 2010, 2012) saw

no deliberations on the presidential letters of deployment. Furthermore, on at least four other occasions, the Committee could not make a decision on deployments due to a lack of a quorum.

Table 5.6 Meetings by the JSCD to consider Presidential deployment letters: 2004 - 2014

Year	Letters considered	Outcome
2004	None	-
2005	All external deployment (PMG, 2005d)	Letters adopted
2006	Comoros deployment (PMG, 2006e)	No quorum to adopt letters
	DRC deployment (PMG, 2006g)	No quorum to adopt letters
	Lesotho deployment (PMG, 2006i)	Letter adopted
2007	DRC and Burundi deployments (PMG, 2007a)	Letters adopted
	West Indies, Nepal and Mozambique. (PMG, 2007n)	Letters adopted
	Uganda deployment (PMG, 2007d)	Letter adopted
2008	Darfur and deployments with SAPS (PMG, 2008e)	Adoption postponed
2009	None	-
2010	None	-
2011	DRC, CAR, Mozambique deployments (PMG, 2011c)	No quorum to adopt letters
2012	None	-
2013	Deployments with SAPS and Mozambique (PMG, 2013k)	No quorum to adopt letters
	All internal/external deployments (PMG, 2013g).	Inconclusive, but quorum was achieved
2014	DRC, South Sudan and internal deployments (PMG, 2014c)	Inconclusive, but quorum was achieved

Source: Compiled from PMG Committee Minutes (2004 – 2014)

3.3 Lower-order focus areas of defence oversight

Lower-order focus areas for oversight of the military were identified in Chapter 3. The sections below review Parliament's focus on these areas between 2004 and 2014 and focuses on annual and quarterly performance, interdepartmental cooperation, military training and education, gender and racial equality, defence morale and defence infrastructure.

3.3.1 Annual and quarterly performance

Section 5.2.1, in dealing with budgetary oversight, provided an overview of the submission of the DOD's annual reports. These reports not only allow for oversight of finances, but include performance of the DOD against set performance targets. From Table 5.3 it is clear that an annual report was submitted every year and was discussed by the PCDMV as per legislative requirements of the Public Finances Management Act (RSA, 1999, p. Section 55 (3)). During the Fourth Parliament, the PCDMV also drafted a BRRR after considering the DOD's annual report. These reports included recommendations on performance and budgetary aspects.

As noted in Chapter 4, Section 5.3.1 of the Treasury Regulations (National Treasury of South Africa, 2001) issued in April 2001 states that "[t]he accounting officer of an institution must establish procedures for quarterly reporting to the executive authority to facilitate effective performance monitoring, evaluation and corrective action." A review of the PCDMV's meetings in the third and fourth parliaments reveals that oversight of quarterly expenditure and performance was only achieved sporadically. In this period, only five meetings were held related to quarterly performance and finances of the DOD (PMG, 2005g, 2006b, 2007e). The majority of these were considered closed meetings and the content thereof thus not available. In its 2011 BRRR, the PCDMV notes that "to date, the portfolio committee's method of work does not include quarterly evaluation of departmental spending and performance" (PMG, 2011a). The reasons for this exclusion of a focus on quarterly reports are not indicated, but may reveal whether limited attention was paid to it prior to 2011. From 2012 onwards, the consideration of quarterly reports became frequent. From 2012 until the end of the Fourth Parliament, the PCDMV considered financial and performance reports of the DOD every quarter. As such, while the National Treasury guidelines on the tracking of quarterly performance did not translate to effective oversight in the PCDMV prior to 2012, significant improvement can be observed thereafter.

3.3.2 Interdepartmental cooperation

Oversight is a valuable means of ensuring high levels of interdepartmental cooperation and of addressing areas where cooperation is lacking. Given that the DOD does not function in isolation and carry out some tasks with other departments, oversight of such interactions are necessary. Although some aspects related to interdepartmental cooperation did form part of general briefings by the DOD to the PCDMV and JSCD, no meetings *dedicated* to interdepartmental cooperation were held. Broader committee discussions on interdepartmental cooperation occurred only twice during the third and fourth parliaments. In 2005, an interdepartmental briefing on the Prohibition of Mercenary Activities and Regulation of Activities in the Armed Conflict Bill were presented to the PCDMV (PMG, 2005h). In 2008, a briefing on interdepartmental cooperation between SANDF and SAPS in preparation for the 2010 FIFA World Cup was held (PMG, 2008c).

Key to oversight of interdepartmental cooperation is engagement by the defence committees with other relevant state departments working in cooperation with the DOD. A limited number of these engagements are reflected in PCDMV and JSCD minutes. For example, despite cooperation between the DOD and the DPW often raised as a major concern by DOD officials, limited engagement with officials from the DPW occurred. In 2005, the DPW and Department of Land Affairs were invited to brief the PCDMV during an oversight visit to Wallmannstahl (related to land claims) (PMG, 2005j). In 2007, the PCDMV also invited the DPW to brief it on the Repair and Maintenance Programme (RAMP) since 2001 (PMG, 2007h). No further dedicated follow-up engagements were held between the PCDMV and the DPW. The establishment of the DOD's Defence Works Formation in 2011 could be seen as an outflow of the lack of cooperation between the DOD and the DPW (Helfrich, 2015). Furthermore, by 2014, the Secretary for Defence again noted the ongoing difficulties experienced in its cooperation with the DPW in a meeting with the PCDMV (PMG, 2014f). It could thus be argued that the limited engagement by the PCDMV and JSCD on interdepartmental cooperation between the DOD and DPW failed to adequately address long-term concerns. Parliamentary activity therefore did not contribute to a vibrant interdepartmental engagement culture and was rather driven by oversight of *ad hoc* problems.

3.3.3 Military training and education

With South Africa's increasing role in peace support operations around Africa and the context of increased focus on human security in the post-1994 period, training a professional SANDF remained important over the period 2004 to 2014. Jele (in Ferreira, 2007, p. 245) argued in 2004 already that for the SANDF "multi-role preparation and skills-based training have become vital." Despite the need for a focus on multi-role training amid ongoing SANDF deployments, limited questions were asked by MPs related to training of forces. During the third and fourth parliaments, only 35 written and oral questions were asked related to military training and education (See Table 5.2).

The limited number of questions posed by MPs was arguably a result of frequent engagement by the PCDMV and JSCD on SANDF training and education. The SANDF's Military Skills Development System (MSDS) was launched in 2003 as the primary recruitment means for force rejuvenation (Engelbrecht, 2009b). Training related to the MSDS was therefore crucial to ensure the future of the force and adhere to requirements for multi-role preparation and skills-based training. The PCDMV and JSCD frequently discussed training related to the MSDS during various meetings. Dedicated meetings on MSDS training and progress were held in 2006 (PMG, 2006h), 2007 (PMG, 2007i) and 2013 (PMG, 2013d) while in 2010 a meeting was held related to the expansion of the MSDS. The PCDMV also conducted oversight visits related to education and training. In 2005, the Committee visited the SA Military Health Services' Training Formation, War College and Defence College as well as the Air Force Gymnasium and Air Force College (PMG, 2005j). In 2005 and 2007, visits to the Military Academy were conducted (PMG, 2007b; Portfolio Committee on Defence, 2005d). In 2007, the training area in Lohatla was visited (PMG, 2007d). In 2013, several training bases were visited,

including the Langebaan Central Flying School (PMG, 2013e), the School of Tactical Intelligence, Infantry School and the Naval College (PMG, 2014d). The increased use of oversight visits as an oversight tool in the third and fourth parliaments therefore had a specific positive impact on oversight of military training and education.

Two observations are clear from the committees' engagement on training. Firstly, committee minutes reveal regular PCDMV discussions on matters related to training as well as a few dedicated meetings related to the MSDS and training issues. These engagements coupled with several oversight visits allowed for increased regularity in oversight of training issues. Secondly, it is apparent that the engagement by the JSCD related to training is comparatively less than that of the PCDMV, despite the JSCD's constitutional directive to oversee the state of preparedness of the military (RSA, 1993 Section 228(v)).

3.3.4 Gender and racial equality

While the focus on gender and racial equality in the SANDF presented a natural focus point in the post-1994 period, it may be expected that focus on these aspects declined over time. However, the contrary proves to be correct as various sources note the ongoing need for a focus on the transformation of the SANDF. For example, in a retrospective view, Perk (2011, p. 66) notes that in the post-2000 period "South African race relations remain an explosive mixture in the context of an organi[s]ation responsible for the management of organized violence." Transformation was thus an ongoing process. This is also reflected in the central government's focus on transformation. By 2004, the National Treasury (2005, p. 45), in its guidelines for legislative oversight, stated that "Government has developed very specific policy targets for the transformation of the public service. Members [of Parliament] need to be familiar with these policies so that they can evaluate the progress entities are making towards becoming transformed and representative organisations."

During the third and fourth parliaments, questions raised by MPs related to gender and racial equality were limited. Only 15 such questions were raised, of which the majority were in 2005 (See Table 5.2). The questions in 2005 related mostly to the racial transformation in the various arms of service of the SANDF. The lack of focus on matters of gender and race is also reflected in PCDMV meetings. Although gender and racial equality was mentioned in several meetings, these did not generally represent central focus points of discussions. The gender and racial composition of the SANDF were discussed as part of the PCDMV's oversight of the DOD's Transformation Policy in 2004 and 2005 (PMG, 2004d, 2005g). During deliberations on the DOD's HR Policy in 2010, very limited discussions were held on gender and/or race matters (PMG, 2010c). In 2011, the DOD held a gender conference and released research findings on the status of women in the Department (PMG, 2011e), but this did not result in further discussions on gender matters. The JSCD provided more oversight on gender and race matters as it was the central focus of several meetings. In 2007, meetings were held related to Transformation Management Developments and the SA Navy's transformation strategy (PMG,

2007m). In 2011, two meetings were also held related to progress employment in the SANDF as well as transformation in the SA Air Force (PMG, 2011j, 2011b). A dedicated meeting was also held in 2011 on Transformation, Gender Equity and Empowerment in the SANDF (PMG, 2011k).

Oversight of gender and race-related transformation occurred on an *ad hoc* basis in the third and fourth parliaments. Such oversight therefore arguably showed a lack of continuity. In 2013, following an oversight visit, the PCDMV noted in its report that “transformation in terms of race, gender and the utility in the rank structure is still work in progress. Although the various units have made significant improvement in terms of transformation, it emerged that the desired end state is still at a distant future” (PMG, 2013l). This highlights the potential ineffectiveness of the committee in driving matters related to gender and racial equality through transformation in its oversight process.

3.3.5 Defence morale

As noted in Chapter 4, the JSCD is tasked through the 1993 interim Constitution with, *inter alia*, conducting oversight of the SANDF’s morale. During the third and fourth parliaments, no dedicated JSCD meetings were held that focused on the morale of the SANDF. In a 2011 meeting on the Interim National Defence Force Service Commission’s Final Report, it was noted that concerns with morale existed in the Defence Force. Nonetheless, no subsequent discussions were held (PMG, 2011g).

The PCDMV showed a higher resolve for discussions on SANDF morale. Although no dedicated meetings on morale were held, the matter did form part of broader discussions during some meetings. In 2004, morale was discussed during deliberations on peacekeeping operations (PMG, 2004e). In 2007, during interactions with defence unions, problems with low morale and the SANDF’s grievance system were discussed at length (PMG, 2008f). Factors that impact morale were also noted in the PCDMV’s Report following several oversight visits in 2013 (PMG, 2013j). Nonetheless, the dearth of a dedicated meeting on defence morale by either of the two committees reflects poor oversight of the matter. This is of concern as low morale was often highlighted as a problem, including by the Secretary of Defence in 2005 (PMG, 2005c) and the Interim National Defence Force Service Commission raised it as a concern in 2011. A positive development was the addition of a performance indicator in the DOD’s annual report related to the “Level of Department of Defence morale” in 2012 (PMG, 2012c). However, committee minutes reveal that this was an initiative from the DOD itself and not posed as a requirement from the JSCD or PCDMV.

3.3.6 Defence infrastructure

A continued focus on defence infrastructure is important as it contributes to the functioning of a military force. This is reflected in the aspirations of militaries in developing countries (such as Kyrgyzstan, Tajikistan and Estonia), as well as the focus of established highly functional military forces

around the world (such as Canada) (Born et al., 2003, pp. 122, 143; Lagasse, 2010, p. 40). The importance of continued focus on defence infrastructure in South Africa was highlighted by, *inter alia*, the 1998 Defence Review and the Interim National Defence Force Service Commission's study in 2010 (Louw, 2013, p. 66; RSA, 1998 Chapter 13). Parliamentary questions related to defence infrastructure and equipment reveal an ongoing interest by MPs on this matter. A total of 98 such questions were asked during the third and fourth parliaments. Of interest as well is the consistency of such questioning, with each year reflecting between 8 and 14 questions related to defence infrastructure and equipment. (See Table 5.2).

Infrastructure and equipment were raised frequently in PCDMV meetings dealing with the defence budget, annual reports and during oversight visits. In addition, several meetings dedicated to infrastructure were held in the Third Parliament. During the 2004 hearings on the Defence Review, infrastructure was frequently raised (PMG, 2004c). In 2005, the PCDMV held a meeting on Defence Land and Facility Maintenance (PMG, 2005a). In 2007, a meeting was again held with the DPW on maintenance and repair of military bases (PMG, 2007h). A change can be observed in the Fourth Parliament as no dedicated meetings related to infrastructure were held. Limited focus on infrastructure during this period should be seen in the context of rising concerns related to infrastructure. Such concerns were frequently raised in oversight reports and even the PCDMV's 2013 BRRR (PMG, 2013e, 2013l). The JSCD held no dedicated meetings related to infrastructure and only dealt with the matter during deliberations on the Interim Defence Force Service Commission's Report in 2011 (PMG, 2011g).

The above reveals that oversight of defence infrastructure therefore did take place with relative frequency. However, Section 5.3.2 already established that limited engagement by the PCDMV and JSCD on interdepartmental cooperation between the DOD and the DPW arguably failed to adequately address long-term concerns. This lower-order focus area of oversight therefore presents a dichotomy between frequent oversight and a lack of impact of said oversight.

3.4 Reviewing the potential for weaknesses in oversight of the military

The sections below highlight whether identified weaknesses presented itself in parliamentary oversight of the military in South Africa between 2004 and 2014. These sections include constitutional and legal powers of parliament to conduct oversight, customary practices of oversight, resources and expertise available for to parliament, the political will to do oversight and follow-up on defence matters.

3.4.1 Constitutional and legal powers

Significant legislative amendments in the post-1994 period brought about a framework for ensuring executive accountability to Parliament, including accountability of the military. Such legislative directives include sections of the 1993 Interim Constitution, the 1996 Constitution, the 1996 White

Paper on Defence, the 1998 Defence Review and the 2002 Defence Act (See Chapter 4). The legislative framework developed for oversight of the military during the first two parliaments remained in place during the third and fourth parliaments. The fact that no new legislation was introduced⁷⁶ to alter the principle of oversight underscores the entrenchment of the principles of parliamentary oversight that was established after 1994. In 2012, the Minister of Defence introduced a draft Defence Review for public engagement. This document, set to map out the future defence approach of the country, refers frequently to the importance of parliamentary oversight. It further reiterates the established principle of civilian oversight of the military by stating that “[s]ound civil control over Defence is enhanced through Ministerial Control, Parliamentary Oversight, comprehensive defence policy and the performance monitoring and evaluation of the Defence function” (Department of Defence, 2012, p. 161).

The established constitutional and other legislative directives that ensure parliamentary oversight can also be viewed against the trend of democracy in South Africa over the period under review. By 2006, the Economists’ Index for Democracy provided South Africa a score of 7.91/10 in terms of the level of democracy (Kekic, 2007, p. 3). By 2014, the score stood at 7.82/10, which indicates a high level of stability in terms of democratic trends in South Africa. The Report does, however, raise a concern that developed in South Africa, which may impact on oversight. The Report notes that in South Africa “the ruling party continues to dominate most levels of government. Opposition parties struggle to make an impact, and many crucial debates take place within the ruling group, rather than in the public arena, discouraging public participation” (The Economist Intelligence Unit, 2014, p. 33). The rise of a phenomenon of discouraged public participation and public debates has the potential to impact negatively on parliamentary oversight as a whole.

3.4.2 Customary practices

Customary practices in terms of oversight refer to the availability and usage of oversight tools in Parliament. Section 5.1 of this Chapter provided an overview of the utilisation of five primary oversight tools during the third and fourth parliaments. First, dedicated debates on defence in the National Assembly and/or NCOP were limited. Committee meetings saw general consistency in the number of meetings held, notably by the PCDMV. However, the effective utilisation of this tool through committee activity is severely undermined by the poor performance of the JSCD in terms of regularity of meetings and topics covered during such meetings. The decline in PCDMV meetings towards the end of the Fourth Parliament is further cause for concern. Second, parliamentary questions posed to the Minister of Defence showed continuity with 1 008 questions posed during the period under review. Oral questions remained limited, notably between 2008 and 2012, which impacted negatively on the utilisation of this tool. Third, the use of special defence inquiries was limited by the PCDMV and

⁷⁶ Amendments to existing defence legislation were introduced (such as a number of defence amendment bills), but these did not impact on the principle of parliamentary oversight.

JSCD. Although some areas received special focus by the two committees, these did not conform to true special defence inquiries.

Fourth, oversight visits were frequently used as an oversight tool by the PCDMV. At least eight such visits to an array of military units and other defence installations were held. Findings of such visits were well reflected in subsequent committee reports. Study tours were also conducted by the PCDMV, on occasion in conjunction with the JSCD. While the PCDMV managed to utilise this oversight tool frequently, the JSCD failed to do so. The ineffectiveness of the JSCD and the delay in the submission of reports on oversight visits and study tours decreased the effectiveness of this oversight tool. Fifth, there is a positive trend in the utilisation of external audit by Parliament related to defence oversight. While limited engagement between the AGSA and Parliament occurred in the Third Parliament, there was a marked increase in interaction in the Fourth Parliament.

In terms of the broader utilisation of oversight tools, it can thus be argued that tools for oversight of defence were used with increasing frequency over the ten-year period under review. The major shortcomings relate to the use of special defence inquiries and the poor performance of the JSCD that stifled overall oversight efforts.

3.4.3 Resources and expertise

Chapter 4 noted the concerns at the commencement of the First Parliament with the combination of inexperienced MPs and limited administrative, technological and research support to MPs (Calland, 1997, p. 4). Of particular concern during the first ten years of the democratic Parliament was a lack of a coherent research capacity to support MPs, a key finding by the Independent Panel Assessment of Parliament (Govender *et al.*, 2009, p. 70).

Given the findings of the Panel, this challenge was incrementally addressed. While only 10 researchers were employed in 1997, this increased to 34 by 2007 (Govender *et al.*, 2009, pp. 70–71). However, this increased capacity seemed not to have immediately addressed the requirement in terms of defence oversight. During a PCDMV meeting in 2008, the Chairperson raised concerns about the Research Unit and questioned why a portion of the Committee's budget was not allocated for researchers. Other MPs in the Committee noted concerns related to the dearth of proactive research and the failure to ensure institutional memory of Parliament (PMG, 2008b). These concerns echo the findings of Parliament's own 2008 Oversight and Accountability Model (Parliament of South Africa, 2009). The Model notes the "immediate need to increase the research (and content specialist) capacity of committees, which is currently underway." Given these recommendations and the observations by MPs, it can thus be deduced that a research capacity was not adequately developed in the Third Parliament. Critique of the research capacity also continued during the Fourth Parliament. In specific relation to defence oversight Sylvester (Sylvester, 2011a, p. 9) reiterated the lack of

research support and the impact thereof. He noted that “Parliamentarians lack knowledge and experience of the defence sector and Parliament’s research capacity is under-resourced.”

Support offered by the Committee Section of Parliament faced similar concerns. Given challenges to institutional memory, the Oversight and Accountability Model (Parliament of South Africa, 2009) noted the need for the “implementation of systems to capture and manage information within committees [as well as] continuous capacity development of...support staff to committees in terms of information and communications technology, budgeting practices and other skills required to enhance their oversight capacity.” Other criticism of the Committee Section that emerged during the period under review include accusations that information management is below standard and that committee minutes are not kept (Graham, 2013, pp. 124–125).

Despite clear evidence that support structures to MPs were inadequate during the period under review, the period was not without progress. The number of researchers increased during the Third and especially the Fourth Parliament (Graham, 2013, p. 125). Furthermore, several frameworks were established to guide the support structures to MPs. This includes, for example, the development of an oversight guide for committee staff (Committees Forum of SALSA, 2008) and the Manual for Parliamentary Committees (Parliament of South Africa, 2011). The development of a Budget Analysis Manual (Rustin & Nel, 2011) and increased frequency of presentations by researchers to committees are further indications of improved use of this resource. In terms of the oversight of defence, several presentations by the researchers to the PCDMV are evident in the Fourth Parliament, notably in relation to analysis of annual reports and budgetary planning of the DOD (PMG, 2013c, 2013f, 2014a, 2015a).

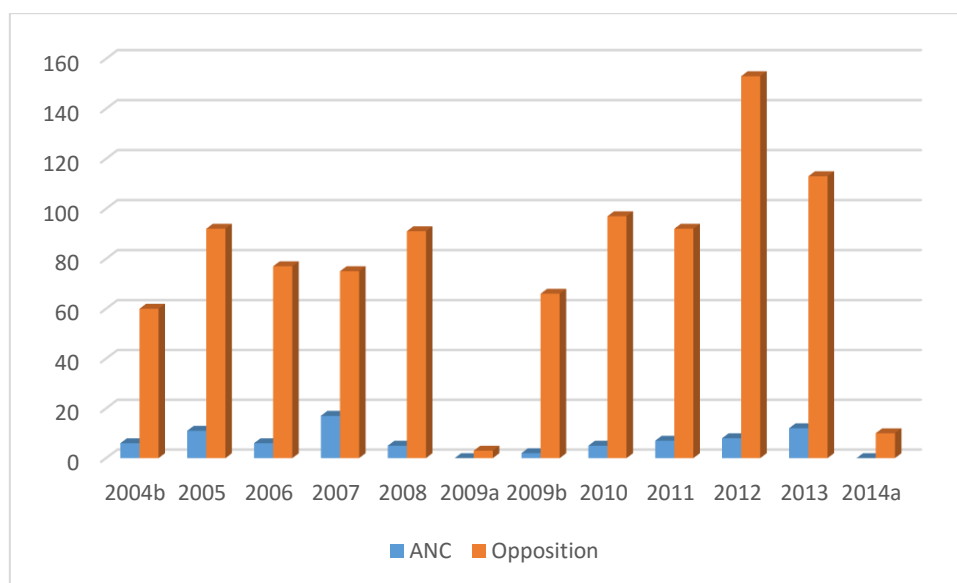
3.4.4 Political will

As noted in the previous chapter, three possible indications of a lack of political will for effective oversight are used in this study to provide insight into the political will for oversight of the military. First, due to party discipline, parliamentarians from the governing political party might be unwilling to effectively hold the executive to account (Power in Pelizzo et al., 2004, pp. 47–58). While complex to determine, parliamentary questions provide insight into this determinant. During the third and fourth parliaments, a total of 1 008 questions related to defence were asked. Only 79 (7.84%) were asked by MPs from the ruling party (See Graph 5.5). Such questions were particularly limited during years preceding elections and during election years.

Furthermore, questions posed by MPs from the governing party were almost exclusively oral questions. Of the 79 questions posed by ANC MPs, 62 (78.5%) were oral questions. These questions are only asked when a member of the executive (primarily the Minister of Defence) is present in the Houses of Parliament. This reveals an absence of continuous and consistent questioning by MPs from the governing party. Of further concern is that some of these oral questions were again

representative of what can be termed 'sweetheart questions'. These include questions related to, for example, the value of the SADC Defence Pact (2005), whether or not SANDF operations contribute to peace in areas of deployment in Africa (2010), and steps taken for the SANDF to assist the state (2012). Such questions clearly provide a platform for the executive to explain government policy and successes rather than truly function as questions of oversight.

**Graph 5.5 Questions on defence – Governing party versus opposition:
2004 – 2014**



Source: Compiled from National Assembly and NCOP question papers (2004 – 2014)

Second, a lack of political will may be reflected in limited public involvement in defence matters (Born, 2003, p. 76). This is especially relevant given the stated (by the Presiding Officers) focus on the aim of Parliament to enhance public participation in the Third Parliament (Parliament of South Africa, 2009). This study reviews the consultations with civil society and other stakeholders by the JSCD and PCDMV as a means of determining public interest. In the third and fourth parliaments, engagements with NGOs and other role players in the defence sector were extremely limited. An engagement was held with the SANDU on concerns related to the SANDF (PMG, 2008f). Despite this engagement, no further meetings were held with external role players, except for the dealing with public submissions during deliberations on legislation and policy. Several public submissions were received and public hearings held by the defence committees, including the following:

- 2004: At least 11 NGOs, NPOs and other stakeholders gave input into public hearings by the PCDMV on the Defence Review (PMG, 2004c).
- 2006: Submissions were made by several organisations and individuals to the PCDMV during engagements on the Prohibition of Mercenary Activity & Prohibition and Regulation of Certain Activities in an Area of Armed Conflict Bill (PMG, 2005h).
- 2007: Various organisations and individuals made presentations to the PCDMV on the Prohibition of Restriction of Certain Conventional Weapons Bill (PMG, 2007l).

- Public hearings by the JSCD on improvement of services to military veterans (PMG, 2007g).
- 2008: Public submissions were made to the PCDMV in relation to the National Conventional Arms Control Amendment Bill (PMG, 2008d).
- Public submissions to the PCDMV on the Castle Management Act Repeal Bill (PMG, 2008).
- Public submissions to the JSCD on the Defence Amendment Bill.
- 2010: Public submissions made to the PCDMV on the Defence Amendment Bill (PMG, 2010b).
- 2011: Public submissions made to the PCDMV on the Military Veterans Bill (PMG,2011i).
- Public submissions to the PCDMV on the Military Ombud Bill (PMG, 2011h).
- Public submission to the PCDMV on the Geneva Conventions Bill (PMG, 2011f).

The limited public involvement in defence matters at parliamentary level correlates with findings by Heinecken (2016) regarding concerning trends in research of the military in South Africa. Heinecken's research based on primary sources shows that several research hubs and scholars focused on defence matters, specifically in the immediate post-1994 period, but that this declined over time. The focus of such research hubs shifted away from defence aspects to focus more extensively on aspects related to human security. Heinecken (2016, p. 47) therefore argues that the decrease in research output on military affairs adds to "an ever-widening civil-military gap [and that] this will inevitably affect civil-military relations, how defence and security is defined, resourced and is able to execute its mandate as regional military power." The observations on the decreasing research output on military affairs highlight the need for engagement between Parliament and external stakeholders as it contributes to the broader defence debate in the country. Linked to Heinecken's concerns is the third, aspect that may indicate a lack of political will to conduct oversight, namely that security considerations could limit parliamentary oversight of the military. This concern manifested itself between 2004 and 2014, notably during the Fourth Parliament, through an increasing reluctance on the part of the DOD to respond to questions from MPs. During this period, 77 questions went unanswered either due to the information being considered classified or it is stated that a further responses will be provided at a later stage. Furthermore, at least five references to closed JSCD and PCDMV meetings were found in the third Parliament with several calls for such closed meetings also being made in the Fourth Parliament. The latter should, however, be seen as exceptions to the rule of generally open parliamentary engagement on defence matters.

In addition to the criteria considered above, the period under review saw increased questions raised regarding the political will to ensure executive accountability in the defence sector. This relates specifically to the Fourth Parliament when tensions rose between the then Minister of Defence, Lindiwe Sisulu, and Parliament. Sisulu was in the position of Defence Minister from May 2009 to June 2012 (South African Government Information, 2009). In April 2010, the Minister decided to "boycott Parliament's financial watchdog body, for what she has described as unfair treatment" (Mkhwanazi, 2010). Opposition MPs were extremely critical of the way in which Minister Sisulu engaged with the Parliament and accused her of diminishing oversight. David Maynier (MP), noted:

[Minister Sisulu] ensured that Nyami Boo, former Chairperson of the Portfolio Committee on Defence and Military Veterans, was fired; has prevented the Chief of the South African National Defence Force, General Godfrey Ngwenya, and his successor, together with the service chiefs, from briefing Parliament on the military preparedness of the Defence Force; rarely appears before the portfolio committee, the Joint Standing Committee on Defence or the Standing Committee on Public Accounts; refused to provide copies of the interim reports of the National Defence Force Commission to the portfolio committee, which suggested the Defence Force itself could become a threat to national security; and either refuses to reply, or provides partial replies, to oral and written questions on the defence force in Parliament.

The latter part of Maynier's concern holds true for the entire Fourth Parliament, which reflected an increasing unwillingness of the Minister⁷⁷ to respond to parliamentary questions. In 2009, at least 16 parliamentary questions went unanswered either due to the information being considered classified or where it is stated that a further response will be provided at a later stage. In 2010, 13 such instances were recorded, 17 in 2011, 13 in 2012, 15 in 2013 and 3 in the last session of the Fourth Parliament in 2014. This compares poorly to the Third Parliament where almost all questions received answers.

The indicators above reveal significant concerns related to political will during the third and fourth parliaments. There seems to be a lack of political will by MPs from the governing party to conduct continuous oversight through the utilisation of parliamentary questions on defence. The dearth of executive responses to various parliamentary questions in the Fourth Parliament highlights the potential weakening in terms of executive accountability. Furthermore, there is a clear absence of engagement with civil society on defence matters, except for engagement related to legislation that is a legislative requirement.

3.4.5 Follow-up on defence-matters

Follow-up on defence matters refers to follow-up debates by committees on recommendations made or requesting departmental officials to report on progress made (Agnihotri, 2011, p. 9; Pelizzo et al., 2006, p. 44). It should be noted that general committee meetings often serve as platforms for following-up on issues related to previous meetings or recommendations made in committee reports. This section reviews whether cases where the committee committed to follow-up on matters raised during meetings actually transpire. The aim of the section is thus to create a broad view of the willingness and execution of follow-up within the two defence committees.

⁷⁷ During the Fourth Parliament, two Ministers of Defence served. First, as noted, Minister Lindiwe Siculu and second, Minister Nosiviwe Mapisa Nqakula.

Table 5.7 Committee meetings follow-up commitments: 2004 - 2014

Committee	Meeting date	Commitment to follow up	Follow-up
PCDMV	24 Oct 2005	Impact of land claims on Wallmannstahl Military Area	A brief follow-up discussion held in one-subsequent meeting
PCDMV	5 Sep 2006	Oversight visit to the Military Academy with intention to follow up on key matters	A follow-up oversight visit was held on 8 May 2007.
PCDMV	11 Sep 2006	Engagement with stakeholders on the Special Pensions Act	No follow-up by PCDMV, but several meetings held by JSCD in 2007
PCDMV	4 Mar 2008	Update on the state of the SA Army and a Defence update should commence	No immediate follow-up; Meetings on the defence review was held only in 2012
PCDMV	18 Mar 2008	Vacancies at Castle of Good Hope	Vacancies only addressed again in Nov 2012
PCDMV	6 Jul 2009	Request for a follow-up on defence readiness	Series of closed meetings held to follow up on this matter in Nov 2009.
PCDMV	26 Aug 2009	Response from Speaker on mandate of Committee on defence deployments	No follow-up; Similar commitment to follow-up made in Aug 2012
PCDMV	30 Jun 2009 (ATC)	MSDS and skills shortages in the SANDF	Dedicated meetings on HR held that dealt with the MSDS; skills-retention addressed as part of other meetings
PCDMV	17 Oct 2011	Challenges of Operation Corona	No dedicated follow-up
PCDMV	18 Jun 2013	Secretary for Defence quarterly report: Follow-up in writing requested	No clear follow-up on outstanding discussions
PCDMV	26 Feb 2013	Request for follow-up by PCDMV on matters to be submitted by the DOD in writing	No clear follow-up on outstanding discussions
PCDMV	21 May 2013	DOD projections on mortality rates	No follow-up
JSCD	15 Feb 2007	Issues pertaining to delays in receiving letters of deployment	No clear follow-up; concerns raised again at future meetings (e.g. 15 Feb 2012 and 26 Feb 2014)

Source: Compiled from PMG Committee Minutes (2004 – 2014)

Table 5.7 provides broad insight into the follow-through of the defence committees when making an undertaking to follow up on matters. Based on the above, the PCDMV did well to follow-up on commitments in the Third Parliament, but generally lacked clear follow-up in the Fourth Parliament. This is underscored by the increase in requests for written responses by the PCDMV in the Fourth Parliament. During several meetings, time constraints prompted the Chairperson to require responses

to outstanding matters in writing. However, clear follow-up on such written submission are not reflected in committee minutes. It is also unclear if such responses are actually submitted. In one instance, a MP from the PCDMV “record[ed] his objection, on the basis that he was never provided with the written responses” (PMG, 2014e). This potentially undermines the transparency through which Parliament is intended to function (Parliament of South Africa, 2008a). The lack of follow-up by the JSCD was severely undermined by infrequent meetings. In the most prominent case where follow-up was proposed, related to the submission of presidential letters of deployment, this did not transpire.

The recurrence of discussions on defence-related topics by the PCDMV, and to a lesser extent the JSCD, could be seen as building continuity and ensuring follow-up. However, the levels of official follow-up in cases where such follow up was committed to raises a concerning trend for both defence committees, especially towards the end of the Fourth Parliament.

4. Conclusion

With the democratisation of South Africa in 1994 and through constitutional and other legislative amendments, a platform was created for a system of checks and balances to power in South Africa. Parliament has a particularly important role to play in this regard. While the first ten years of democracy saw Parliament focus on its legislative function, the third and fourth parliaments saw a shift in focus towards the institution’s oversight function. This shift had the potential to move civil-military relations from a cooperative theoretical approach (as per the concordance theory), observed after 1994, to what Cohen terms active control of the military characterised by increased inquiry and tension between political and military roleplayers. However, a review of parliamentary oversight of defence between 2004 and 2014 does not directly reflect increased inquiry and prodding by political elites.

Several oversight tools for effective oversight of the military as well as focus areas related to defence, were established and developed during the first two parliaments. During the third and fourth parliaments, oversight tools were used better, but to varying degrees of success by Parliament and its substructures. Debates regarding defence in the plenary were extremely limited. However, at committee level, debate rose to a higher level through the activities of the PCDMV. The lack of meetings by the JSCD, as well as the decrease in the number of meetings by the PCDMV in the latter half of the Fourth Parliament, arguably decreases the success of this tool’s utilisation. Special defence inquiries represent a further tool that was severely underutilised in the defence portfolio of Parliament. Parliamentary questions, as well as oversight visits and study tours, were two well-utilised tools of oversight. In the latter, only the inactivity of the JSCD limited the success of oversight visits. Furthermore, the use of external audit became increasingly institutionalised, especially during the Fourth Parliament through interaction between the PCDMV and the AGSA.

In terms of the focus areas of Parliament related to defence, the committees made important advances in dealing with the military budget. This culminated with the institutionalisation of the BRRR Process in the Fourth Parliament through which Parliament could influence the mid-year budget. Despite this success, committees failed to effectively consider defence policy, defence procurement, human resources matters and defence deployments. The lack of attention to defence policy and deployments can, to a large extent, be attributed to the inactivity of the JSCD who has the constitutional mandate to oversee these aspects. The dearth of oversight related to procurement of arms is of specific concern given that legislative guidelines were set for such oversight through the National Conventional Arms Control Act (2002). In terms of lower-order focus areas, Parliament had regular interactions on the annual reports of the DOD as well as with quarterly reports after 2011. Matters related to military education and training received significant attention, notably through oversight visits. Gender and racial equality, as well as issues related to defence morale, were raised on an *ad hoc* basis by the PCDMV and JSCD. The Committees did, however, fall short in terms of overseeing interdepartmental cooperation and defence infrastructure with limited dedicated meetings in this regard, despite these being identified as areas of concern.

Parliament further struggled to make progress in addressing potential weaknesses in oversight. With the legislative foundations for oversight in place, oversight tools were only used to varying degrees of success. Thus, scope for improvement exists. A concerted effort was made to improve the resources and expertise available to MPs. Yet, concerns related to knowledge management and the quality of committee reports remained in the Committee Section. The expansion of the Research Unit provided some relief, but some MPs continued to point to an under-resourced research capacity. The Fourth Parliament saw the rise of two specific areas of concern related to potential weaknesses in defence oversight. First, the political will for oversight represents a major concern. Parliamentary questions were mostly from opposition parties and, during the Fourth Parliament, the number of unanswered questions increased drastically. Criticism of the committees' ability to hold the Minister of Defence to account also increased. Additionally, despite Parliament's stated ambition to increase public participation, the PCDMV and JSCD had very limited interaction with external role players (except during the passing of legislation, where public engagement is a requirement). Finally, while the committees showed significant progress in following up on matters where further action was promised during the Third Parliament, the inclination to follow up dwindled in the Fourth Parliament.

Based on the above overview and in the context of Parliament's stated intention to focus on oversight from the Third Parliament onwards, it can be postulated that the institution was only partially successful in bringing about efficient oversight of the military during the third and fourth parliaments. A number of increased oversight mechanisms were introduced during this period, but such mechanisms were not always successfully implemented and/or utilised. This shortfall should be seen with the decreased effectiveness of the JSCD in the third and fourth parliaments, as well as the reduced activity of the PCDMV in the Fourth Parliament. As such, despite some successes, an overall

downward trend in oversight of the military is arguably evident despite the introduction of improved oversight mechanisms and expectations around an increased focus on oversight.

The following Chapter will provide a comparison of oversight of the military during the first two Parliaments (Chapter 4) and the third and fourth parliaments (Chapter 5). Crucially, the following chapter will introduce information from a number of primary sources based on interviews that would serve to contextualise the comparisons made.

CHAPTER 6 KEY THEMES ON OVERSIGHT OF THE MILITARY IN SOUTH AFRICA: VIEWS FROM INSIDE PARLIAMENT

1. Introduction

Chapter 5 reviewed parliamentary oversight during the second and third parliaments (2004 to 2014), based on the tools and focus areas for military oversight identified in Chapter 3. Chapter 5 studied a period of parliamentary activity during which the institution shifted focus from its legislative function to its oversight function. In terms of defence oversight, however, Chapter 5 concluded that Parliament was not always effective in bringing about efficient oversight in the second and third parliaments. Of specific concern during this period was the general inactivity of the JSCD. Furthermore, a downwards trend in oversight activity was observed towards the end of the Fourth Parliament, despite the introduction of improved mechanisms to enhance parliamentary oversight. The findings on parliamentary oversight of the military made in Chapter 5 should be viewed against findings made in Chapter 4. This allows for two transformative parliamentary eras, each characterised by different focus points, to be compared. Subsequently, overarching trends that characterises parliamentary oversight of the military in South Africa between 1994 and 2014 can be identified.

This chapter's key contribution lies in the addition of primary information obtained from interviews with MPs, parliamentary officials and academics. The chapter first extracts key themes from interviews, including how such information relates to the structure of the study and broad new contributions from these interviews. Thereafter, the chapter returns to the structure for reviewing oversight of the military provided in Chapter 3. Conclusions on the various criteria for assessing parliamentary oversight of the military as per the information presented in chapters 4 and 5 are offered. These conclusions are then contextualised through the addition of relevant information from the various interviews. By providing context from interviews, it is possible to determine whether the information obtained from committee minutes, Parliament's ATCs and other primary sources are in line with general perceptions from interviewees. Through this review process, the chapter concludes with overarching findings on the standing of parliamentary oversight of the military.

2. Interviews on oversight of the military

The study thus far presented criteria for evaluating parliamentary oversight of the military and applied these to the two periods of oversight in Parliament. While primary data from committee minutes, parliamentary questions and academic articles were consulted to review the South African case study, these often fall short as it fails to capture the finer nuances of the political setting at the time. It is therefore essential that additional primary data be gathered from primary sources with in-depth knowledge of parliamentary oversight of the military during the period under review.

Based on the need for additional contextual data, this chapter includes information from various interviews (See Addendums E and F) . This is aligned to the qualitative research approach identified in Chapter 1 where an “insider’s perspective” is required (Babbie and Mouton, 2011, p. 53). As such, three groups of primary sources based on 15 semi-structured interviews were consulted. First, perspectives from nine former MPs that served on the JSCD and/or PCDMV are included.⁷⁸ This included four former governing party (ANC) MPs and five MPs from various opposition parties. Crucially, the mix of MPs interviewed allowed for both ANC and opposition views from each parliamentary period between 1994 and 2014. Second, two former parliamentary officials were interviewed. These parliamentary officials were specifically consulted for their knowledge on the development of support structures to MPs at committee level. Finally, four academics were consulted to provide a broader perspective on the development of civil-military relations in South Africa, the role of Parliament in the maintenance of healthy civil-military relations and their perspectives on the growth/decline of parliamentary oversight. The academics consulted were selected to include individuals that have engaged directly with Parliament between the period 1994 and 2014. The semi-structured interviews were broadly based on the framework of the study. Interviews with former MPs were based on discussions around parliamentary tools and focus areas for oversight identified in this study. Several attempts were made to include at least seven additional MPs that previously served on the defence committees (five ANC and two opposition MPs). However, these members were not willing to or did not respond to requests for participation in the study.

Interviews with key role players in the domain of parliamentary oversight of the military played a dual role. It served to confirm/reject overarching trends already identified in this study. Interviews also added new perspectives on parliamentary oversight of the military that do not directly reflect in other primary and secondary sources.

2.1 Primary information and the overarching assumptions in this study

Several assumptions that underpin the study were made in the previous chapters based on existing literature. These assumptions impacted on the structure of the study and its theoretical underpinnings. Although not the primary aim of the interviews, information gathered from academics, MPs and parliamentary officials reflected on three key assumptions of the study.

First, two interviews made reference to the shift to human security in South Africa after 1994 that affected the traditional focus on security in military terms. This shift impacted on parliamentary oversight of the military in terms of the agenda items that reached the defence committees for deliberation (Interview 3). One MP interviewed alluded to this shift by the defence committees, as they focused increasingly on aspects related to human security. It was also evident in the legislative

⁷⁸ The pool for potential interviews was limited to only a small number of MPs having served actively on the JSCD and/or PCDMV since 1994. While several efforts were made to attract more interviews, responses from former MPs were not always forthcoming. In total, 19 MPs were approached with only nine responding positively to requests for interviews.

amendments made after 1994 period (Interview 7). This new focus on human security thus moved away from the traditional views prevalent prior to 1994 that focused on external threat perception and the state's military response to both internal and external security threats.

Second, linked to the observation above, discussions during interviews often centred on the changing civil-military relations in South Africa, especially in the immediate post-1994 period (Interviews 3, 10 and 11). Interviews reflected the shifts in civil-military relations presented in Chapters 2 and 3 and highlighted the disproportionate power of the military before 1994 (Interview 7). Prior to 1994, South Africa was characterised by 'disrupted civil-military relations. This came to the fore strongly under the presidency of P.W Botha that established a semi-militarised decision-making body in the public sector through the SSC⁷⁹. This disrupted civil-military relations in the sense that it undermined the normal political oversight processes through elected political representatives (Interview 10). Prior to 1994, military policy was therefore not driven by public representatives. During negotiations around 1994, the ANC paid particular attention to this disrupted state of civil-military relations and aimed to create a policy environment in which to restore such relations. Robust debate in the ANC on which civil-military relations approach to take ultimately resulted in the adoption of a western model of civil oversight, linked to the writings of Huntington. This approach is also reflected in the constitutional directives on civil oversight of the military (Interview 10). However, viewing civil-military relations purely in terms of Huntington's objective and subjective control of the military proved difficult in South Africa over time as the military became increasingly civilianised. It is therefore essential to consider a possible shift in South Africa towards the Concordance Theory of civil-military relations put forth by Rebecca Shiff (Interview 3). The shifts in civil-military relations observed during interviews point to an increasing scope for accountability and therefore provide a growing scope for parliamentary oversight.

Third, interviews largely confirmed the significance of the selected two parliamentary eras (1994 to 2004 and 2004 to 2014). Interviews reflected that the aim and functioning of Parliament was different in each of these two eras. MPs and former parliamentary officials acknowledged that Parliament's legislative function dominated between 1994 and 2004. They also verified a shift to Parliament's oversight function after 2004 (Interviews 1, 2, 9 and 15). It was only from the Third Parliament that the institution transformed itself to an 'activist parliament'. From the Third Parliament onwards, oversight was included in the activities of Parliament and oversight activities, such as local oversight visits and international study tours, were specifically funded (Interview 9). Given the confirmation of two distinct parliamentary eras, the discussions presented in Chapters 4 and 5 should be viewed in the context of a move towards increased oversight. An evaluation of oversight should therefore be cognisant of Parliament's stated intent, confirmed by MPs, to increase oversight from the Third Parliament onwards.

⁷⁹ Another academic questioned whether the SSC actually resulted in the militarisation of the state by noting that the SSC's establishment related more to the organisational skills of the military which were sought to address national concerns. Other ministries did not have similar organisational and skills sets (Interview 12).

2.2 Adding new perspectives

One of the main contributions from information emanating from interviews was that it provided context to other primary information. Information from interviews often overlapped and it was possible to extract broad context-providing perspectives, presented below. Information obtained on the use of oversight tools, focus areas and potential weaknesses for oversight (discussed from Section 3 onwards) should therefore be read in the context provided by the interviews.

2.2.1 Parliamentary oversight of the military developed from a low base

A key perspective that emerged during interviews was that parliamentary oversight of the military developed from a low base. This perspective focused heavily on the transition to democracy around 1994. One MP interviewed noted that prior to 1994, parliamentary oversight of the military was 'a myth' (Interview 7). This study noted significant gaps in oversight of defence prior to 1994 (See Chapter 4). Another MP confirmed these oversight gaps by noting the significant advances made in enhancing transparency around the military, notably the budget and procurement aspects thereof, after 1994 (Interview 1). The importance of a shift to transparency around military affairs should be seen in the context of a lack of legitimacy of the military during the transition period (Interview 3). The shift towards transparency on military affairs did not, however, result in immediate elevated levels of parliamentary oversight. Building a culture of accountability towards civilian oversight in the military was a lengthy process (Interview 7). This was confirmed by parliamentary officials and a member that highlighted the incremental development of oversight structures since 1994 (Interview 2 and 8). For example, the formalising of oversight processes developed over time, including the reviews of annual reports, departmental budgets and quarterly performance reports. These developments culminated in the establishment of the BRRR process (Interview 2).

The perspective that parliamentary oversight developed incrementally from a low base highlights the need to contextualise parliamentary oversight after 1994. Shortfalls that can be identified in parliamentary oversight should therefore be viewed against advances made and against the ongoing effort to refine the oversight process.

2.2.2 The changing nature of parliamentary oversight of the military

The immediate post-1994 period saw a clear prioritisation of defence matters. Given the central role that the military played in state affairs prior to 1994, a growing general consensus held that the role of military had to change. It was accepted that, in a democratic context, the military cannot continue to perform similar functions to those prior to 1994 (Interview 10). As such, significant work was required to reposition the military within the state and redefine its role within a democratic dispensation. At parliamentary level, the defence portfolio was prioritised along with the finances portfolio during the First Parliament. This prioritisation reflected in parliamentary activity, notably the defence and

finances committees (Interview 6). Unsurprisingly, engagement regarding defence in the immediate post-1994 period was described as robust (Interview 12).

The prioritisation of defence matters immediately after 1994 also saw a unique approach to oversight at parliamentary-political level. The First Parliament saw efforts to depoliticise the defence domain. The success of the 1998 Defence Review was, in part, ascribed to this cooperative approach to defence oversight. Generally good cooperation existed between the chairpersons of the JSCD and PCDMV, despite them being from different political parties (Interview 1). MPs also observed that a sense of unity existed in the defence portfolio. This stemmed from a search for consensus regarding defence matters as it was a national competency and required attention in the post-1994 transition period. A sense of unison, purpose and 'consensus-seeking' reflected the approach among all parties represented on the defence committees (Interviews 6 and 7). 'Consensus seeking' was also noted as a broader theme of the restructuring of civil-military relations immediately after 1994 (Interview 10). This is in line with the opinion of a parliamentary official that noted a 'different spirit' in parliament in the immediate post-1994 period. The official noted that "it was a time of policy development and...everybody in parliament was working together for a common purpose" (Interview 2).

The sense of purpose that characterised parliamentary oversight of the military in the First Parliament came under pressure from the Third Parliament onwards. As the state's developmental plans (through the Redistribution and Development Programme) grew and became prioritised, the military became less of a priority (Interview 7). Given that South Africa did not face any major military threats in the post-1994 period, the military was not considered a serious national issue any longer (Interview 11). Role definition of the military therefore became a concern. Around 2004 it was put to the PCDMV that Parliament should make a decision as to the type of force (light conventional or fully conventional) it wants, and that this role should then be funded accordingly (Interview 8). Despite the lack of role clarity of the military, Parliamentary discussions started to focus largely on the 'soft issues' such as representivity in the SANDF and unionisation in the DOD rather than the 'hard issues' such as force deployment, force capability, role definition and the bloated nature of the SANDF (Interview 11).

Furthermore, in contrast to an observation of cooperation among chairpersons of the JSCD and PCDMV in the First Parliament, an interviewee noted a level of tension between the chairpersons emerged around the Third Parliament. Although this was not necessarily a reflection on the chairpersons themselves, the tensions related more to the practical functioning/scheduling of the JSCD (Interview 9). During this period there was also a decrease in the pressure from civil society to perform the oversight function of the military (Interview 3). The focus on military affairs further decreased in the Fourth Parliament with the establishment of the DMV that took significant time from the defence committees (Interview 1). Based on the above observations, it is evident that the nature of parliamentary oversight of the military changed from a prioritised consensus-seeking approach to oversight in the First Parliament to oversight that did not view the military as a priority and focused on non-core military aspects.

2.2.3 Incremental institutional development to aid parliamentary oversight

With it already established that parliamentary oversight of the military developed from a low base, information obtained from interviews reveal a similar development in terms of Parliament's capacity to do oversight. The first steps to enhance oversight of the military occurred during the transition period to democracy. Benchmark studies were conducted to look at parliamentary oversight of the military in other countries. Teams from the SADF, MK, APLA and the TBVC states were given the opportunity to review oversight models *in situ*, for example, the UK and Germany. NGOs and other external stakeholders also made significant input into the models for civil oversight of the military during the CODESA discussions (Interview 11). With the notion of civil oversight established, practical means to improve oversight were also implemented over time. The development of governmental reporting documents such as detailed annual reports and ENEs that were available in the Fourth Parliament were not developed to the same extent in the First Parliament (Interview 2). The quality of information emanating from the DOD to Parliament thus improved significantly over the years (Interview 7). This reflects important growth in terms of transparency.

Incremental growth in the general parliamentary oversight processes provided further scope for oversight. This is reflected in, for example, the BRRR process⁸⁰ that provided structure to the oversight process (Interviews 1 and 2). Parliament also saw significant growth in its assistance to MPs through the growth of the Parliamentary Research Unit and the appointment of Content Advisors (to be discussed) (Interviews 2, 9 and 15). Another aspect of growth relates to the development of MPs themselves. MPs develop their specialisation in a specific field (such as defence) over time (Interview 9). It can be expected that oversight improves with some MPs having built up experience of the sector as time progressed. The above factors thus demonstrate that institutional support at executive and parliamentary level improved over time and, in theory, would be able to contribute to more thorough oversight of the military.

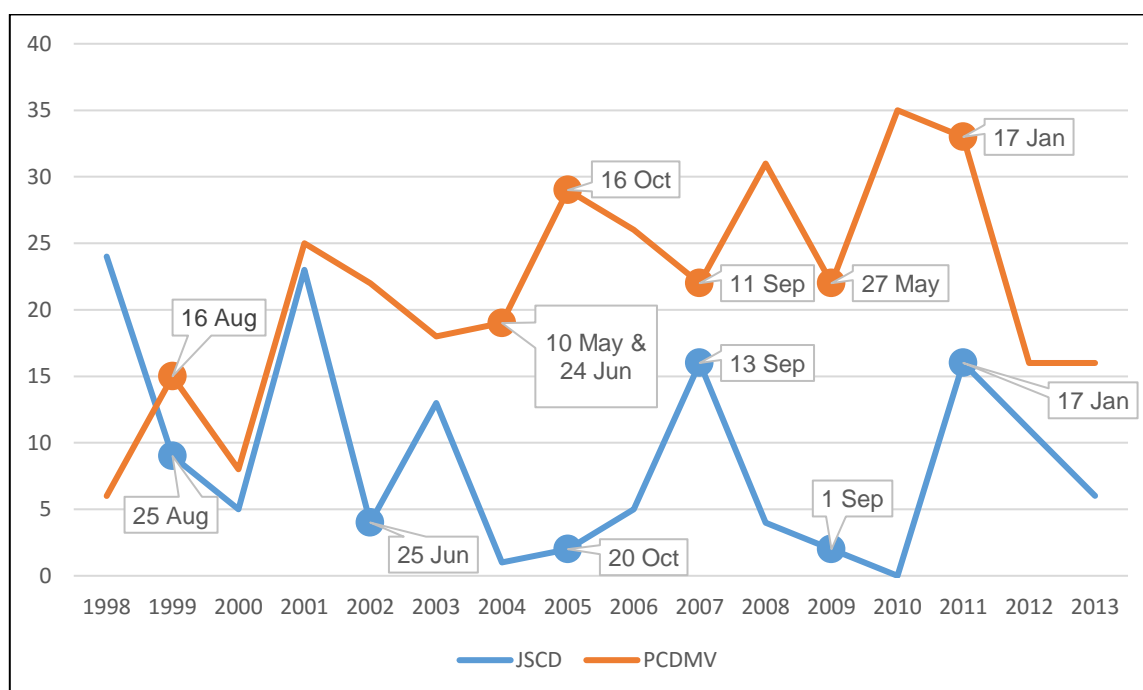
2.2.4 The important role of committee chairpersons

MPs and parliamentary officials noted the important role of committee chairpersons in ensuring engagement on defence matters (Interviews 1, 2, 9 and 15). A parliamentary official stated that the parliamentary cycle has developed quite extensively to ensure oversight of the budget through the BRRR process. However, due to the time-consuming nature of this oversight, aspects related to policy may be neglected. It is therefore dependent on the individual chairperson to ensure that policy and other non-mandated areas of oversight be covered. Committees that are more successful in conducting meetings and oversight are characterised by a dedicated chairperson. However, the

⁸⁰ MPs and parliamentary officials also provided input on the potential negative impact of structured processes such as the BRRR process (Interviews 1 and 2). For example, while the BRRR process enhances oversight, it is a time consuming process and takes up committee time. It was noted by an official that "success areas [such as the BRRR process] pushes out time for other focus areas of oversight" (Interview 2).

challenge is to balance oversight, as overloading meetings with agenda items can result in a lack of in-depth inquiry and oversight (Interview 2). One MP consulted observed an interesting development in this regard in that prior to 2004, critical questions could easily be raised, while in the later years, chairpersons (including the chairpersons of the defence committees) did not always allow for discussion on such matters (Interview 1). Another MP confirmed this by noting insufficient political will to do oversight in the context of party-political interests (Interview 4). The importance of chairpersons' willingness to call external stakeholders to brief a committee was also highlighted as this allows for an overall higher level of preparation of MPs on the committee once they engage with the departments (Interview 9). Given these concerns, it was stated that the real objective of chairpersons have decreasingly been on keeping the executive to account and increasingly on preventing robust scrutiny of the executive (Interview 5). After 2004, chairpersons were increasingly reluctant to allow members to ask critical questions or have such aspects placed on the agenda (Interview 1).

In terms of Parliament's defence committees, Graph 6.1 highlights the JSCD and PCDMV meetings between 1998 and 2013, interspersed with the dates of appointment of new chairpersons. Of significance from the data presented in Graph 6.1 is that both the JSCD and PCDMV had regular changes in chairpersons over fifteen-year period reflected. This potentially impacted on continuity and committee planning. Of specific concern are changes in chairpersons in the middle of a specific Parliament and not following the establishment of a new Parliament. For example, the JSCD appointed a new Chairperson in 2002, three years after the 1999 elections. Both the JSCD and PCDMV had similar shuffles in 2007 and 2011. Further, the data suggests that some chairpersons were able to affect growth in the regularity of meetings, while the tenure of others resulted in decreased regularity. While a multitude of factors may affect a chairperson's ability to drive the regularity of committee meetings, the data should be viewed alongside observations by MPs that chairpersons play a role in driving oversight. The changes in regularity of meetings immediately following the appointment of new chairpersons (as reflected in Graph 6.1) therefore seem to support the role of chairpersons in influencing committee activity.

Graph 6.1 JSCD and PCDMV activities and chairpersons appointments: 1998 - 2013

Source: Compiled from PMG Committee Minutes (1998 – 2013)

2.2.5 General impressions on parliamentary oversight of the military

In order to ensure a correlation between the primary research question of the study and data collection during interviews, participants were asked to reflect on their general impression on the trend of parliamentary oversight of the military in South Africa between 1994 and 2014. Two broad yet conflicting views emerged. As alluded to in the previous sections, there was a view that parliamentary oversight in general saw an upwards trajectory over the twenty-year period. This is largely attributed to the developing maturity of Parliament (Interviews 2 and 9) as well as the improvement of oversight mechanisms (Interviews 2, 8, 9 and 14). Contrary to the perception of an upwards trajectory of oversight, a broad view from academics and MPs alike was that, despite institutional advances, there was a general regression in parliamentary oversight of the military specifically (Interviews 10, 11 and 14).

Three key reasons were provided for the perceived regression in parliamentary oversight of the military. First, there was a decreased interest in the military by the executive itself. Two MPs claimed that the executive either showed a limited interest in defence matters or they attempted to utilise it for party political purposes (Interview 7 and 11). Second, the broad de-prioritisation of defence at executive level also reflected at parliamentary level. The general view was that the decline in oversight, specifically in later years, was in contrast to the more efficient functioning of Parliament in the immediate post-1994 period when the institution understood its role better. The process of writing and approving the 1996 White Paper on Defence was noted as a particular period that saw a high level of engagement on the strategic concerns facing the military (Interviews 11 and 12). Thereafter,

another MP observed a decline in the role and status of Parliament as an institution (Interview 14). The need for the establishment of the Interim Defence Force Service Commission, to an extent, served as an indication that Parliament failed in its oversight role (Interview 1). Third, interviews revealed the changing roles of the PCDMV and JSCD as practical concerns regarding oversight of the military (Interview 7). Confusion existed as to the roles and competencies of each committee, despite the JSCD's role being stipulated in the Interim Constitution. In the immediate post-1994 period the PCDMV largely focused on budgetary and legislative affairs for which the JSCD did not have an oversight mandate. However, both chairpersons of the PCDMV and JSCD in the First Parliament identified the possible need to do away with one of the committees (Interview 1). Throughout the period there was ongoing questioning whether two defence committees are actually required (Interview 6).

The perceived regression in parliamentary oversight of the military should be viewed alongside two other factors that emerged strongly during interviews. First, several participants referred to a decreased interest in South African military affairs that possibly impacted on the level of parliamentary oversight. Civil society's limited interest in defence matters and a lack of empirical academic inquiry into defence showed a steady decline over the twenty-year period (Interviews 3 and 11). This impacts negatively on potential external expertise that informs parliament. While in the first years after 1994 such experts were more frequently called for formal presentations to the defence committees, such engagements decreased considerably thereafter (Interviews 11, 12 and 14). An academic recounted a personal experience of the decrease in consultancy by individual MPs on military affairs (Interview 12). The potential negative impact on parliamentary oversight is further exacerbated by shortcomings in the training of MPs on aspects of civil-military relations (Interview 10). The absence of training and input from external stakeholders impacts negatively on the ability of MPs to deal with complex and often technical aspects of defence policy and other military-related concerns. Second, general knowledge of the military at parliamentary level decreased. A limited number of MPs serving on the portfolio had a military background and there was a general lack of understanding and interest in defence matters (Interview 8). This reflects, for example, in a statement by one MP regarding the dearth of engagement on defence matters by members of the defence committees and limited publishing in, for example, newspapers on defence matters (Interview 4). The concerns raised above gave rise to a growing gap between MPs and the military. In the immediate post-1994 period, there was a stronger relationship between MPs and former SADF and/or MK/APLA and/or TBVC military personnel. Regular communication thus took place, but this changed over time with the formalisation of the SANDF (Interviews 7 and 8).

The perspectives presented above provide context within which to analyse the oversight tools, focus areas and potential weaknesses for oversight of the military in South Africa. The following sections review these aspects and include further information revealed by MPs, parliamentary officials and academics.

3. Comparing oversight of the military: Two varying parliamentary periods

This section views the two parliamentary eras discussed, 1994 to 2004 (Chapter 4) and 2004 to 2014 (Chapter 5) to determine macro-trends in parliamentary oversight of the military over the twenty-year period under review. The comparisons are broadened by information obtained during interviews.

3.1 Oversight tools utilised in defence oversight

The study identified parliamentary debates, parliamentary questions, special defence inquiries, oversight visits and study tours as well as the use of external audit as tools utilised for parliamentary oversight of the military. The following sections summarise the use of these tools between 1994 and 2014.

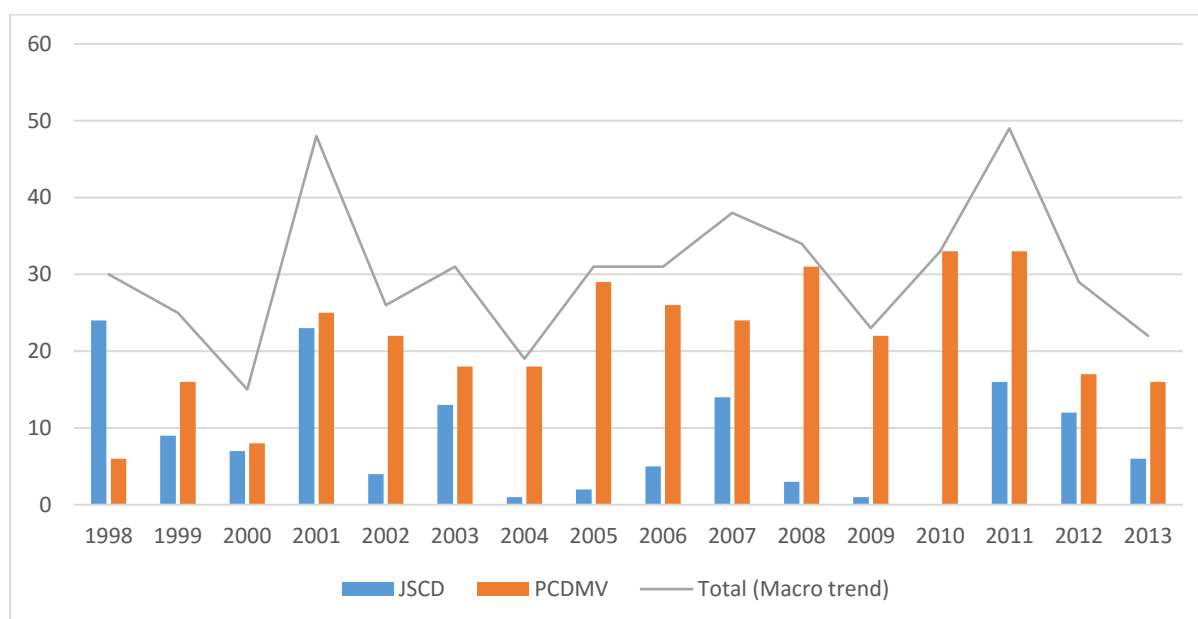
3.1.1 Parliamentary debates

Parliamentary debates on defence take place both at plenary and committee level. At plenary level, dedicated defence debates were held by the National Assembly on an *ad hoc* basis. Between 1994 and 2004, several defence bills were introduced and at least six dedicated defence debates held. An interviewee confirmed regular and thorough debates on defence matters, specifically in the First Parliament (Interview 6). Consistency was achieved in debating defence-related aspects annually in terms of the Appropriations Bill and the Adjusted Appropriations Bill. Budget debates were also a standard practice since the First Parliament, resulting in robust debate (Interview 6). The Second Parliament also had more regular debates, specifically in the light of introduced legislative amendments (Interview 8). However, there was a significant decrease in dedicated defence debates after the first two parliaments. Between 2004 and 2014, only two dedicated defence debates were held. Limited debates were confirmed by a MP interviewed, stating that defence debates were regarded as non-priorities (Interview 9) while aspects such as education, economic development and unemployment were prioritised. Defence-related debates were thus relegated to committee level (Interview 4). In the Fourth Parliament, for example, even substantive defence issues such as the Defence Review were not thoroughly debated in the Houses of Parliament (Interview 5). Despite increased focus on institutional support, some MPs have a limited understanding of military affairs that inhibits thorough oversight. Debates are therefore often not constructive and informed (Interview 14).

Given the decreasing engagement on defence matters at National Assembly-level throughout the twenty-year period, more robust debate at committee-level should thus be expected. This is of specific importance as committees are considered the engine rooms of parliament (Ngculu, 2002, p. 180). While frequent defence committee meetings in itself is not an indicator of high levels of oversight, Chapter 3 highlighted that parliaments with elevated levels of oversight of defence are often characterised by more frequent meetings. Graph 6.2 provides an overview of PCDMV and JSCD

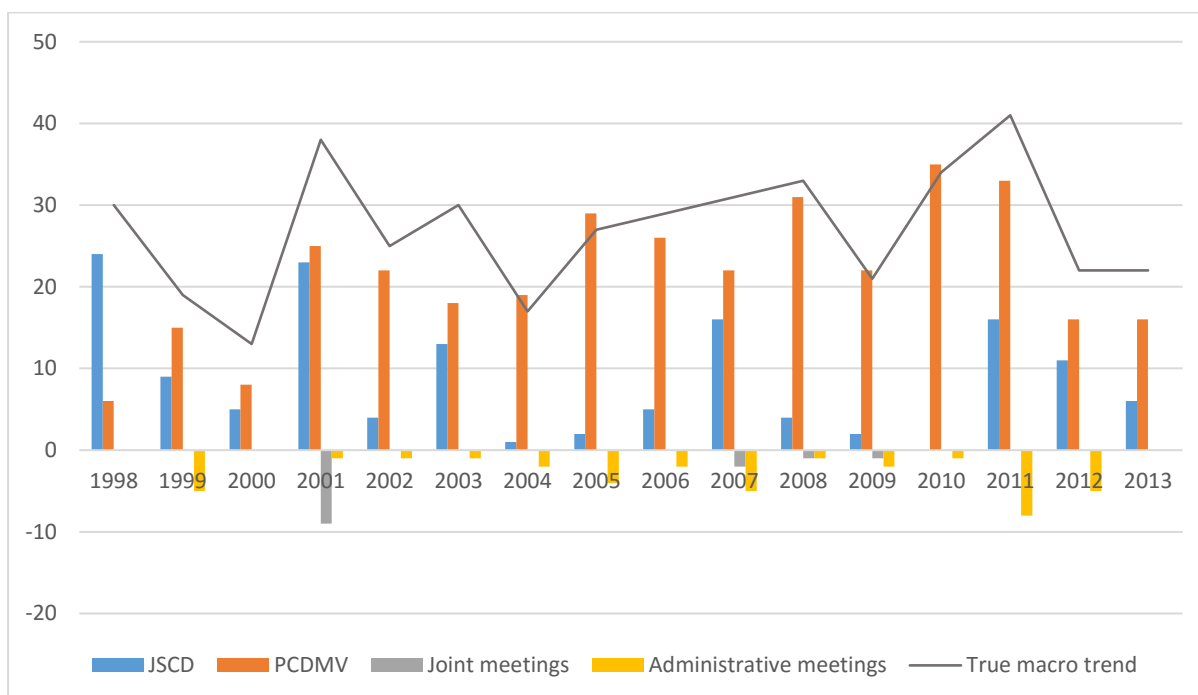
meetings between 1998 and 2013. From the number of meetings held, four key deductions can be made. First, there has been a steady decline in the activity of the JSCD. While the JSCD was still actively involved in deliberations around the 1998 Defence Review, its subsequent activity became very limited. Second, the periods when the JSCD were more active related to specific defence aspects, such as the SDPP (2001), military veterans benefits (2007) and administrative meetings related to the programme and mandate of the JSCD (2011). Third, the reduction in JSCD activity was offset, in part, by an increase in PCDMV activity from 2000 onwards. Fourth, overall PCDMV and JSCD activity saw a sudden decline in 2012 and 2013. The latter is of specific concern as it reverses the steady increase in engagements by the PCDMV over the preceding years.

Graph 6.2 Macro-trend in JSCD and PCDMV meetings: 1998 - 2013



Source: Compiled from Committee Minutes PMG (1998 – 2013)

A further analysis of all JSCD and PCDMV meetings held between 1998 and 2013 provides additional insight into the state of PCDMV and JSCD meetings. Graph 6.3 includes an overview of all JSCD and PCDMV meetings. It differs from Graph 6.2 in that it also denotes the number of joint meetings between the two committees as well as meetings that were purely administrative in nature (such as meetings where only minutes were adopted or chairpersons elected). Graph 6.2 therefore provides a true macro-trend indication of the number of unique defence oversight meetings held between the JSCD and PCDMV. Three additional deductions emerge from this analysis. First, except for the 2001 joint meetings on the SDPP, joint meetings between the JSCD and PCDMV were highly underutilised. Second, the number of purely administrative meetings (where no oversight took place) increased during the third and fourth parliament. This is specifically true of the JSCD. Finally, the broader view of unique defence oversight meetings between 1998 and 2013 reflects a moderate increase in activity after 2000 (this is further elaborated upon in Section 3.4.1).

Graph 6.3 True macro-trend for JSCD and PCDMV meetings: 1998 - 2013

Source: Compiled from Committee Minutes PMG (1998 – 2013)

From the above observations regarding defence committee activity, it can be argued that the overall frequency of parliamentary inquiry on defence was significantly undermined by the inactivity of the JSCD. The JSCD became reactionary throughout the period 1998 to 2014 and undermined the ideals of continuous oversight. During years where the JSCD was slightly more active, higher levels of overall engagement on defence matters were achieved. When the PCDMV and JSCD operated at elevated capacity, it was able to achieve a joint average of up to 40 meetings annually. This was, however, an exception to the generally limited number of engagements. Furthermore, the sudden decline in PCDMV and JSCD activity in 2012 and 2013 is of concern as it occurred in the period leading to discussion on the 2014 Defence Review.

The trends observed and deductions made based on the data presented correlates with observations noted during interviews. Given limited information on committee meetings prior to 1998, additional data on committee activity in the First Parliament was obtained through interviews. MPs noted that committee meetings in the First Parliament were regularly held and well organised (Interviews 6 and 7). In general, such meetings were attended by a full complement of MPs serving on the committees. This intensity remained in the first and second parliaments (Interview 6). One MP interviewed did however state that, in the Second Parliament, both the committees were not active enough, particularly the JSCD (Interview 8). The perception of decreased effectiveness of the committees became stronger in the Third Parliament. An academic interviewed underscored these challenges by noting an increasing concern regarding the lack of *robust* debate on military affairs (Interview 3). This coincides with observations that, from the Third Parliament onwards, robust debate declined and that

it was characterised by efforts to protect the executive and not necessarily hold it to account (Interview 13).

Heavy criticism was also forthcoming regarding JSCD and PCDMV meetings in the Fourth Parliament. In terms of the regularity of meetings, for example, ample time in the Parliamentary programme existed for thorough engagement on the 2014 Defence Review, but that these periods were simply not utilised. This work-rate compares poorly to that of other committees in Parliament (Interview 5). MPs also found debate at committee level stifling. Practically, MPs noted that robust engagement between members and the DOD was inhibited by insufficient opportunity to pose follow-up questions or where meetings were simply cut short (Interviews 4 and 5). When written follow-up responses were requested, these were not submitted to Parliament and/or did not reach MPs (Interview 4).

Interviews provided some context for the observed decline in JSCD activity. A change in the nature of the JSCD was noted. Initially the committee was established as a joint committee to focus on the 'joining' of various military forces (integration), rather than a joint venture that included the NCOP and National Assembly. Furthermore, the size of the committee became a concern that impacted on the ability of the committee to function optimally (Interview 7). This relates to concerns regarding scheduling identified during the Third Parliament and onwards. The attendance of NCOP members became problematic as their programme differed to that of the National Assembly. Programming thus forced JSCD meetings to be scheduled on Friday mornings when most MPs have already left to their various constituencies (Interviews 8, 9 and 13). This resulted in the JSCD seldom forming a quorum (Interview 9).

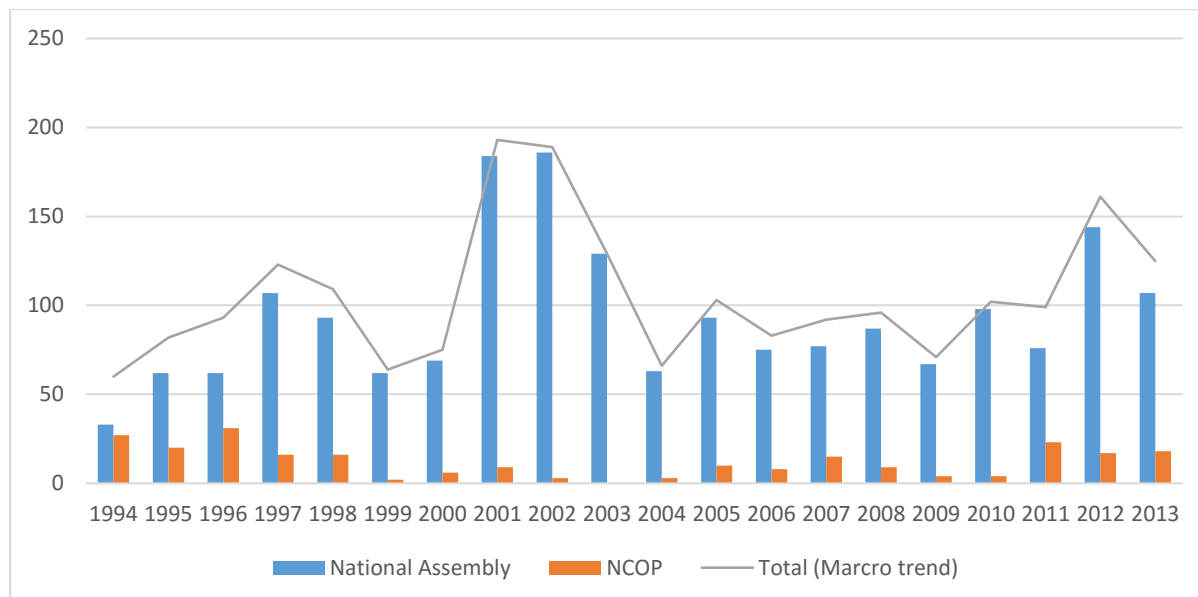
In conclusion, the overall trends in parliamentary debates on defence reflect some growth, but general inconsistency. Plenary debates remained limited and JSCD activity showed decline over the twenty-year period. While PCDMV activity did increase over time, a negative trend is observed towards the end of the Fourth Parliament.

3.1.2 Parliamentary questions

Between 1994 and 2014, a total of 2 045 questions on defence were posed by MPs. The number of questions stayed relatively consistent over this period with 1 037 questions posed during the first ten years of democracy and 1 008 during the second ten years. Graph 6.4 reveals that questions regarding defence were asked mostly by Members from the National Assembly. This may be considered in line with the fact that defence is a national competency and only occasionally affect matters of provincial importance. Key to note, however, is that the number of questions by MPs from the NCOP correlate, to an extent, with the activity of the JSCD (See Graph 6.2), as the JSCD includes MPs from the National Assembly and the NCOP. While initially posing more frequent questions on defence between 1994 and 1999, the number of questions by Members of the NCOP decreased after

that with marginal increases in 2001, 2007 and 2011, correlating with the trend of JSCD activity. It could therefore be argued that the decline in JSCD activity directly affected NCOP interest and oversight in defence matters. On the contrary, questions by MPs from the National Assembly remained consistent throughout the twenty-year period, with sporadic increases of questions between 2001 and 2003 as well as between 2011 and 2013.

Graph 6.4 20 Year trend – Questions per houses of Parliament: 1994 - 2013



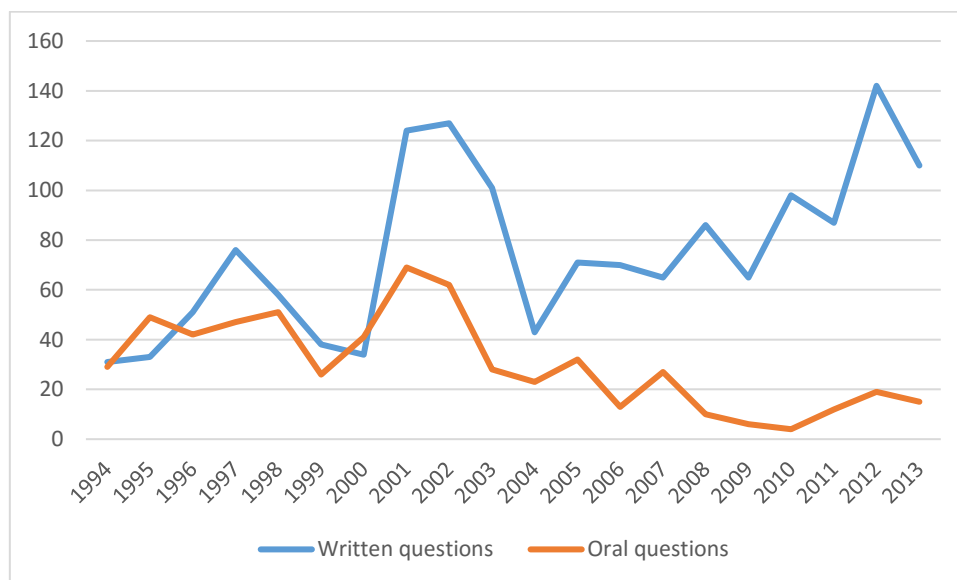
A key contribution from interviews is that it provided insight into the effectiveness of parliamentary questions on defence between 1994 and 2014. During the First Parliament, questions were well utilised, but a MP interviewed highlighted the importance of noting that questions are posed by individuals. As such, parliamentary questions are often more political in nature (Interview 6). In the Second Parliament, questions were well utilised (specifically from an opposition point of view) and the executive always provided responses (Interview 8). However, parliamentary questions were arguably not utilised effectively from the Third Parliament onwards (Interview 13). A key concern noted by an interviewee is the fact that responses to questions were often classified. From around 2007/08, questions that were previously answered in detail became classified as it related 'operational matters'. This was related to a lack of political will to ensure oversight (Interview 1). A similar concern was noted by another MP, stating that some questions were simply not responded to (Interview 5).

Concerns regarding the effectiveness of parliamentary questions on defence became further exacerbated in the Fourth Parliament. Some MPs lamented the fact that questions were largely posed by opposition members (See Section 3.4.4) (Interviews 4 and 5). The Fourth Parliament saw the executive not always providing responses to questions or providing superficial/incomplete answers. Criteria for not answering questions were not consistent and where information may be considered open and provided to MPs in a certain year, a similar question posed in the following year would not be responded to (Interview 5). Confidentiality of information, including in instances where it is not

warranted, became an increasing concern over the years (Interview 12). In general, questions were underutilised by MPs, specifically in terms of the substance thereof. Questions were often only used for political grandstanding (Interview 9).

Graph 6.5 demonstrates the higher frequency of written compared to oral questions. This is in line with the international norms whereby time for oral questions is often limited, as highlighted in Chapter 3. Of interest in the South African case is, however, the significant decrease in oral questions to the Minister of Defence throughout the twenty-year period. A widening gap between written and oral questions can be noted from 2004 onwards. It can therefore be argued that, in the third and fourth parliaments, the decreasing utilisation of oral questions undermined the overall effectiveness of using questions as a means of holding the Ministry of Defence to account. One MP interviewed noted that the limited utilisation of oral questions is due to time restrictions in the National Assembly. Not all questions can be answered and although the executive is then required to answer outstanding questions in writing, opposition MPs are reluctant to go this route and simply submit written questions (Interview 1). During the Fourth Parliament, replies to oral questions simply became prepared statements (pre-prepared answers), notably when the question originated from governing party MPs (Interview 4).

Graph 6.5 20 Year trend – Written and oral questions: 1994 - 2013



Source: Compiled from National Assembly and NCOP Question Papers (1994 – 2013)

Finally, Chapters 4 and 5 also reviewed parliamentary questions on defence per category. While the overall number of questions remained similar in the first and second ten years of democracy, some shifts in focus in parliamentary questions can be observed. Interest in personnel matters decreased significantly, from 150 questions being asked (1994 to 2004) to 85 questions posed (2004 – 2014). Matters related to military operations also decreased slightly from 100 questions to 88 questions. Similarly, the focus on gender and racial representation decreased from 26 questions to only 15. An

increased focus on budgetary aspects can be noted, with questions increasing from 111 to 158. Military veterans also became a stand-alone category during the Fourth Parliament, resulting in 25 questions. A focus on military veterans therefore did not significantly detract from a focus on other aspects of the military in terms of written and oral questions posed.

The key deduction from the data, and context provided by interviews, is that of increasing written questions amid decreasing oral questions, with the efficiency of such questions declining over time due to an apparent unwillingness of the DOD to provide comprehensive and transparent answers (Interviews 4, 5 and 12). The contribution thereof to continued parliamentary oversight of the military thus declined over time.

3.1.3 Special defence inquiries

Special defence inquiries remained a highly underutilised oversight tool throughout the twenty-year period under review. In the First Parliament, a MP recalled the establishment of a subcommittee in the JSCD related to the Integration Process (Interview 14). Between 1998 and 2004, inquiries on the SDPP as well as Language Policy of the DOD were held. Between 2004 and 2014, inquiries were held on, *inter alia*, the 1998 Defence Review implementation and unionisation in the DOD. These reflect a limited number of in-depth inquiries over a twenty-year period. Furthermore, not all of these inquiries truly conformed to the requirements of special defence inquiries, as they often did not result in a formal committee report or the stipulation of specific recommendations to the executive. Except for subcommittees on Integration in the First Parliament, the PCDMV and JSCD also did not make significant use of subcommittees for in-depth scrutiny of identified concerns. Suggestions on the formation of subcommittees in the Second Parliament did not materialise. Similarly, except for a joint investigation into the SDPP by the PCDMV and JSCD, no *ad hoc* committees were established to investigate defence matters. The more 'in-depth' inquiries conducted by the defence committees are therefore rather in line with its normal oversight functions than a special defence inquiry. These findings were largely confirmed by MPs, noting limited special defence inquiries and/or the establishment of subcommittees with specific investigative purposes (Interviews 4, 5 and 14). Interviewees also noted that even crucial military events, like Operation Boleas, shootings in military bases and the SANDF losses in the CAR did not result in Special Defence Inquiries (Interviews 12 and 14).

3.1.4 Oversight visits and study tours

In terms of international study tours, five such tours were conducted by the PCDMV and JSCD (often jointly) over the twenty-year period under review. In all cases, formal reports were published in the parliamentary ATC. An interviewee highlighted the relevant and positive nature of a study tour in the First Parliament to study civil oversight of the military and the integration of forces (Interview 1). The submission of reports became a concern around the Third Parliament, when official study tour reports

were only submitted several months after the actual study tours took place, which potentially reduce the impact of such study tours. Despite discussions on possible study tours, no study tours were conducted during the Fourth Parliament, which is in line with decreased PCDMV and JSCD activity (Interviews 4 and 5). The limited number of study tours impacts negatively on the broader civil oversight of defence deployments. For example, it means that the Minister of Defence only received uncontested information on deployments from the DOD itself (Interview 9).

While defence-related study tours were not regularly conducted, local oversight visits were increasingly used as an oversight tool, especially from the Third Parliament onwards. PMG minutes between 1998 and 2004 reveal that only three oversight visits were conducted. Only one related official report was published in the ATC. Despite the ATCs revealing limited oversight visits by the defence committees in the first and second parliaments, MPs noted that several such visits were in fact conducted. One of the MPs consulted noted that these initial (undocumented)⁸¹ oversight visits in the immediate post-1994 period were important as it occurred during the integration period (Interviews 6 and 7). Oversight visits were experienced positively and worked towards a sense of unity in the newly established SANDF. The MP noted that visit reports were submitted to the Houses of Parliament and that the Speaker referred findings in such reports to the Minister of Defence for response and implementation (Interview 6).

A marked increase in the use of oversight visits and official reporting thereon is visible from the Third Parliament onwards. At least 13 oversight visits took place in the third and fourth parliaments, including 10 by the PCDMV and 3 by the JSCD. The increased utilisation of oversight visits as an oversight tool can be viewed as a positive development as it allows MPs to better familiarise themselves with defence matters at ground level (Cover & Meran, 2013, p. 43; Interview 8). However, the increased utilisation of this tool is weakened by delays in the submission of formal reports following oversight visits. Following most PCDMV oversight visits in the third and fourth parliaments, formal reports were generally only published in the ATC between three and six months after the visit. A further factor that may limit the successful utilisation of this oversight tool is the lack of activity of the JSCD that failed to effectively use oversight visits between 1994 and 2014. There was also a decline in the utilisation of this oversight tool in the Fourth Parliament, with only three oversight visit reports tabled in the ACT compared to seven in the Third Parliament. This is again in line with reduced committee activity in the latter parts of the Fourth Parliament.

Interviews reveal that MPs generally felt that oversight visits were positive tools and found the conducting of such visits constructive (Interviews 1, 4, 8 and 13). For example, the value of oversight visits was highlighted, notably when departmental officials are open about challenges and when comprehensive sharing of information takes place. Despite this, several factors that undermine the constructive nature of oversight visits were also revealed. While oversight visits were useful, not

⁸¹ For the purpose of this study, these oversight visits are considered 'undocumented' as no official minutes and/or reports of these visits could be found.

enough facts were being shared with MPs (Interview 8). An academic interviewed observed a concern from past oversight visits in that the DOD would 'soft soak' MPs during visits, thus limiting in-depth inquiry during such visits (Interview 11). Criticism of oversight visits during the Fourth Parliament was particularly strong. One MP noted that engagements with DOD personnel are often limited by time constraints or by a decision to end the day's oversight activities early. Thorough engagement during oversight visits is thus lacking. An example was mentioned of an oversight visit to an infantry base whereby the chairperson of the delegation stopped the engagement with personnel at the base at lunchtime and MPs returned to Parliament. Committee members were not consulted in this decision (Interview 4). As such, some MPs wish to conduct oversight visits themselves due to the fact that committee visits are often ineffective. However, obtaining such permission is often a lengthy process which further undermines oversight (Interview 4).

Study tours and oversight visits are crucial tools to broaden MPs sector-specific competence and familiarise them with challenges at ground level. These tools were increasingly utilised between 1994 and 2014, but a clear reduction is observed in the Fourth Parliament. The challenges to the nature of oversight visits during the Fourth Parliament highlighted by MPs raise significant questions as to the efficiency and impact thereof.

3.1.5 Use of external audit

Audit reports from the AGSA are the main external audit opinion utilised by the JSCD and PCDMV. This oversight tool is perhaps one of the most significant areas of growth in terms of defence oversight between 1994 and 2014. Between 1998 and 2004, reports by the AGSA were only referenced three times by the PCDMV. The tool was thus initially used only sporadically. This grew notably during the third and fourth parliaments, whereby the AGSA regularly briefed the PCDMV on its audit opinions. Consideration of the AGSA's audit opinion of the DOD's annual report became fully entrenched during the Fourth Parliament. The increased use of external audit is in line with broader efforts to enhance legislative oversight, including the 2005 National Treasury Guidelines for Legislative Oversight through annual reports as well as the Manual for Parliamentary Committees (National Treasury of South Africa, 2005; Parliament of South Africa, 2011).

The incremental use of the AGSA's audits also surfaced in interviews (Interview 14). In the Second Parliament, limited use was made of the work of the AGSA and the committees did not thoroughly use this to impact on its work. The AGSA did, however, play an important role in the arms deal investigations (Interview 8). One MP confirmed the shift towards broader utilisation of the AGSA's work in the Third Parliament, specifically during annual report hearings (Interview 13). However, another MP highlighted this approach as a major concern, notably during the Fourth Parliament, as engagement between the committees and the AGSA takes place only once a year during the annual report reviews. There is thus scope for improvement in the engagement between committees and the AGSA as the engagement between the AGSA and SCOPA, for example, is much more robust

(Interview 4). Furthermore, requests for special audits were never considered by the AGSA (Interview 5). As such, in the context of a twenty-year overview, the increased utilisation of the AGSA's work at parliamentary level is a positive contributor to overall oversight efforts, but room for improvement remains.

3.2 Focus areas of defence oversight

For thorough oversight of the military, several focus areas ought to be overseen at parliamentary level, including the defence budget, defence policy, defence procurement, human resources and defence deployments. The sections below summarise parliamentary oversight of these focus areas between 1994 and 2014.

3.2.1 Defence budget

Prior to 1994 much of the defence budget, notably expenditure related to procurement, lacked effective parliamentary oversight (Sylvester, 2011a, p. 12). With the advent of democracy, major strides were made towards parliamentary oversight of the defence budget, as per the newly set constitutional requirements. Annual PCDMV and JSCD meetings on budgetary aspects were held between 1998 and 2004. After 2004, however, the function of budgetary oversight was taken over almost exclusively by the PCDMV. In the third and fourth parliaments, the JSCD held only one budgetary-related meeting while the frequency of such meetings by the PCDMV increased to between three and six meetings a year. This increased regularity of oversight of the defence budget fits with the development of Parliament's BRRR process (N. Naidoo, 2012, pp. 76–78). Through the institutionalisation of the BRRR process, the PCDMV became increasingly active in reviewing the defence budget both *ex post* and *ex ante*. The increased focus on the defence budget is also reflected in the number of budget-related parliamentary questions posed by MPs during the third and fourth parliaments (See Section 3.1.2).

Improved oversight of budgetary aspects between 1994 and 2014 was echoed during interviews. A parliamentary official highlighted the enhanced information available from government on budgetary aspects that enabled Parliament to better analyse the country's budget, including the defence budget. As such, Parliament's work on budgetary aspects has developed to become one of the strong points of the institution (Interview 2). Mechanisms for budgetary oversight in Parliament also improved significantly (Interviews 8 and 14). The increased transparency in this regard was already apparent in the shift from pre-1994 to post-1994 with one MP noting significant advances (Interview 1). The JSCD specifically was tasked to focus on budgetary oversight in the First Parliament and it held regular meetings on budgetary reports received. The Committee also incorporated budgetary aspects into its oversight visits to see how funds were spent (Interview 6). In the Second Parliament, budgetary aspects were also regularly discussed and reviewed. However, further improvements were noted in

the third and fourth parliaments (Interview 8). Regular and in-depth analysis of the budget of the DOD and its entities were executed during the Third Parliament (Interview 13).

While significant improvement has been made in terms of budgetary oversight and related parliamentary processes, some criticism of defence budget oversight did emerge during interviews. Long-term budgetary aspects were not effectively overseen. Parliament failed to address the ever-increasing expenditure on personnel in the DOD and the adverse effect this had on operations and capital acquisition (Interview 14). Similarly, an academic interviewed observed a constant request from defence-committee MPs for an increased defence allocation from National Treasury. However, these requests have never resulted in an increase in the defence budget (Interview 12). This brings into question the impact of budgetary oversight. Furthermore, specifically during the Fourth Parliament, engagement on the budget was not robust and simply reflected an exercise requiring completion by the PCDMV. This was echoed in, for example, the fact that the committee never reviewed the Special Defence Account. Similarly, no closed meetings were held to discuss sensitive financial information (Interview 5). From these inputs it is thus clear that the impact and comprehensiveness of budgetary oversight requires questioning. Despite these limitations emerging from interviews, improved transparency, regular engagement and thorough structuring of Parliament's oversight of the defence budget stands in sharp contrast to the *status quo* prior to 1994 and therefore marks a positive trend in oversight.

3.2.2 Defence policy

A review of Parliament's engagement on defence legislation and policies between 1994 and 2014 mirrors the context of the political changes after 1994. The first ten years of democracy saw significant focus placed on legislative amendments to align legislation with a democratic state. This resulted in the JSCD and PCDMV deliberating regularly on a number of defence bills passing through Parliament. During the First Parliament, the committees were largely grappling with what the role of the SANDF ought to be and how this impacted on the force structure (Interview 14). This was evident through the 1996 White Paper on Defence. Furthermore, in the absence of a credible external security threat, policy matters such as HIV/AIDS and other diseases, peacekeeping and personnel exit mechanisms were prioritised (Interview 7). The 1998 Defence Review also required specific attention during the First Parliament. MPs on the defence committees paid significant attention to the 1998 Defence Review in the four years preceding the adoption of the Review (Interview 6). MPs were also actively involved in the workgroups established to draft the 1998 Defence Review (Interview 12). In the Second Parliament, there was a follow-up on the implementation of the 1998 Defence Review by the defence committees. However, this policy document was not adhered to at political level. The committee at the time called for a five-year public review, but these did not take place (Interview 8). The engagements above nonetheless demonstrated a willingness to address policy.

After 2004, with the focus of Parliament shifting from legislating to oversight, focus on policy matters decreased. The PCDMV continued to process defence-related bills introduced, while the JSCD dealt with limited policy matters (in line with the decreased activity of the JSCD over this period). In the Third Parliament, there were also instances of active engagement by some MPs in defence policy, such as the attendance of some MPs of the Defence 2020 Vision policy discussions (Interview 12). However, overall engagement on policy decreased and seems to have been exacerbated in the Fourth Parliament. This is visible in, for example, the approach to the 2014 Defence Review. In 2004 and 2005, the PCDMV held at least nine meetings to assess the 1998 Defence Review. In contrast, parliament's engagement on the 2014 Defence Review, which commenced in 2012, was limited. The Defence Review Committee first briefed the PCDMV in this regard on 18 April 2012 and the JSCD on 25 April 2012. During another JSCD meeting on 16 May 2012, "Members asked that the Defence Review Committee be asked to brief the JSC[D] again on specific key chapters, and then be re-called, after the public hearings, to brief the JSC[D] again, who would then produce an interim report for debate in the House. It was necessary to ensure due speed of the review process, but also ensure that it was done thoroughly" (PMG, 2012a). Despite this recommendation, the JSCD held no additional meetings related to the 2014 Defence Review in the Fourth Parliament. This trend continued into the Fifth Parliament, whereby the JSCD received only two briefings by the Defence Review Committee, where after it held one public hearing and one session of deliberations on the Review before publishing a report (PMG, 2015b).⁸²

Various MPs and academics echoed concerns regarding policy engagement in the Fourth Parliament. Two key policy documents came before the PCDMV and JSCD in this period namely the 2014 Defence Review and the Military Veterans Policy. One MP interviewed noted that, for example, the 2014 Defence Review was never costed and Parliament never engaged on the financial requirements and implications for implementing thereof. This was corroborated by another MP who noted, specifically, the limited time spent on the 2014 Defence Review. The recommendations and input from opposition parties were not considered or taken into account by the JSCD (Interview 5). Academics interviewed also raised the question regarding the non-implementation and lack of funding of the 2014 Defence Review and questioned the role that the parliamentary committees played in addressing such concerns (Interviews 10 and 11). Another academic questioned the ongoing mismatch between the operational requirements put before the DOD and the dearth of funding to fulfil such allocation (Interview 12). Similar to the criticism above, the financial implications of the Military Veterans Act were not considered robustly during committee oversight (Interview 5). There is thus a policy dilemma in this regard and the effective utilisation of Parliament to influence defence-related policy can therefore be questioned (Interview 10).

⁸² Although the reference to the Fifth Parliament falls outside the scope of this study, its inclusion in relation to the processing of the 2015 Defence Review is relevant as it demonstrates the continued reduced engagement on important defence policy matters.

3.2.3 Defence procurement

Between 1998 and 2004, the JSCD and PCDMV held several meetings related to procurement. The most significant development in this period was the joint meetings held in 2001 on the 1999 SDPP. MPs stated that parliament, in the immediate post-1994 period, identified the need to address the state of equipment in the SANDF, specifically the SA Air Force and SA Navy (Interviews 6 and 7). The acquisition process, a MP noted, was well intentioned but that the actual purchases were unfortunately characterised by corruption, resulting in parliamentary investigation. All parties involved represented on the defence committees has access to all documents on the SDPP. Yet, no MP could find any concrete proof of corruption during its investigations. The MP thus considered that the process was transparent and that parliament did not stifle the investigation by the committee (Interview 6). However, another MP interviewed differed from this view by noting that very little information was forthcoming regarding the procurement process. There was a sense of defensiveness regarding the procurement process and the chairperson at the time stifled transparency in this regard and possibly conspired with members of the executive to provide as little details as possible on the SDPP (Interview 14). These concerns are aligned with academic perspectives on the failure of parliamentary oversight on the SDPP (February, 2006, p. 124; Seedat, 1999, p. 4; Sylvester, 2011a, p. 10). The effectiveness of parliamentary oversight of defence procurement at committee level thus came into question already in the Second Parliament.

Further efforts to increase oversight of defence procurement (and sales) came towards the end of the Second Parliament with the passing of the NCACC Act (2002). Despite the passing of the Act, which requires the NCACC to submit quarterly and annual reports to Parliament, engagement with the NCACC in the third and fourth parliaments remained limited. This can largely be attributed to the committees as they retain the responsibility of requesting the presence of the NCACC. As such, while mechanisms exist for parliamentary oversight of defence procurement, the handling of the 1999 SDPP, as well as a continued inability to regularly engage with the NCACC, highlight major concerns in Parliament's capacity to effectively oversee defence procurement. The fact that parliamentary questions regarding procurement and sales did not decrease after the introduction of the NCACC Act further highlights that sufficient information was not forthcoming from engagements between Parliament and the NCACC (86 questions posed between 1994 and 2004; 93 questions posed between 2004 and 2014). Limited engagement with the NCACC also reflected in interviews with MPs. During the Third Parliament, MPs noted that NCACC reports were often not received by Parliament, despite this being a statutory requirement. This was of concern as the sale of arms often did not comply with the conditions as prescribed and questions posed by the committee were not responded to (Interview 13). During the Fourth Parliament, there was a general lack of engagement at committee level on defence procurement. While some aspects of procurement were discussed, these generally emerged as a result of a controversy surrounding a specific procurement contract (Interview 5).

Based on the above, developments in terms of parliamentary oversight of defence procurement between 1994 and 2014 saw a downwards trajectory. The arms deal served as a particular turning point in this regard as it provided “an interesting perspective on what can become of oversight bodies when they encounter realpolitik head-on” (February, 2006, p. 133). The subsequent measures put in place to review procurement aspects, namely Parliament’s oversight of the NCACC, was poorly used and remained ineffective.

3.2.4 Human resources

Section 3.1.2 alluded to the decreased interest in personnel matters between 1994 and 2014 based on parliamentary questions. The initial interest in personnel matters during the first and second parliaments should be seen in the context of the post-1994 force integration process that necessitated debate on human resources (Interview 10). Matters related to force rationalisation and human resources policies and strategies as well as integration were also regularly addressed at committee level during these initial years. In the First Parliament, notably during oversight visits, the well-being of soldiers at military bases was a key focus (Interview 6). One MP interviewed did, however, criticise the information provided on human resources by the DOD as being inconsistent and that the DOD’s internal audit capacity lacked the ability to effectively scrutinise human resources aspects. This was of concern given the need for transformation in the SANDF (Interview 7). Concerns regarding inconsistent information ties to an observation by another MP that, in the first and second parliaments, SANDF members from the Personnel Division were never called to Parliament to address human resources concerns such as the ageing troop contingent. MPs were dependent on parliamentary questions to obtain such information (Interview 14).

During the third and fourth parliaments, engagement on human resources matters at committee level decreased significantly, specifically in the JSCD. This links to an observation by an MP that transformation became less of a priority in terms of oversight as the process was largely completed (Interview 8). While the PCDMV did have *ad hoc* meetings on the Human Resources Strategy, exit mechanisms and the Human Resources Policy, the JSCD still dealt with matters of transformation. Beyond transformation aspects the JSCD had very little engagement on human resources, which is of special concern given the Interim Constitution’s provision for the JSCD to be competent to oversee the defence organisation (RSA, 1993 Section 228). A further decrease in committee engagement on human resources can also be noted in the Fourth Parliament. During this period recommendations from, among others, the National Treasury noted the need for the SANDF’s human resources component to be reduced. This also came to the fore in the 2014 Defence Review. However, limited parliamentary oversight was done to address the rising median age of the SANDF and other human resources concerns. Where recommendations on these matters were made by the committee, the executive did not fully engage on these recommendations, notably in relation to the development of personnel exit mechanisms in the DOD (Interview 4). Limited oversight of human resources was

therefore prevalent and one MP stated that this was due to human resources issues presenting a political conundrum to MPs from the ruling party (Interview 5).

In summary, one of the MPs interviewed noted that throughout the twenty-year period, the level of expenditure on personnel increased significantly and many high-ranking military personnel were simply appointed without the necessary qualifications or experience. This resulted in the personnel focus being on welfare rather than military needs (Interview 1). The decreased parliamentary focus on personnel over the twenty-year period can therefore be highlighted as a concern. While many of these concerns were identifiable throughout the twenty-year period, parliamentary oversight had little impact, as the 2014 Defence Review still expressed deep concern related to personnel management, rejuvenation and personnel-related expenditure (Defence Review Committee, 2014, pp. 14–9).

3.2.5 Deployment of the military

Chapter 4 highlighted substantial legislative developments related to oversight of local and foreign military deployments. The 1993 Interim Constitution, the 1996 Constitution and the Defence Act make multiple provisions that provide scope for parliamentary oversight of defence deployments. However, the argument can be made that sufficient parliamentary oversight of defence deployments have not been forthcoming over the twenty-year period under review. First, during the first and second parliaments, various letters of deployment were submitted to Parliament by the President, yet these deployments were never debated at committee level. Second, in the third and fourth parliaments, a number of letters of deployment were reflected in the Parliamentary ATC, but these were often not adopted by the JSCD due to the lack of a quorum or other reasons. Third, the reduced activity of the JSCD resulted in significantly less focus on defence deployments. This is of particular relevance given the requirements in the Interim Constitution for the JSCD to oversee such deployments. Fourth, despite several ongoing SANDF deployments, limited briefings on defence deployments (aside from Presidential letters) continued in the third and fourth parliaments, with the PCDMV only receiving three such meetings while the JSCD received only two.

From these four indicators it is clear that oversight of military deployments is not effectively considered either immediately after its announcement or even during the period of actual deployment. Furthermore, two examples of deployments also show poor oversight at committee level after deployments were terminated. In 1998, during Operation Boleas, only one meeting on the situation in Lesotho was held by the JSCD (PMG, 1998i). Similarly, in 2013, only one briefing was held on the South African deployment to the CAR (PMG, 2013a). These deployments resulted in the largest battle losses for the SANDF in the first twenty years post-1994, but received scant oversight attention as opposed to other less casualty-prone deployments. Single-meeting reviews with limited scope for debate during such meetings thus highlight a severe lack of oversight. The 2013 JSCD meeting on the SANDF operation in the CAR illustrates this point well whereby, following a briefing by the Minister of Defence and one round of questions from MPs, the meeting was called to a close as some MPs

argued that “Members wanted to return to their constituencies and had flights booked” (PMG, 2013a). No follow-up meetings on what became known as the Battle of Bangui were held despite this being the largest single loss of SANDF personnel after 1994.

The concerns deduced above based on committee minutes and Parliamentary ATC were confirmed by MPs. An interviewee stated that oversight following Operation Boleas was characterised by limited information sharing with the Committee. Committee members were accused of being ‘unpatriotic’ by members of the executive when they requested details on the deployment as such details were considered operational in nature (Interview 14). Pressure mounted in the Third Parliament for oversight of defence deployments and questions and meetings in this regard increased. This was, however, largely driven by opposition parties to hold the President to the constitutional requirements on reporting to Parliament. However, active oversight of deployments remained limited (Interview 9). Furthermore, an interviewee stated that although the JSCD has an important role in executing its constitutional mandate to oversee SANDF deployments, it was largely failing. The delays in discussion of Presidential letters of deployment were noted as a specific concern (Interview 7). A similar concern was raised during the Fourth Parliament with a MP claiming that even when Presidential letters were considered, these were merely box-ticking exercises (Interview 4). No robust engagement on deployments took place and the Chief of the SANDF or Chief of Joint Operations was never present to be interrogated on such deployment. No oversight visits to foreign deployment areas were held in the Fourth Parliament (Interview 5).

Several MPs and academics recounted the SANDF deployment to the CAR as a particular example of poor oversight of defence deployments. The single meeting held in 2013 following the SANDF deployment to the CAR was limited in scope and many outstanding issues remained unaccounted for following the meeting (Interview 4). MPs also noted that no DOD personnel were held accountable for the military losses in the CAR (Interviews 5, 12 and 14). In addition, the deployment to the CAR and specifically the Battle of Bangui did not prompt the broader requisite debate in the South African public (Interview 11).

3.3 Lower-order focus areas of defence oversight

The study added various lower-order focus areas of oversight of the military. The sections below summarise parliamentary oversight of these lower-order focus areas, including annual and quarterly performance, interdepartmental cooperation, military training and education, gender and racial equality, defence morale as well as defence infrastructure.

3.3.1 Annual and quarterly performance

Annual reports allow parliaments to track financial and other identified performance areas of defence departments. Chapter 3 revealed that, among the selected comparative cases, parliaments that

considered annual reports tended to score higher in terms of oversight of the military. The South African Parliament can also be credited with making significant strides in this regard. While committees did not extensively review annual reports in the first and second parliaments, the introduction of the 1999 Public Finances Management Act (RSA, 1999) provided a foundation for oversight of the annual reports. Such oversight became institutionalised from 2003 onwards when annual reports were considered every year. This was confirmed by MPs that noted the limited scope of oversight in the Second Parliament *vis-à-vis* improved discussions in the Third Parliament (Interviews 8 and 13). The process of review was enhanced through the introduction of Section 5(2) of the Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009). Through the Act, the outcome of the performance assessment process followed by committees is to annually submit a BRRR for tabling in the National Assembly. The value of the annual reports and BRRR process was highlighted by a MP (Interview 14). The introduction of a legislative requirement for oversight thus had a significantly positive effect on oversight of defence matters in South Africa. Despite more regular and thorough engagement, the impact of oversight of the annual reports was questioned. MPs noted that the aim of the BRRR, that follows annual report deliberations, is to look back and draw conclusions. However, the recommendations made by the defence committees are mostly not responded to by the Minister of Defence, the Department of Planning, Monitoring and Evaluation (DPME) and/or National Treasury⁸³ (Interview 4). Another MP interviewed concurred that the review of the annual reports were 'box-ticking exercises' conducted by the PCDMV (Interview 5).

While not common occurrence in the other cases discussed in Chapter 3, the requirement for the South African DOD to submit quarterly expenditure and performance information can be considered a positive development in terms of ensuring continuous oversight. Although this requirement was instituted in 2001, Parliament's defence committees only sporadically considered quarterly reports from the DOD during the Third Parliament. It thus took significant time for the adequate adherence to the requirement to review quarterly performance. Only from 2012 onwards were quarterly reports frequently considered by the PCDMV (Interview 2). Despite more frequent engagements in the Fourth Parliament, engagement on quarterly reports are often extremely outdated or considered together (two or more quarterly reports considered at the same meeting). The Committee can thus not make recommendations to amend spending patterns in a subsequent quarter. Engagement on quarterly reports therefore also became 'box-ticking exercises' (Interview 4). Another MP felt that what was truly needed was for MPs to have access to quarterly expenditure reports prepared by National Treasury, but that these were not made available to MPs (Interview 5)⁸⁴.

Similar to budgetary oversight, Parliament's engagement on the DOD's annual reports and quarterly reports showed significant growth between 1994 and 2014. This was largely prompted by legislation and regulations from National Treasury as well as the development of internal oversight mechanisms

⁸³ The non-submission of replies by National Treasury reflects the position of the MP interviewed. However, it is a legislative requirement for National Treasury to respond to BRRR recommendations and these are well complied with and published.

⁸⁴ Quarterly expenditure reports prepared by National Treasury are, in fact, submitted to the SCOPA, but not to MPs on other committees.

of Parliament. Despite improvement, interviews reflect that committee work may not have been sufficiently in-depth to ensure regular performance tracking through quarterly reports and to effect departmental changes in the performance of the DOD.

3.3.2 Interdepartmental cooperation

Interdepartmental cooperation is essential in achieving broader overarching government goals. For holistic parliamentary oversight, aspects of interdepartmental cooperation should therefore ideally be considered. As with the international cases considered (See Chapter 3), the PCDMV and JSCD only considered aspects of interdepartmental cooperation on an *ad hoc* basis throughout the 20-year period under review.

The lack of effective interdepartmental cooperation had a profound practical impact on the DOD. First, of specific impact was cooperation with the DPW. The dearth of effective cooperation is perhaps most evident in the establishment of the Defence Works Formation, reflecting a desire from the DOD to find its own internal solutions to maintenance needs. Repair and maintenance at military facilities became a major concern and was often reported to Parliament. Yet, a review of committee activities between 1998 and 2014 reflects that parliamentary oversight failed to (a) identify this as a major concern and (b) to address this concern effectively. Second, the DOD is also actively involved in border safeguarding operations. During the Fourth Parliament, the possible establishment of a Border Management Agency became a major interdepartmental topic. However, limited engagement in this regard took place by the defence committees. While some engagement did take place, receiving reports back from such engagements often take extremely long (Interview 4).

Interviews with MPs and academics further revealed a broader concern regarding vision and cooperation in the security cluster as a whole (Interview 10). The practical implication for the DOD relates to the utilisation of the military as a foreign policy tool (Louw, 2013, p. 79). One MP noted that the lack of oversight on interdepartmental cooperation, notably between the DOD and Department of International Relations and Cooperation (DIRCO), showed in the aftermath of the CAR incident in 2013. In the MPs opinion, no cooperative approach existed between the two departments in the CAR (Interview 5). The gap between foreign policy directives and military capability has continuously grown in the post-1994 period (Interview 11). In the context of limited oversight of defence deployments and very limited engagement with the DIRCO, poor parliamentary oversight of interdepartmental cooperation is reflected. Limited oversight of interdepartmental cooperation thus reflects at practical level, such as the DOD-DPW relations, and policy level, such as oversight of the broader security cluster approach which includes DOD-DIRCO relations.

3.3.3 Military training and education

In the context of non-offensive defence, the immediate post-1994 period required increased focus on training and education by the South African military. This reflects in specific constitutional requirements for the JSCD to focus on oversight of training. MPs also reflected on this requirement by noting that training was considered a priority for oversight in the First Parliament, especially during oversight visits (Interviews 6 and 7). This was of importance given the discontinuation of conscription and the need to attract young individuals of all races to join the SANDF (Interview 7). There was also the need for training of all members of the SANDF in a conventional combat force concept (Interviews 7 and 8). Furthermore, Parliament also emphasised the need for civic-education at all levels of the SANDF (Interview 6). Despite this prioritisation, some training concerns did emerge during this period that were not addressed by Parliament, such as the completion of training courses by politically connected individuals who were 'helped through' the courses (Interview 14). During the Second Parliament, reviewing aspects related to training were not prioritised. Oversight visits in this regard were held, but with limited impact (Interview 8). In terms of committee meetings in the Second Parliament, matters of military training were often treated as a secondary subject, only discussed on the periphery of meetings on transformation and budgetary aspects.

A positive shift in oversight came after the launching of the MSDS in 2003. A marked increase in dedicated meetings on the MSDS and other training aspects can be noted in the third and fourth parliaments. Several oversight visits added to this level of oversight. MPs did, however, question the value of oversight in this regard. Not enough was done by the defence committees in terms of oversight of training and education. Several oversight visits were held to some of the training institutions. However, while the DOD has various quality training institutions, problems emerge when soldiers finish their training and are transferred to their various units. At this point, limited funding and other problems result in soldiers not remaining current with training requirements. The value gained from visits to training and education facilities was therefore questioned (Interview 4). Another MP interviewed noted that during the Fourth Parliament, training and education were only dealt with on an *ad hoc* basis, but that these were mostly related to incidents at training institutions (Interview 5).

Despite criticism, the integration and post-MSDS periods saw increased oversight of military training and education. The increased focus on aspects of training should largely be credited to the work of the PCDMV. Despite the JSCD's constitutional requirement to oversee matters pertaining to military training it had comparatively less engagements than the PCDMV. More consistency was achieved by the PCDMV and JSCD in oversight of defence educational needs throughout the 20-year period through *ad hoc* meetings and oversight visits to educational institutions such as the Military Academy, South African National Defence College and various SANDF gymnasiums.

3.3.4 Gender and racial equality

Given the integration process after 1994 it was expected that matters of transformation, notably gender and racial transformation of the SANDF, were to be prioritised. This was the case at committee level where, during the First Parliament, gender and racial equality were some of the biggest challenges that needed to be arrested after the integration period (Interview 7). Transformation also remained a major aspect for discussion in the Second Parliament. Both the PCDMV and JSCD regularly held meetings on gender and racial equality in the first and second parliaments. The JSCD was particularly active in this regard between 1998 and 2004. This focus area consumed substantial time of the parliamentary committees as most discussions were in some way linked to the topic of transformation. It thus overshadowed other topics (Interview 8).

With the integration processes completed by the late 1990s, a decline in focus on matters of gender and racial equality could perhaps have been expected. This decline in the prioritisation of transformation from 2004 onwards was confirmed by an interviewee (Interview 8). Over this period, parliamentary questions on gender and race became less and PCDMV engagement on matters of gender and racial equality decreased. This was especially true in the Fourth Parliament as one of the MPs interviewed noted that although the issue of racial and gender equality were raised more frequently, it did not receive substantial inquiry from the PCDMV/JSCD (Interview 5). However, despite a reduction in questions and limited PCDMV engagement, the JSCD continued to focus on gender and racial equality in the third and fourth parliaments. This could arguably be related to the 2004 National Treasury guidelines for oversight that stated that specific targets for transformation in government departments should be developed and reported to Parliament. The JSCD's continued focus on gender and racial equality should also be seen in the context of its declining activity. Based on committee minutes, it is evident that the JSCD thus spent a high percentage of its meeting time on transformation matters related to gender and racial equality.

In terms of a broad overview of committee activity, there has been a constant review of gender and racial equality throughout the twenty-year period with perhaps a natural/expected reduction towards the Fourth Parliament.

3.3.5 Defence morale

The establishment of the SANDF, through the integration of various armed forces, was expected to pose challenges to defence morale. Louw (2013, p. 58) notes that "three years after the establishment of the SANDF, some analysts were already hinting that the armed forces' operational standards were under pressure, that its morale was not what it should be and that it was haemorrhaging managerial and technical expertise." The need for oversight of defence morale was recognised in Section 228 (v) of the Interim Constitution that provides specific directives for the JSCD to oversee defence morale (RSA, 1993). However, neither the JSCD nor the PCDMV showed much resolve to address defence

morale in the twenty-year period under review. Of specific concern is that, on various occasions throughout this period, the SANDF, DOD, Secretary of Defence and the Interim National Defence Force Service Commission noted defence morale as a concern. Despite this, neither committee scheduled any dedicated meetings on defence morale. In the Second Parliament, morale was discussed, specifically in the context of the ageing personnel component of the SANDF. Discipline also became a concern in the absence of a significant military threat to South Africa (Interview 8). These discussions did not, however, result in any dedicated meeting on the state of defence morale. In the Fourth Parliament MPs confirmed a lack of effective oversight of defence morale. While the DOD has their own measurement of defence morale, this measurement should be considered as 'relative' as morale can differ from one military unit to another and among different rank groups. The measurement of the median morale of the DOD can therefore be questioned (Interview 4). Another MP confirmed that no in-depth oversight of morale took place in the Fourth Parliament (Interview 5).

3.3.6 Defence infrastructure

Committee discussions regarding defence infrastructure received generally limited attention between 1994 and 2014. In the immediate post-1994 period, aspects such as the closing of bases had to be prioritised as a consequence of the integration of forces. Decisions had to be made on bases and, specifically, the utilisation of bases in the former TBVC states (Interview 7). The committees thus paid some attention to base infrastructure in this period. In the Second Parliament, committees observed deteriorating defence infrastructure at military bases during oversight visits and that this impacted on discipline within the force (Interview 8). Despite these concerns being observed, committee minutes reveal very limited engagement on defence infrastructure in the Second Parliament. Oversight of defence infrastructure by the defence committees showed an increase in the Third Parliament, but such engagements again declined in the Fourth Parliament. One MP interviewed claimed that although oversight visits were conducted to observe infrastructure challenges, the committee did not address the issue substantively. On a positive note, the MP noted return visits to inspect infrastructure led to notable improvement in the state of infrastructure. However, not enough oversight visits were done to ensure MPs stay on top of infrastructure and other challenges (Interview 4). This information correlated with the observation of another MP who described oversight of defence infrastructure as having been superficial (Interview 5).

Despite some committee engagement over the twenty-year period and regular parliamentary questions on infrastructure, significant challenges in this regard faced the DOD. This includes the reported inability of the DPW to maintain DOD facilities. The IPU and DCAF note that "security sector expenditure on pensions, infrastructure, transportation etc. are quite often transferred to the budgets of other ministries/sectors such as welfare, housing, railways etc. This practice misrepresents the defence budget and it distorts the ability of the public and parliament to make valid assessments of the real defence expenditure" (Born, 2003, p. 134). Limited parliamentary engagement with the DPW thus undermined oversight of defence infrastructure (also see Section 3.3.2). Committee minutes

further reveal that, as early as 2001, dissatisfaction with the work of the DPW was highlighted by DOD personnel to Parliament. Yet, limited engagement followed from parliamentary committees, except for two dedicated meetings on infrastructure, one held in 2005 and the other in 2007. By 2014, the Defence Review (Defence Review Committee, 2014, pp. 14–26) noted that “[t]he matter of the repair and maintenance of defence facilities has gained considerable prominence in recent years... However, funding constraints have severely hindered the maintenance of essential defence infrastructure, giving rise to a significant maintenance backlog which impacts directly on the operational readiness of the Defence Force and its ability to prepare and employ forces.” The importance attributed to and impact of oversight of defence infrastructure therefore comes into question.

3.4 Reviewing the potential for weaknesses in oversight of the military

The sections below review various weaknesses that may undermine parliamentary oversight of the military. These sections highlight the manifestation of such weaknesses in the South African Parliament between 1994 and 2014.

3.4.1 Constitutional and legal powers

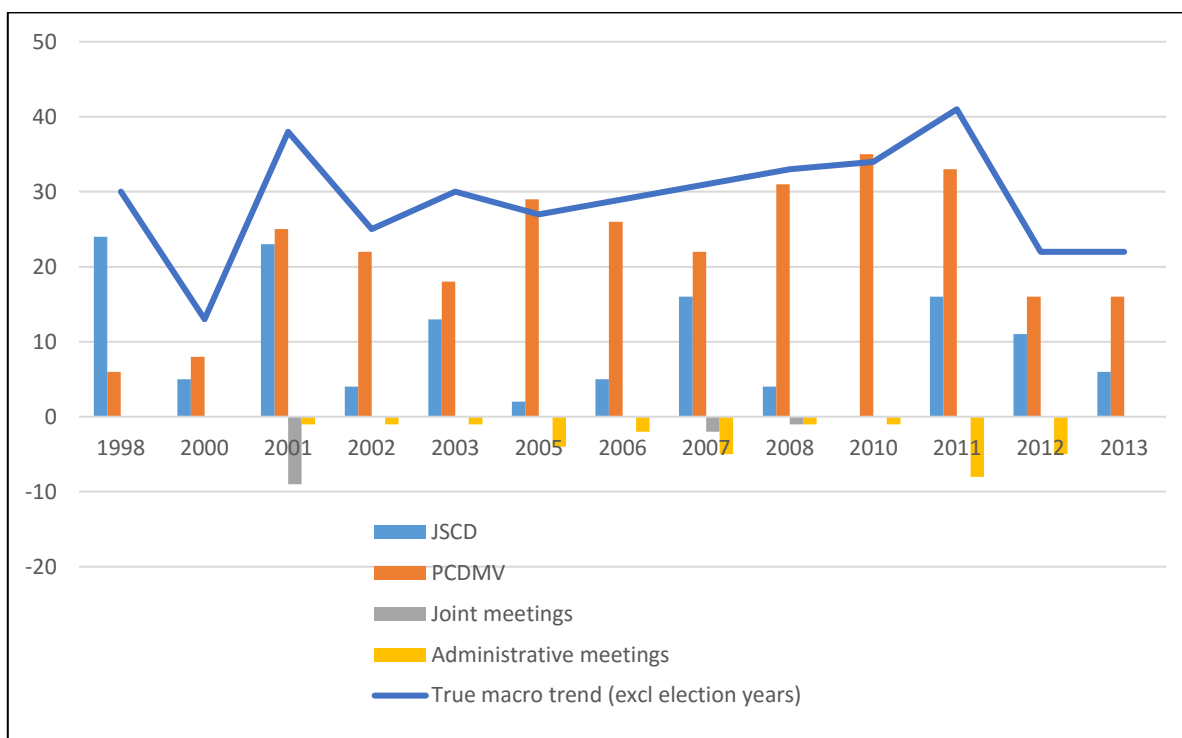
The democratisation of South Africa in 1994 brought about significant legislative changes. Military affairs prior to 1994 were highly guarded in nature which did not correlate well with the openness and transparency that characterises effective democracies (See Chapter 2). The control of the military and broader civil-military relations thus had to be redefined in a democratic context. The foundation for this was found in Section 228(1) of the Interim Constitution that states outright that “[t]he Minister responsible for defence shall be accountable to Parliament for the National Defence Force” (RSA, 1993). The principle of parliamentary oversight of the military as further entrenched in the 1996 Constitution, the 1996 White Paper on Defence, the 1998 Defence Review and the 2002 Defence Act (See Chapter 4). These pieces of legislation and policies remained active throughout the twenty-year period under review. A thorough legislative foundation therefore underpinned parliamentary oversight of the military during this period.

South Africa’s level of democracy can be considered to have remained stable over the 20-year period. Chapters 4 and 5 noted that the Economists’ Index for Democracy reduced South Africa’s score only slightly from 7.91/10 in 2006 to 7.82/10 in 2014. The 2014 analysis did, however, raise a concern about the rising dominance of the ruling party and the limited impact of opposition parties, which may potentially impact on parliamentary oversight. This concern was also raised by one MP noting that Parliament has a wide variety of powers to enforce accountability which it did not always use. There is thus scope for improvement through the amendment of legislation to bring about even higher levels of transparency, including in the defence realm. The MP noted that this is important to prevent a situation where defence accountability is stifled by the DOD hiding behind the argument of

securitisation of the state. The MP further noted that South Africa is a one-party dominant system and that this often supersedes South Africa as a constitutional democracy which impacts on the level of oversight (Interview 5). Despite these challenges that may impact on the execution of oversight, the legislative foundations provided a stable democratic context within which oversight could take place.

In the context of a developing constitutional state and a relatively stable democratic outlook, legislative developments also impacted on the process of parliamentary oversight. In addition to the provision for oversight in the 1993 Interim Constitution and 1996 Constitution, several other legislative developments aimed at enhancing oversight. Chapters 4 and 5 noted such development to specifically include the Public Finances Management Act (1999) that established a statutory requirement for national departments to submit an annual report to Parliament. Furthermore, in 2001, National Treasury Regulations were introduced that required quarterly reports to Parliament (National Treasury of South Africa, 2001). These legislative and regulatory amendments *forced* increased levels of oversight in the third and fourth parliaments as the submission of these documents required parliamentary attention.

In terms of defence oversight, the legislative changes introduced by the National Treasury may have been a contributing factor to an increasing trend of defence committee meetings. Graph 6.6 reflects that, despite reduced engagement by the JSCD, an upwards trend is visible in the number of unique defence committee meetings after 2000. This date coincides with the introduction of National Treasury legislation (Note that election years were removed from the figure given that the number of committee meetings in an election years is generally less than normal. A long-term trend is thus clearer with the exclusions of election-year data). Even during the latter years of regressed committee activity (2012 and 2013), the few meetings that were held included several aspects forced by the National Treasury legislation and regulations. These include meetings on the annual reports of the DOD and defence entities as well as quarterly reports (See Addendum D).

Graph 6.6 True macro-trend in defence meetings: 1998 – 2013 (excluding election years)

Source: Compiled from PMG Committee Minutes (1998 – 2013)

3.4.2 Customary practices

Customary practices, for the purpose of this study, refer broadly to the availability and usage of oversight tools to Parliament. The analysis provided in Section 3.1 reveals that five oversight tools (debates, questions, special inquiries, oversight visits and external audit) are available to the South African Parliament. Section 3.1 provided a long-term overview of the utilisation of these tools and, when read cumulatively, a gradual improvement in the utilisation of oversight tools for defence is visible. Three specific tools stand out in terms of improvement. First, the frequency of debates at committee level improved gradually over time (with the exception of the decreased activity during the Fourth Parliament). Second, oversight visits and study tours on defence were increasingly utilised. The submission of official reports, albeit often delayed, underscores the formal increase in the usage of these tools. Third, the use of external audit, notably the work of the AGSA became increasingly prominent towards the third and fourth parliaments. Furthermore, parliamentary questions were consistently used throughout the period 1994 to 2014. Debates at plenary level show a similar trend as dedicated scheduled debates on military affairs were limited throughout the twenty-year period. Special defence inquiries represent one significantly underutilised tool in terms of oversight of the military in South Africa. The trend between 1998 and 2014 also reflects a move away from in-depth studies and the utilisation of subcommittees by the JSCD and PCDMV.

General progress can be observed regarding the utilisation oversight tools for defence between 1994 and 2014. While this does not reflect on the effectiveness of the utilisation of such tools, the

availability and increasingly frequent usage thereof fits with the post-1994 democratic legislative developments to enhance transparency and accountability. The positive trend in this utilisation of tools did, however, come under pressure in the Fourth Parliament.

3.4.3 Resources and expertise

Crowly (in Bullen, 2005, p. 38) states that “[p]arliamentarians are faced with a number of challenges regarding information [as] there is a huge overload of information. But in addition there is often scarce information in areas where there has previously been no legislation.” The role of parliamentary officials is thus essential as they assist MPs in executing their oversight function more effectively (Madue, 2012, p. 439). The Independent Panel Assessment of Parliament specifically identified this shortcoming in 2007 (see Chapter 4). Subsequent years saw the expanding of the Parliamentary Research Unit to provide sector specific researchers to committees, including the defence committees (Interview 15). Little has been written on the development of the parliamentary Research Unit, but primary data gathered from interviews reveals how this shortcoming in Parliament was addressed over time.

Interviews with parliamentary officials confirmed significant development in terms of institutional support to MPs and committees. Of specific importance is the provision of content-specific research support. Although party researchers were employed by the various political parties, it was only in 1997 that Parliament’s Research Unit was established. The Unit was initially funded by the European Union and not from the parliamentary budget. The Unit consisted of only eight researchers, each serving a cluster of parliamentary committees. One researcher was thus allocated to the security cluster that included the defence portfolio. Although researchers had their individual areas of expertise, it meant that not all portfolios had dedicated, content-specific researchers (Interviews 2 and 15). Researchers were initially limited in the support they could offer due to limited information being available from government (when compared to later parliaments). Similarly, the parliamentary cycle was not as defined in the First Parliament, resulting in less structured research support (Interview 2). The Research Unit was expanded around 1999 and 2000, aiming to have at least one researcher per committee and developing a management system within the Unit. As the Unit established itself, training, information sharing and standardisation of documents started to take place (Interview 15). To ensure quality, minimum requirements were set for research positions, such as an Honours degree and a specific number of years of research experience (Interview 2). Content-specific support from Parliament’s Committee Section was also enhanced during the Fourth Parliament with the creation of Content Advisor positions (Interview 2). These advisors serve to inform the committee programme and also assist with research support functions to committees.

Complaints from MPs regarding the lack of effective research support came to the fore strongly in the 2006 review of parliamentary support to committees. This resulted in the further expansion of the Unit. It was during this period where content-specific defence researchers were appointed. Following the

expansion, services to MPs were improved through the Research Unit official's permanent attendance of committee meetings, liaison with chairpersons, the provision of input into committee programmes, as well as the annual revision of departmental budgets and the State of the Nation Address. The Research Unit also became involved in the training of new MPs. Over time, efforts were made to align research support to MPs to the evolving oversight structures through the provision of research briefs on quarterly and annual reports to inform the BRRR process. The Unit further became involved in the identification of priorities for subsequent parliaments (Interview 15). Given that research support only developed after 1997, it is unsurprising that MPs noted poor institutional support, except for committee secretaries, in the First Parliament. As such, MPs largely did their own research or depend on political party researchers (Interviews 6 and 14). From the Second Parliament onwards, MPs noted an increase in institutional support (Interviews 4 and 13). In terms of content and research support, significant strides were made in the quality of work (analysis) presented to MPs. Members increasingly utilised documents prepared by research and content specialists assigned to the Committee. In addition to research support, other parliamentary officials were added to assist with logistical arrangements of the committees (Interview 4).

Despite the growth of research and other support structures available to MPs and committees, some challenges were noted. Research support was often undermined by the non-utilisation of these services by MPs. For example, a parliamentary official noted that it occurs regularly in parliament that researchers (and later Content Advisors) are not consulted on the drafting or amending of the committee agenda (Interview 2). Linked to this concern, it was noted that the optimal and efficient utilisation of researchers is highly dependent on the chairperson of a committee (Interviews 9 and 15). Another complaint that emerged was that while committees did receive *pro forma* research support, such support was not tailored to the needs of individual MPs serving on the committee, specifically opposition MPs (Interview 5). Another interviewee claimed that some researchers are young and not familiar with all the historic defence developments. There is also a further need for researchers to do primary research and not just work on information received from the Secretary of Defence (Interview 7). Secretarial support to committees also came under criticism. Of specific concern is that secretaries (along with chairpersons) often do not build time into the programme for follow-up on recommendations during discussions at management meetings (Interview 9). A further concern of secretarial work (and Parliament's broader information management) related to the availability of minutes of committee meetings. Academics noted that PMG reflects the most reliable source of information on committee meetings and discussions (Interviews 10 and 11). In-house records are not easily available and/or accessible.

The concerns raised above provide grounds for further improvement of support to MPs and committees. It is, however, evident that major strides were made in providing content-specific support from 1997 onwards. Both a former parliamentary official and MP noted that, to a large extent, parliamentary researchers carry the bulk of institutional memory in the organisation as MPs often

change between parliaments (Interviews 9 and 15). Support staff is thus essential to institutional memory which, in turn, impacts directly on sustained oversight efforts.

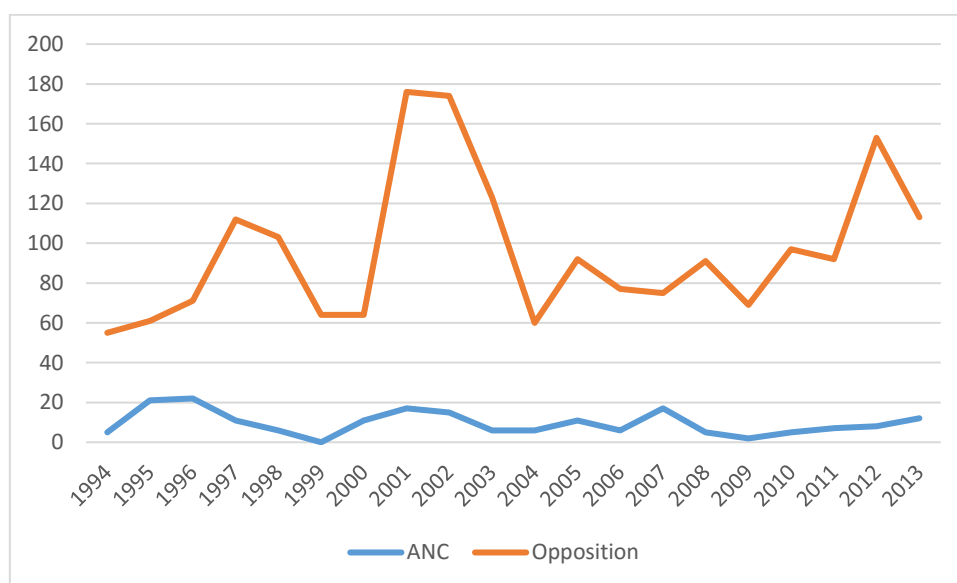
3.4.4 Political will

Political will to do oversight of the military remains difficult to measure, but is crucial to the prevention of weak oversight. However, criteria for evaluating general trends exist, as noted by the World Bank *et al.* (See Chapter 3). These criteria include (1) party discipline that undermines accountability, (2) limited public interest in defence matters and (3) the non-disclosure of defence findings due to security considerations. The subsections below draw conclusions on the discussions in Chapters 4 and 5 and add perspectives from interviews to determine some trends in political will to exercise oversight of defence in South Africa between 1994 and 2014.

3.4.4.1 Willingness to hold the executive to account

A first indicator relates to the willingness of MPs from the governing party to hold the executive to account. A review of the utilisation of parliamentary questions provides insight into oversight activities by the governing party. This review reveals a decreasing trend in questions posed by MPs from the ANC. The overall number of defence-related questions asked by MPs remained fairly consistent. However, questions posed by MPs from the governing party decreased from 124 between 1994 and 2004 to 79 between 2004 and 2014 (See Graph 6.7). The majority of these questions were oral questions, thus asked to a member of the executive during a parliamentary sitting. A review of the data further reveals that some of these questions were clearly 'sweetheart questions', thus not truly aimed at thorough inquiry/oversight.

Graph 6.7 20 Year trend – Questions by governing party and opposition: 1994 - 2014



Source: Compiled from National Assembly and NCOP Question Papers (1994 – 2013)

Interviews provided some context to the limited utilisation of parliamentary questions by ANC MPs. One MP interviewed claimed that the limited utilisation of questions by ANC MPs is generally a function of politics and not a function of work ethics as it is natural for governing party MPs not to make the department look bad. It is thus a self-imposed restriction. However, the MP also noted that a Chief Whip is essential for driving MPs to submit questions (Interview 8). Another MP stated that it should be viewed against the fact that opposition questions are more as opposition parties often set quotas to fill in terms of the number of questions they ask (Interview 14). As such, there is party-political pressure to pose questions and keep the executive to account. 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 (Interviews 6 and 7). Two final reasons offered relate directly to the MPs and their support staff. One MP claimed that if weaker MPs come to the fore that are less 'hands-on', less questions will be asked (Interview 6) while another MP noted that opposition parties in general had better party support staff to guide them on defence questions (Interview 9).

While the above reasons offer mitigating circumstances for the lower number of questions posed by ANC MPs, some MPs stated that the low number of questions asked was directly related to a lack of political will. Written questions were generally not forthcoming from ANC MPs largely due to party loyalty. The differentiation between Parliament and the executive thus became convoluted and accountability suffers as a result of party loyalty (Interview 4). Similarly, members from the governing party do not ask probing questions, but rather focus on 'sweetheart questions' that serve little purpose for promoting oversight (Interviews 1 and 5).

While cognisant of the fact that it is in the nature for opposition parties to ask more questions, the growing gap between defence questions asked by ANC MPs and those asked by opposition MPs is of concern. This should be viewed with the perception that 'sweetheart questions' are often posed and the fact that ANC questions are mostly oral questions. As such, the data presented is corroborated by the view from MPs that parliamentary questions are not effectively used by ANC MPs and may thus point to a dearth of political will or imposed solidarity not to hold the executive to account.

3.4.4.2 Political will to ensure public engagement

A second indicator for political will reflects in a lack of public involvement in defence matters. This is of specific importance in the South African Parliament that aimed to transform itself into the "People's Parliament", underscored by the principles of "freedom, equality, eradication of poverty, political inclusivity and *public participation*" [own emphasis] (Hasson, 2010, p. 366). When reviewing the activities of the JSCD and PCDMV between 1998 and 2014, there is a marked decrease in engagement with external stakeholders. While committee data is not available during the First Parliament, interviews revealed that the defence committees often consulted external

stakeholders/researchers on specific matters (Interview 6). This trend continued between 1998 and 2004, several engagements were held with stakeholders and interested parties on policy matters and broader defence orientation in South Africa, including civil-military relations. However, between 2004 and 2014, engagement with external stakeholders became limited to formal submissions during legislation deliberations. As noted in the general observations by MPs and academics in Section 2.2.5, there is concurrence with the downward trend in the consultation with external defence stakeholders (Interviews 9 and 12). This observation is in line with Heinecken's (2016) finding of a growing civil-military gap developing in South Africa due to decreased interest in and research output on defence matters. A representative parliament should, ideally, serve as a platform for public debate and engagement on defence matters. Thorough debate, in turn, will contribute to the broader debate on defence and civil-military relations.

South African statutes and the Rules of Parliament prescribe such public participation processes during the consideration of legislation and complied with by the PCDMV. However, for defence committees to truly function as part of the 'People's Parliament', broader engagement should have reflected in the third and fourth parliaments. The political will to engage such stakeholders thus seemed to have waned and Parliament arguably contributed to the growing civil-military gap.

3.4.4.3 Defence findings and security considerations

A third indicator of a lack of political will to do oversight of the military includes the non-disclosure of parliamentary discussions on defence matters due to imposed security considerations. Chapter 5 highlighted a significant increase in the confidentiality around defence information, specifically in the Fourth Parliament. This reflected in Ministerial responses to parliamentary questions with a total of 77 questions unanswered either due to the information being considered classified or where it is stated that a further responses will be provided at a later stage. The trend regarding confidentiality of military information also reflected in interviews. The criteria for not answering questions were not consistent and while information is often provided to MPs in a certain year, similar questions posed in the following year would not receive a response. MPs noted specific questions regarding VVIP flights by the SA Air Force as an example of this, whereby such details were provided in the first and second parliaments, but not thereafter (Interviews 1 and 5). An academic interviewed also noted that confidentiality of information, including in instances where it is not warranted, became an increasing concern over the years (Interview 12). A positive aspect, however, is that parliamentary discussions in itself remain very public. All JSCD/PCDMV meetings are open to the public, except where a closed session is declared. The latter option was used to a very limited extent between 1994 and 2014.

3.4.4.4 Additional findings on the political will to do oversight

In addition to the three criteria discussed above, interviews with MPs provide further insight that can be linked to the state of political will to do oversight of the military. These views should be read

together with the general observations made in Section 2.2 on the changing nature of parliamentary oversight of the military.

Section 2.2 highlighted that a shift away from a cooperative and consensus-seeking status of parliamentary oversight of the military that was evident after the First Parliament. An interviewee noted high attendance levels and commitment of MPs serving on the defence committees in the First Parliament. The interviewee also alluded to the high calibre of MP that served on the defence committees with a keen interest and experience in defence matters. This allowed for a bond to be formed between MPs on the defence committees (Interview 6). The shift in the cooperative approach after the First Parliament came to the fore strongly during interviews. During the first two parliaments, there was a realisation among MPs as to what their roles entail. However, after 2004 there was a clear decline in the political will to do oversight. One MP interviewed claimed that a level of arrogance set in during the later parliaments, notably among ANC MPs, which stand in contrast to the pre-2004 mutual respect among MPs (Interview 1). As such, a general decrease in political will to do oversight can be observed over time (Interview 7). These concerns seemed to be in line with the findings of the Independent Panel Assessment of Parliament at the end of the Third Parliament. The Report notes several challenges that manifested itself in the Third Parliament. A primary concern highlighted related to the impact of the party lists system on oversight that often limited MPs' willingness to hold the executive to account and rather encourages accountability to a political party. The absence of MPs from committee meetings was also noted as a concern (Govender *et al.*, 2009, pp. 37–39).

A major turning point in terms of the political will to hold the executive to account came as a result of the inquiries into the SDPP (Interview 8). Of specific concern after that was the perceived protectionist role of the chairpersons and the establishment of parallel oversight structures. For example, a MP interviewed claimed that chairpersons would 'protect' members of the executive. When additional information from members of the DOD was requested during committee meetings, the chairperson would step in and declare that the question has been answered. The MP ascribed this to South Africa being, *de facto*, a one-party state. In this system, the role of the chairperson of a committee becomes skewed away from ensuring accountability of the executive to parliament. The MP went as far as to note that active efforts were made by some chairpersons to prevent any effort at accountability (Interview 5). Another MP specifically noted that after 2004, chairpersons excluded critical questions (Interview 1). The use of ANC study groups as inhibiting factors to oversight was also raised as a concern. Often, including in the case of the PCDMV/JSCD, such study group meetings would precede the actual committee meetings and would include members of the executive and the military command. These parallel structures that exist through study group meetings mean that the activity of oversight shifts away from committees where it supposed to be located. As such, oversight is not effectively executed during committee meetings and it results in only opposition parties doing the majority of oversight/interrogation during committee meetings (Interview 5). The existence of study groups and briefings by the executive were confirmed by another MP (Interview 9).

While the shift away from consensus-seeking oversight of the military was largely confirmed, some positive indicators for oversight also came to the fore during interviews. An interviewee stated that, in broad, Parliament was moderately successful in ensuring civil oversight of the military and that this indicated that political will exist to conduct oversight (Interview 13). An academic interviewed noted that the defence committees should be commended for at least dealing with important matters as they arise, such as sexual violence in the military (Interview 3). They thus showed a reactionary capability in terms of oversight. Another MP stated that oversight does play out at parliamentary level and further noted that this is strengthened through information given to opposition MPs, in confidence, by members of the public or departmental officials (Interview 5). This information can be used by members in committee meetings, debates or motions in the National Assembly. Albeit informal, the information shared in this manner contributes greatly towards parliamentary influence on military affairs.

The subsections above reveal a number of indicators that point to a decreasing trend in the political will to do oversight of the military. This trend stands in contrast to the perception of cooperative and consensus-seeking oversight of the First Parliament. Of specific concern is the perception among MPs that parliamentary oversight is often intentionally inhibited and becoming increasingly protectionists as this is contrary to a transparent representative democratic institution.

3.4.5 Follow-up on defence-matters

A review of committee minutes reveals that the ability and willingness of the PCDMV and JSCD to follow up on recommendations, and in cases where it committed to follow up during meetings, is of particular concern. With the exception of perhaps the Third Parliament, both these committees largely failed to follow up regularly where such commitments were made. During the Second Parliament, the incapacity to follow up was noted by the chairperson of the PCDMV. Follow-up related to SANDF deployments and study tours were of specific concern. In the Fourth Parliament, a shift is noted whereby departmental responses to oversight were requested in writing, but no formal follow-up by the committees are evident. The fact that formal follow-up was achieved at a higher level during the Third Parliament highlights that there is institutional capacity to ensure follow-up. However, further development of this capacity is clearly required. This finding in the study is confirmed by Mbetse (2016, p. 108) who found, in a study on oversight and accountability in the Fourth Parliament, that there was no tracking mechanism in Parliament to monitor executive compliance with parliamentary oversight and recommendations.

Similar concerns were highlighted during interviews with MPs and parliamentary officials. From a parliamentary official's perspective, it was noted that the tracking of the implementation of recommendations by parliamentary committees is an ongoing concern. The establishment of Content Advisor positions in the Fourth Parliament could possibly serve to address this potential shortcoming, although the role was not formalised by the end of 2014. There is also a

need to collate all relevant information, such as committee work, parliamentary debates and parliamentary questions to track the development around these (Interview 2). An interviewee noted that follow-up has generally been poor in the defence committees and, in fact, in Parliament as a whole. It was stated that this once again comes down to a lack of willingness to hold the executive effectively to account (Interview 8).

MPs were particularly concerned about follow-up in two regards. First, at defence committee-level, concern exists about the lack of opportunities for members to ask immediate follow-up questions in committee meetings. Often, extended presentations and elusive answers would consume a significant amount of time and no time for effective follow-up questions remain during committee meetings (Interview 14). Furthermore, committee programming should provide opportunities for follow-ups on previous committee recommendations. However, this was identified as a broader parliamentary concern, including in the defence committees (Interview 9). Second, recommendations made on oversight visits are not always implemented and followed up. MPs noted that this has been an ongoing weakness in terms of oversight in general throughout the twenty-year period (Interviews 1, 4, 5 and 9). A positive aspect noted in the Fourth Parliament relates to the chairperson's consultation with committee members on which military bases they would like to return to for oversight, which ensured a follow-up opportunity (Interview 4).

The general consensus among MPs and parliamentary officials was that the institution lacked effective mechanisms to track the progress and implementation of recommendations and that there was limited opportunities to make immediate follow-up questions during committee meetings. These concerns also extend to the defence portfolio. One MP interviewed summarised this concern by noting that the 'circle of oversight' has not been completed yet and that follow-up is required to complete the oversight loop (Interview 9).

4. Conclusion

Chapter 6 provided an overarching view on parliamentary oversight of the military in South Africa between 1994 and 2004 based on more in-depth discussions in Chapters 4 and 5. The addition of information gathered from interviews with MPs, parliamentary officials and academics further aimed at providing context to the information presented in Chapters 4 and 5.

A key determinant from the information obtained from interviews is that, in large, it links well to the information obtained from committee minutes, parliamentary ATC and other primary sources. Interviews also provided an important perspective on oversight of the military in the First Parliament, given the lack of information and official committee minutes from this period. This perspective was important as it highlighted a First Parliament characterised by a largely cooperative and consensus-seeking oversight model for defence. This was crucial at the time given the context of the need to establish a new unified SANDF, but also within the broader context of limited oversight of the military

prior to 1994. While the need to focus on legislation and defence policy development did detract from oversight during this period, MPs largely claimed it to be a positive experience, which reflected on the committees' contribution to important policy documents such as the 1996 White Paper on Defence and the 1998 Defence Review.

The context provided of the approach to oversight of the military during the First Parliament is important as it stands in sharp contrast to some subsequent developments. Parliament's handling of investigations into the SDPP, including the defence committees' participation in this process, was often mentioned as a turning point in terms of oversight. General consensus seems to exist that from 2004 onwards oversight of the military became problematic. This again does not resonate well with the stated intention of Parliament to shift its focus to oversight from the Third Parliament (2004) onwards. Interviews confirmed that this shift in parliamentary focus was indeed the aim after 2004 yet, several anxieties were raised in subsequent years. Of specific concern is the dramatic decline in oversight activities during the Fourth Parliament.

With Parliament's focus shifting to oversight after 2004, this Chapter revealed opposing developments between the institutional direction and oversight of the military. Significant growth is evident in Parliament's institutional capacity to fulfil its oversight function after 2004. Legislation was introduced to compel the DOD (and other departments) to submit annual and quarterly reports to Parliament. These reports were to enable Parliament to better track the budgetary aspects of the DOD as well as performance. The NCACC was also established and legally required to report to Parliament. NCACC reports offered Parliament an opportunity for insight into arms procurement and sales. MPs also noted that, over time, the quality of information reported to Parliament by the DOD improved. Furthermore, institutional support offered to MPs improved drastically with the appointment of content-specific defence researchers and (later) content advisors. Institutional structures for oversight also improved, such as the formalisation of the BRRR process. This allowed the defence committees to constantly review the budget and performance of the DOD and make concrete recommendations to both the DOD and National Treasury on future expenditure and performance. As such, the parliamentary oversight environment improved after 2004 and provided a foundation for thorough oversight of the military.

In line with the improved environment for oversight, tools for oversight of defence were increasingly well utilised in Parliament, with the exception of special defence inquiries that was largely unutilised. However, the utilisation of oversight tools should be viewed in context. Significant concerns are evident in, specifically the decline in committee activity in the Fourth Parliament, the longstanding inability of Parliament to resolve challenges with the JSCD functioning and MPs acknowledgement that parliamentary debate on defence is lacking. The challenges related to committee meetings are of particular importance as it erodes on the ability to thoroughly scrutinise oversight focus areas. Serious concerns were raised by MPs after 2004 on oversight of defence policy, defence procurement and specifically defence deployments. Furthermore, the impact of National Treasury legislation and

parliamentary processes, such as the BRRR process, is severely hampered by a lack of thorough engagement, poor committee scheduling and limited follow-up. Collectively the latter voids elevate the fear that oversight of the military has, after 2004, become 'box-ticking' exercises rather than opportunities for in-depth inquiry. These concerns noted should be viewed in light of a perceived reduction in political will to conduct oversight of the military after 2004.

Following the review of parliamentary oversight of the military provided in Chapter 6 and the contextual addition of primary information from interviews, the next chapter returns to the original research questions posed by the study. Chapter 7 provides an overarching summary of the main findings of the study, puts forth responses to research questions and emphasises the main contributions of the study.

CHAPTER 7 CONCLUSION

1. Introduction

This study aimed at providing an analysis of twenty years of parliamentary oversight of the military in South Africa by contrasting developments in the immediate post-1994 period (1994 to 2004) to developments of the third and fourth democratic parliaments (2004 to 2014). To facilitate the analysis, the study developed a broad framework for the review of parliamentary oversight of the military. The framework utilised was tested against international cases and existing literature, notably in the context of transparency and accountability that characterise modern liberal democracies. The framework was used to evaluate parliamentary oversight of the military in South Africa during the first twenty years of democracy (1994 to 2014). The primary focus of the study was to determine the status of parliamentary oversight of the military in South Africa over this period. To explore the status of oversight, four research questions were put forward. The questions explored throughout the study were (1) what are the distinguishing features of successful democratic parliamentary oversight of the military?; (2) how does South African Parliamentary oversight of the military compare to international benchmarks and international best practice?; (3) what changes can be observed in relation to the oversight of the military when comparing the first two parliaments (1994 to 2004) to the third and fourth parliaments (2004 – 2014)?; and (4) what are the 'views from the inside' on parliamentary oversight of the military?.

This chapter provides a summary of the main findings of the study, before returning to addressing the primary research questions. Possible criticisms to the study as well as some limitations are also addressed. The chapter concludes by reviewing the contribution of the study and the way forward in terms of further proposed research.

2. Summary of findings

In its aim to review parliamentary oversight of the military in South Africa, the study was conducted within the theoretical parameters of theories of democracy, notably within the paradigm of liberalism. The focus on liberal democracy as a framework for analysis served a dual purpose. It firstly linked the focus areas of the study (the concept of oversight *and* the institution of parliament) to an appropriate theoretical framework. Furthermore, liberal democracy provided a contextually sound framework for analysis as it is in line with South Africa's post-1994 constitutional and political derivatives. The process of parliamentary oversight in South Africa after 1994 should therefore be viewed in the context of shifts to improved transparency and accountability. The study also highlighted that liberal democratic characteristics extended to the state's security thinking. Prior to 1994, security thinking revolved around external threat perception and the state's military response to both internal and external security threats. The transition to democracy around 1994 brought about a new approach with increased focus on human security. As such, drastic changes became evident in the construction

of South Africa's civil-military relations prior to and after 1994. Efforts were made to entrench the notion of civil control of the military in line with liberal democratic principles. These efforts included, *inter alia*, ensuring thorough parliamentary oversight of the military, as was evident from specific provisions contained in the 1993 interim Constitution (RSA, 1993) and subsequent defence-related legislation and policy documents.

In order to review parliamentary oversight of the military in South Africa after 1994, the study set out to establish a credible framework for analysis. Four broad criteria for evaluation were identified along with various sub-themes. First, the utilisation of parliamentary oversight tools, including parliamentary debates, questions, special defence inquiries, oversight visits and study tours as well as the use of external audit were included. Second, key focus areas for oversight of the military were identified, including oversight of the defence budget, policy, procurement, human resources and the deployment of the military. These tools for oversight and focus areas have been well established in academic literature and through various credible institutions such as the DCAF, IPU and Transparency International. Third, the study aimed to add to these criteria for evaluation by introducing a number of lower-order focus areas for oversight. The introduction of such lower-order focus areas aimed to increase detail of oversight in the South African case and provide more depth in the analysis of oversight. Lower-order focus areas included the review of annual and quarterly performance, interdepartmental cooperation, military training and education, gender and racial equality, defence morale as well as defence infrastructure. The inclusion of lower-order focus areas were substantiated by reference thereto in literature, although not found to be universally applicable. Fourth, the study added potential indicators for weak oversight of the military including limited constitutional and legal powers, meagre customary oversight practices, insufficient resources and expertise, deficient political will and limited follow-up on parliamentary recommendations.

Within the new liberal democratic context of post-1994 South Africa, the study utilised the above criteria for reviewing parliamentary oversight of the military. The analysis was based on information from parliamentary documents, such as the Hansard and ATCs, committee minutes (from PMG) and other primary and secondary sources. In addition, strong focus was placed on information obtained from primary parliamentary sources through interviews with MPs and parliamentary officials to capture the finer nuances of the political setting during the twenty-year period under review. Academics were also consulted to add further insight into broader developments around Parliament's role in ensuring the military's accountability. The review of primary and secondary information on parliamentary oversight of the military between 1994 and 2014 revealed five key overarching findings reflected in the sections below.

2.1 The context of a shift in parliamentary focus

The study reviewed research on parliamentary oversight of the military in South Africa in two distinct eras, the first two parliaments (1994 to 2004) and the third and fourth parliaments (2004 to 2014). The

decision for structuring the thesis along this division was based on literature revealing the intention by Parliament to shift focus towards oversight over time. MPs and parliamentary officials interviewed confirmed that this shift was indeed the aim of Parliament and that several efforts were made to facilitate the transition. The first two parliaments focused specifically on Parliament's legislative function, with a high number of laws being processed between 1994 and 2004, including amendments to existing defence legislation. A shift in focus came about at the end of the Second Parliament, when the decreasing need for legislative amendments brought about increasing emphasis of Parliament's oversight role. The study therefore found that an increasing opportunity for thorough parliamentary oversight presented itself from the Third Parliament (2004) onwards, as was envisaged in the institutions strategic planning that emphasised the monitoring and evaluation of government policy.

2.2 The context of institutional improvement

In addition to the shifting parliamentary focus, the study made a finding related to institutional improvements in Parliament. This finding provides important context within which to view developments around parliamentary oversight of the military. The study found that, as part of the post-1994 shift to a liberal democracy, significant progress was made in ensuring a parliament aligned with its functions in a democratic state based on a distinct separation of power between the executive, legislature and judiciary. Practical steps were taken in the post-1994 period to enhance parliamentary oversight. While key oversight tools such as parliamentary debates and questions were maintained and enhanced, a key growth area for oversight was the expansion of the committee system. Committees increasingly became the so-called 'engine rooms' of parliamentary oversight work.

With additional parliamentary scope for oversight, incremental growth was made in terms of the requirements for executive reporting to Parliament. Interviews confirmed a marked improvement in the quality and quantity of information reported to Parliament (by the executive). The increase in information was further supplemented by the use of external audits by the AGSA. The introduction of the Public Finances Management Act (Act 1 of 1999) made it a statutory requirement for departments to submit annual reports to Parliament. Crucially, the information reported in annual reports grew to also include performance information and not only budgetary information for oversight. Parliament therefore increasingly focused on the effective and efficient utilisation of state resources (linking performance to expenditure). The introduction of the requirement for quarterly reports to be submitted to Parliament offered an additional opportunity for continuous oversight of performance and expenditure. In the Fourth Parliament, the introduction of the BRRR process provided Parliament a further opportunity to impact on the budget allocations of state departments. The growth in scope for oversight discussed above should be viewed together with a growth in institutional support to MPs. This relates specifically to the post-1997 growth of Parliament's Research Unit and the establishment of Content Advisor positions in the Fourth Parliament. Content-specific input and research support were thus offered to committees and MPs to enhance oversight. It is therefore evident that

Parliament's focus not only shifted from a legislative to an oversight role, but that the institution also capacitated itself to better fulfil the oversight task.

The context provided above is crucial to a comprehensive review and understanding of parliamentary oversight of the military in South Africa in the post-1994 period. Interviewees identified better information flows from the DOD, enhanced internal parliamentary processes as well as improved institutional support as key driving forces behind improved oversight. The introduction of the JSCD through the 1993 Interim Constitution, in addition to the PCDMV, presented the institution with an additional capacity for oversight of the military at committee level. The scope of oversight assigned to the committees were also wide-ranging and in complete contrast to the limited oversight scope of parliament on military affairs prior to 1994.

2.3 The varied use of oversight tools

Throughout the four parliaments under review, the study found that generally accepted parliamentary oversight tools were used to oversee the military. However, the study found that while some tools were used effectively, others were significantly underutilised. On the positive, external audits were increasingly used, specifically from the third and fourth parliaments onwards, through engagement between defence committees and the AGSA. The general increase in the number of oversight visits were noted by MPs as a positive oversight tool that played an important role throughout the twenty-year period. A decrease in the number of visits in the Fourth Parliament and a tendency to submit official reports only months after the actual visit impeded the usefulness of such visits. Furthermore, parliamentary questions were well used, with 2 045 oral and written questions on defence posed by MPs over the twenty-year period. However, the efficiency of this tool was found to be undermined from the Third Parliament onwards by the increasing tendency of the executive not to respond to questions as information was deemed sensitive or confidential.

While the oversight tools above were relatively well utilised with varying success, others showed negative trends throughout the twenty-year period after 1994. Special defence inquiries were largely unutilised throughout the first ten-year period, including the use of subcommittees. The tool with arguably the most impact on oversight, parliamentary debates, is characterised by some concerning trends over the twenty-year period. Limited time was afforded to parliamentary debates on defence in the Houses of Parliament, specifically during the third and fourth parliaments. More significantly, defence-related debates at committee level deteriorated through the ever-increasing inactivity of the JSCD. Although the PCDMV showed a positive twenty-year trend in terms of activity over the said period, the broader defence-related oversight structures of Parliament suffered as a result of JSCD inactivity. The fact that there are two Parliamentary committees on defence means that an opportunity existed for elevated levels of committee debate through regular meetings. A further negative trend in terms of parliamentary debate on the military at committee level is the rapid reduction in activity of the PCDMV towards the end of the Fourth Parliament. MPs further noted that a number of activities

conducted by the defence- committee merely became 'box-ticking exercises'. As such, while legislative and internal parliamentary processes provided scope for increasing committee oversight, reduced activity and a 'box-ticking' approach (rather than robust inquiry) decreased efficiency. The study therefore finds that oversight tools were not utilised optimally and that the potential for elevated levels of oversight became increasingly undermined over time.

2.4 The decline in focus areas covered by defence committees and the importance of legislation

The non-optimal utilisation of oversight tools, notably defence debates at committee level, impacted negatively on Parliament's ability to cover focus areas of defence oversight. Of specific importance is the decreasing focus on some of these areas over time. Defence policy received more in-depth oversight at committee level during the first two parliaments, which is in line with Parliament's focus on legislation and policy over this period. MPs noted thorough and cohesive engagement on the 1996 White Paper on Defence and the 1998 Defence Review. However, limited engagement on policy matters was evident in the third and especially the fourth parliament. MPs referred to the JSCD's poor engagement on the 2014 Defence Review as an example of such decline. Engagement on matters of defence procurement showed a similar trend. Parliament's handling of the SDPP is generally accepted as having damaged the institutions' resolve to conduct robust oversight. Measures put in place to review procurement aspects in later parliaments, notably NCACC reports, were also poorly dealt with by the defence committees. The impact of parliamentary oversight on aspects related to human resources should also be questioned. Serious concerns related to the military's personnel component emerged over the twenty-year period, including personnel expenditure and the need for rejuvenation. Despite these concerns being raised continuously at parliamentary level, the 2014 Defence Review highlights an ongoing deterioration. Furthermore, defence deployments saw very limited oversight despite clear constitutional provision made therefore. MPs were very critical of this lack of oversight, notably in cases where the SANDF was involved in combat such as Operation Boleas in Lesotho in 1998 and the 2013 involvement in the Battle of Bangui in the CAR.

The study introduced several lower-order focus areas for parliamentary oversight of the military. These lower-order focus areas pertain more to areas of 'normal' committee work or specific areas of oversight not generally considered in oversight frameworks. The non-optimal utilisation of oversight tools discussed above also impacted negatively on some lower-order focus areas. Interdepartmental cooperation received only *ad hoc* attention throughout the four parliaments. Of specific concern is the limited engagement by the JSCD and PCDMV to address areas of interdepartmental concerns such as the DPW in terms of infrastructure developments and relations between the DOD and DIRCO in terms of peacekeeping. Linked to concerns around the DPW, defence infrastructure also received limited attention, with only *ad hoc* meetings on this topic held by the defence committees. MPs noted that oversight of defence infrastructure became superficial. Given the 2014 Defence Review's scathing findings on the state of defence infrastructure, parliamentary oversight effectiveness can

thus be questioned. Oversight of defence morale also received no dedicated committee meetings, despite oversight thereof being a constitutional requirement. A lower-order focus area that did receive elevated levels of attention relates to military training and education. Increased oversight in this regard coincided with regular oversight visits by the PCDMV and JSCD to military training and education facilities. Despite some MPs questioning the impact of oversight visits related to training institutions, continuous oversight of this aspect has taken place with the post-integration and post-MSDS periods seeing elevated levels of oversight.

With the exception of oversight of military training and education, oversight of the majority of focus areas identified above showed either very limited engagement or decreasing trends of engagement between 1994 and 2014. However, three contrasting focus areas that received increased attention over this period became apparent in the study. First, matters related to gender and racial equality received ongoing attention. During the first two parliaments, this was understandable given the imperatives of the integration process. Focus on gender and racial matters in the third and fourth parliaments can, arguably, be attributed to the 2004 National Treasury guidelines for oversight that stated that specific targets for transformation in government departments should be developed and reported to Parliament. Second, oversight of annual and quarterly reports did manifest at committee level. MPs noted improved information to Parliament from the DOD, which included performance-related information as per the annual reports. Quarterly reports were also increasingly considered, specifically in the Fourth Parliament. This is in line with National Treasury Regulations. Third, budgetary aspects were increasingly considered throughout the twenty-year period and Parliament's impact in this regard expanded. This is of particular relevance in terms of Parliament's impact through the BRRR process after the introduction of the Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009). Despite the increases in consideration of annual, quarterly and budgetary reports, MPs were critical of the depth of focus and scrutiny during such engagement, most notably during the Fourth Parliament.

The review above illustrates that in most focus areas and lower-order focus areas identified for this study, Parliament's defence committees either engaged on such matters only on an *ad hoc* basis or showed a decreasing engagement between 1994 and 2014. The exceptions to this trend, where the committees showed increased engagement, can largely be attributed to the introduction of legislation and National Treasury Regulations.

2.5 Weaknesses in parliamentary oversight of the military

The study evaluated potential weaknesses in parliamentary oversight of the military. South Africa's post-1994 Constitution, set in a liberal democratic context of transparency and accountability, provided a solid foundation for parliamentary oversight in general, and oversight of the military specifically. Built on this foundation, the study highlighted that various tools for oversight were available to MPs and committees. Improved resources were allocated, notably through the

development of Parliament's Research Unit and active budgetary allocations for oversight purposes. Parliament also restructured its internal processes to ensure improved oversight outcomes based on legislative and regulatory requirements. Given the constitutional foundation, tools available, support structures developed and advances in oversight processes, the question then arises as to what resulted in a perceived decline in oversight of the military over the twenty-year period?

A key potential weakness to oversight that may, to a large extent, explain the decline in oversight of the military relates to political will. The perception exists among MPs that there was a relative decline in the willingness to hold the executive to account. The low number of questions asked by MPs from the governing party substantiates this perception. A large proportion of questions by ANC MPs were oral questions and some clearly aimed at affording the executive an opportunity to explain government policy or to reflect on the achievements and were not truly aimed at inquiry. Linked to the decline in keeping the executive to account, there was a noticeable increase in non-responsiveness from the DOD based on security considerations. Of particular concern is the rise in questions either not being answered or only answered superficially due to information being considered as 'confidential'. Furthermore, the decline in public interest in defence matters, noted during interviews with academics, also reflected on a declining political will. At parliamentary level, a noticeable decrease in the utilisation of external stakeholders, academics and other experts are evident at committee level. This detracts from the quality of information available and utilised by MPs and stands in contrast to the ideals of an inclusive 'People's Parliament'. A further potential weakness, namely limited follow-up on recommendations, underscores some lack of political will for oversight. No effective tracking system for follow-up was developed in terms of parliamentary oversight of the military. MPs noted this as a broader parliamentary concern. Limited instances were found whereby actual follow-up is conducted by the PCDMV and JSCD where members of these committees vowed to do so. Follow-up questions during committee meetings also became a concern for MPs, especially during the Fourth Parliament.

The decline in political will to conduct oversight of the military was perhaps most evident in the views of MPs on the oversight trend between 1994 and 2014. Several MPs noted a sense of cohesion and common purpose among MPs during the initial post-1994 years and how they sought to depoliticise the defence environment and establish elevated levels of oversight. However, despite an institutional shift towards a focus on oversight after 2004, the initial cohesion and political will to conduct oversight of the military seemed to have withered over time. MPs noted Parliament's inquiry into the SDPP as a particular turning point in the willingness to hold the executive to account. From the Third Parliament onwards, several MPs also pointed to a rising concern of chairpersons not allowing critical inquiry into defence matters and not allowing time for follow-up questions during meetings. Although this study cannot draw conclusions on the exact role that each chairperson of the JSCD and PCDMV played over time, it found from literature and interviews that chairpersons do play a critical role in determining the level of oversight conducted. In Parliament, a shift can be observed from the First Parliament, where an opposition MP was elected as chairperson of the PCDMV and good cooperation between

chairpersons existed, to the third and fourth parliaments characterised by protectionist chairpersons. A further concern by MPs related to the shifting of the oversight role to platforms outside the defence committees, notably study groups by the governing party. Study group meetings would precede the actual committee meetings and include members of the executive and the military command. As such, it raises concern as to the openness and transparency that ought to come with a multiparty oversight process at committee level. The threat to openness and transparency further brings into question the longevity of the post-1994 focus on human security. While not the main aim of this study to determine shifts in the state's security approach, it is crucial to note that executive dominance in the security sector does not align with a focus on human security. The undermining of Parliament thus results in limitations to openness and transparency which are characteristics more aligned with human security than, for example, traditional or regime security approaches.

Despite increased institutional capacity and a wide variety of oversight tools available, a decreasing trend in parliamentary oversight of the military is evident between 1994 and 2014. The decreased questioning of the executive, limited engagement with external stakeholders, a rising degree of confidentiality around military affairs and perceptions around the protectionist role of chairpersons in later years should be viewed against a more constructive and consensus-seeking approach to oversight of the military immediately after 1994. Based on this shift, the study finds an increasing lack of political will to be a key contributor to the decline in parliamentary oversight of the military.

3. Returning to the research questions

The study commenced with the identification of four guiding research questions. Based on the information provided throughout the study and findings presented above, it is possible to provide informed answers to these questions.

3.1 What are the distinguishing features of successful democratic parliamentary oversight of the military?

The study considered a number of international cases and research done by international organisations such as Transparency International, the IPU, the DCAF and the World Bank. Through the correlation of information, the study found several features of successful oversight of the military in democracies. This includes the availability and extensive use of tools for oversight of the military, including committee hearings; hearings in the plenary; commissions of inquiry (including *ad hoc* and subcommittees); parliamentary questions (oral and written); and, interpellations. For parliaments to thoroughly review the military, several focus areas for oversight also need to be considered, including aspects related to the defence budget, policies, procurement, human resources and the deployment of the military. The study showed that countries such as the UK, Canada and Australia scores higher in international rankings on oversight of the military. These parliaments all have the above-mentioned tools available, show regular engagement on military affairs and reflect a deeper level of analysis of

focus areas for oversight of the military. The study found that successful oversight of the military can further be enhanced by looking at lower-order focus areas, including annual and quarterly performance, interdepartmental cooperation, military training and education, gender and racial equality, defence morale and defence infrastructure. While these criteria did not find universal application, countries with a higher rating in terms of oversight of the military did engage more of these criteria than countries with lower ratings. Key to ensuring success in oversight of all the criteria above is constant follow-up by parliamentary structures.

The criteria above, when used effectively by Parliaments, will arguably lead to higher levels of success in parliamentary oversight of the military. However, the study ultimately found that a central feature of successful democratic parliamentary oversight of the military is political will. For political will to manifest, Parliaments require motivated chairpersons of defence committees, regular engagement with external stakeholders and defence experts as well as an elevated level of transparency around defence matters.

3.2 How does South African Parliamentary oversight of the military compare to international benchmarks and international best practice?

Although not the primary focus of the study, the information reviewed in Chapters 3 to 5 allows for a comparison between South Africa and the five cases expanded on in this study. In keeping with the structure of the study, it was firstly found South Africa compares favourably to other selected countries in terms of the number of oversight tools available to Parliament. This is in line with findings by the World Bank on the international usage of oversight tools. Similarly, Transparency International also found South Africa only to have a moderate risk of corruption after considering parliamentary oversight of the military in 82 countries. In terms of oversight of the military, South Africa's Parliament made use of most of the tools (committee and plenary debates, oral and written questions, oversight visits and external audit). The utilisation of these tools is in line with countries such as the UK, Canada and Australia that are scored relatively high by international organisations on oversight of the military. Where South Africa's Parliament falls short, however, is on the use of special defence inquiries and subcommittees as oversight tools.

Second, on the focus areas identified for the study, the South African Parliament compares favourably in terms of oversight of certain military aspects. As noted, Parliament increased its budgetary oversight significantly over the years, including defence. This is in line with findings by Transparency International that ranks South Africa in a group of countries with robust parliamentary scrutiny of the defence budgets, along with (although slightly below) countries such as Australia and the UK. South Africa's highly transparent defence budget adds significant weight to this rating. South Africa's Parliament is also ranked among the parliaments of Australia and the UK as having elevated levels of oversight of defence policy, external audit and procurement oversight. Although ranked slightly below the parliaments of Australia and the UK, the South African Parliament was ranked higher than, for

example, the Indian Parliament. The international rankings noted above highlight that the South African Parliament compares favourably to other parliaments around the world in terms of oversight, being ranked in the upper half of countries evaluated in most categories. This is in line with the findings of this study which demonstrate Parliament to have significantly more robust oversight than Zambia and India, but faring slightly poorer than Australia, Canada and the UK in some fields.

Despite South Africa's parliamentary oversight of the military comparing favourably to the selected cases, significant room for improvement exists. The study found that Parliament does not optimally use its oversight tools and that many focus areas are not thoroughly overseen. The declining trend in oversight noted by MPs between 1994 and 2014 further brings into question the favourable comparison drawn by international institutions at various intervals during this period.

3.3 What changes can be observed in relation to the oversight of the military when comparing the first two parliaments (1994 to 2004) to the third and fourth parliaments (2004 – 2014)?

Several areas of change can be observed when comparing parliamentary oversight of the military between the first and second ten years of democracy in South Africa. Parliamentary focus shifted from its legislative function to an oversight function. This also transpired in terms of oversight of the military whereby the first ten years focus on the development of new defence legislation and policies suited to a democratic state. Institutional and procedural changes can also be observed when comparing the two periods. With a stated intent to focus on oversight in the third and fourth parliaments, the institution geared itself towards its oversight function through, *inter alia*, the addition of content research support and budgeting for oversight purposes. Legislative changes also facilitated an improvement in the information flow from the executive to Parliament and enhanced parliamentary oversight of budgetary aspects, annual and quarterly performance reports and defence procurement.

The shifts between the different parliamentary eras noted above point to a platform focusing on enhanced oversight of the military. However, the study found that despite this deliberate shift in focus, there was a contrasting development between the institutional direction and oversight of the military. Institutional advances did not result in a similar improvement in oversight of the military. Decreasing attention was paid to the major focus areas for military oversight and there was a general decline in debate on military affairs (both at committee and plenary level). The perceived decline over time, based on reduced debate and engagement, was corroborated by MPs during interviews. MPs further corroborated findings of a greater decline of oversight in the latter parts of the Fourth Parliament. A general decline in oversight is therefore evident after 2004, confirmed by MPs noting that the oversight environment during the third and fourth parliaments differed significantly from the consensus-seeking approach to oversight of the military in the First Parliament.

3.4 What are the 'views from the inside' on parliamentary oversight of the military?

Interviews with MPs and parliamentary officials provided perspectives on the development of parliamentary oversight of the military between 1994 and 2014. The study found four central views emerging from discussions. First, parliamentary oversight of the military developed from a low base. Significant improvement had to be made after 1994 as the pre-1994 period had very low levels of parliamentary oversight of the military. Second, throughout the twenty-year period on review, the nature of oversight of the military changed. In the First Parliament, matters of defence were prioritised as it reflected a key portfolio for the democratisation process. The First Parliament was characterised by consensus-seeking oversight of the military with MPs noting a degree of de-politicising of defence matters at parliamentary level. This resulted in robust engagement on key defence policies. The sense of purpose that characterised oversight in the First Parliament came under pressure from the Third Parliament onwards. Third, interviews confirmed the incremental institutional development to gear Parliament for oversight. This growth relates to internal support structures provided to MPs and committees for conducting oversight and the refinement of budgetary review processes in the oversight cycle. Fourth, MPs highlighted the important role that chairpersons play in determining successful oversight. For oversight of the military to be effective, a high level of commitment and drive from the chairpersons of the defence committees in Parliament is required. The four views that emerged resulted in a key overarching view from MPs. Contrary to the perception of an upwards trajectory of oversight in general, a broad view from MPs was that, despite institutional advances in the various periods analysed, there was a general regression in parliamentary oversight of the military specifically.

4. Addressing possible criticisms

The study on parliamentary oversight of the military bridges two spheres, namely a political and military sphere. As such, the study is not only rooted in liberalism and representative democracy, but also civil-military relations. A critique on this focus may hinge on the study's inattention to SSR as a theoretical underpinning. While cognisant of the value of including SSR, two main reasons for the exclusion were put forward. At a theoretical level, the intrinsic link between SSR and civil-military relations largely reduces the need for significant focus on SSR. Civil-military relations relate to the relationship between the military and the *civis*. SSR also reflects this relationship, but has a wide and more practical focus of analysis. SSR includes various clusters of transformation such as cultural, human political and organisational transformation. As such, in a study focusing on parliamentary oversight, the viewing of civil-military relations arguably finds more application than SSR and its focus on the reform of the military itself. Furthermore, the SSR approach is better suited for a study on the South African transition to democracy and the accompanying SSR in the immediate post-1994 period. This study has limited focus on actual organisational changes within the military itself. Rather, this study has a longer-term overview of the control of the military within South Africa. The focus of this

study is thus more related to the separation of powers and developments around the control of the military within a democratic context that is more closely linked to civil-military relations theory.

A more practical criticism of the study may stem from the framework for analysis used to analyse parliamentary oversight of the military and the level of depth with which these criteria were reviewed. The study selected a broad range of oversight tools, focus areas, lower-order focus areas and potential weaknesses. While efforts were made to align this to international best practice, including through a review of its utilisation in five selected countries, critics may identify additional criteria for a review of parliamentary oversight. The criteria for evaluation in this study are thus not exhaustive. Furthermore, in an effort to keep within the word limitation of the study, such criteria were only discussed with sufficient information to make a general deduction on the trend of oversight. As such, more in-depth studies can be done on each individual tool, focus area and weakness identified for parliamentary oversight of the military in this study. Furthermore, as a practical outflow for parliamentary oversight it must be noted that the tools and focus areas are not a definitive and closed framework for effective and quality oversight of the military. Even if all tools and focus areas are included, it may still not result in a high quality of oversight. However, a review of these criteria does provide insight into the general trends of oversight.

Other practical limitations to the study, as noted in Chapter 1, relate largely to the availability of information. First, information for conducting of comparative studies on the work of other parliaments was limited. While aiming to review parliamentary oversight of the military in various Westminster-styled parliaments in Africa, no sufficient information was publicly available to conduct such a study. Networking efforts with several African parliaments were made including Tanzania, Kenya, Zimbabwe, Botswana and Nigeria. However, the eventual outcomes were disappointing. Online information of parliamentary activity around oversight of the military in these and various other African states were not sufficient for a thorough study. In addition, in the case of Tanzania, official records are often kept in languages other than English that complicates any potential research effort. Second, information from the South African Parliament also proved a limitation. Official parliamentary minutes on committee meetings are not readily available or have been lost, especially for the first two parliaments. As such, committee-meeting minutes from the PMG was utilised throughout the study. Third, by interviewing only MPs that served on Parliament's defence committees, the pool for interviews were small yet necessarily specific. While nine MPs participated in the study, seven others that previously served on the defence committees (five ANC and two opposition MPs) were not willing to or did not respond to requests for participation in the study.

5. Contribution of the thesis and the way forward

The study is rooted in existing theory, including liberalism as paradigm, pluralism as macro-theory and representative democracy and constitutionalism as micro-theories. The study further links the theory

of civil-military relations to the liberalist paradigm. Given the rooting in existing theory, the study's theoretical contribution is narrow with largely practical contributions.

The study contributes to the theoretical study of civil-military relations in South Africa. Theorising on civil-military relations in a democratic context, such as in South Africa, is often based on Huntington's (1957) differentiation between objective and subjective control of the military. In the age of the professional soldier, objective control of the military became prominent in democracies as it focuses on enhancing military professionalism and the distribution of power between civilian and military groupings in a country. It also allows for a separation of military and government with the former executing policy developed by the latter. The views by Huntington (and Janowitz) focused, to some degree, on the subjecting of the military to civilian power. However, studying civil-military relations exclusively in the context of this approach in post-1994 should be questioned. The study found a declining trend in parliamentary oversight after 2004, with the decline being particularly prominent in the Fourth Parliament. This decline brings into question effective systems of civilian checks and balances established in the post-1994 democratic era. Furthermore, interviews with MPs highlighted two aspects that question this theoretical approach. First, MPs noted that after 1994 there was a close connection between MPs and members of the military due to the links to the liberation struggle and integration processes. Second, the existence of study groups in Parliament, whereby the Ministry of Defence and military commanders report to the governing party study group prior to meeting with the official parliamentary committees on defence, suggest a closer relationship between political and military elites. These aspects are not aligned to a rigid theoretical approach (such as those of Huntington and Janowitz) based on subjecting of the military to civilian power.

Given the concerns regarding non-alignment between developments in parliamentary oversight of the military and rigid theoretical approaches, Rebecca Schiff's concordance theory of civil-military relations can be increasingly considered. In line with the practices observed by MPs, the concordance theory of civil-military relations "highlights dialogue, accommodation and shared values or objective among the military, the political elites, and society" (Schiff, 1995, p. 12). Rather than a separation of military and civilian powers, the concordance theory focuses on cooperation among the role players. At Parliamentary level, this cooperative approach between military and political elites (notably those in the governing party through the study group setting) plays out. Schiff's concordance theory also explains the perceived decline in parliamentary oversight of the military observed in this study. While the immediate post-1994 period was marked by a cooperative approach to parliamentary oversight of the military, the study found that this withered over time. The decline in oversight thus fits with concordance theory as a breakdown in cooperation would lead to the development of a civil-military gap. Cohen's theory on active control of the military characterised by increased inquiry and tension between political and military roleplayers may also be used to explain this decline. However, for the purpose of this study, concordance theory helps to explain the post-1994 transition, followed by a period of cooperation in oversight, subsequent developments leading to a decline in oversight and its contribution to the development of a civil-military gap. While studying Civil-Military Relations in South

Africa according to Schiff's concordance theory is not new, this study contributes by supporting the validity of the shift in theoretical thinking on civil-military relations in South Africa.

In terms of practical contributions, Chapter 1 noted three potential areas where the study could contribute. First, it has the potential to raise the prominence of the debate on parliamentary oversight of the military in South Africa. The study referred to literature on the ever-widening civil-military gap in South Africa, largely ascribed to decreasing research being conducted on military affairs. This has potential negative implications for civil-military relations in the country. A study on parliamentary oversight of the military thus contributes to the body of knowledge on the status and development of civil-military relations, notably in the post-1994 democratic setting. The study also contributes to a key aspect of Rebecca Schiff's concordance theory, namely the relationship between the military, the political elites, and society. A parliament within a representative democracy is one of the key institutions where the relationship between the military, the political elites, and society plays out. A study on developments in Parliament's oversight of the military therefore also highlights the standing of civil-military relations and the interplay of key role players according to the concordance theory.

Second, the study contributes through the provision of a set of measuring tools for parliamentary oversight of the military relevant to the South African case study. The study sought to identify a variety of oversight tools and focus areas relevant to military oversight. Internationally applicable tools and focus areas were identified and applied to the South African case study. In addition, some lower-order focus areas were added. These lower-order focus areas had specific relevance to South Africa and/or were identified for specific oversight through legislative requirements. The extended framework can be utilised by Parliament to ensure that, for example, over a five-year parliamentary period, all focus-areas identified receive sufficient attention. This can aid Parliament in the programming and measurement of oversight activities on military affairs.

Third, the study contributes a practical framework for oversight to parliamentary officials and MPs in reviewing the institution's oversight activities. Several tools for oversight were identified and measured in the study. Continued measurement of the effective use of such tools can serve as a means for Parliament to review oversight of the military. Parliament can review committee activity to prevent, for example, the continued disengagement of the JSCD on military affairs. Similarly, Parliament can also evaluate the activities of chairpersons to ensure that they maintain an effective committee. Parliamentary questions are another aspect to be monitored, perhaps by political parties themselves. MPs should be encouraged to utilise this tool for oversight of the military.

Furthermore, the study also identified a number of weaknesses that, if addressed, may assist Parliament in reviewing oversight of the military. The institution can review the support services offered to MPs and committees, including research support, content advisor support and secretarial support to address ongoing concern of MPs. Parliament can also ensure broader political will for oversight of the military by evaluating the defence committees' engagement with external

stakeholders and experts. Where concerns arise regarding the increased non-reporting to parliament on confidential matters, Parliament should ensure that appropriate platforms for engagements, such as closed meetings, are conducted. Finally, the study contributes through noting limited follow-up as a general concern in Parliament. This can be addressed by Parliament through the establishment of a formal follow-up system tracking committee recommendations. Should these concerns be addressed, it can arguably broaden oversight of the military and, in turn, contribute to the narrowing of the civil-military gap in South Africa.

Based on the above contributions, the study recognises the role of declining parliamentary oversight of the military in the growing civil-military gap in South Africa. It recommends a review of the efficiency of parliamentary processes, defence committee activity and the role of the chairpersons as an internal practical arrangement to enhance oversight. On a theoretical level, the study calls for the increased inclusion of discussion on the role of parliaments in maintaining civil-military relations, specifically in the context of evolving concordance theory. At an academic level, several areas for further inquiry exist. By confirming the growing civil-military gap in South Africa in this study, further studies on this phenomenon should be conducted to add to existing literature and the limited understanding thereof in the post-1994 context. Furthermore, findings in this study bring into question the longevity of the perceived focus on human security in the post-1994 period. Further studies on a potential turn back to traditional security approaches or to a regime-security approach can thus be done, inclusive of executive dominance and over-reach over Parliament. Such research should look beyond the timeframe of this study. This study, along with several other international studies, identified criteria for evaluating parliamentary oversight of the military. Yet, limited academic studies exist that focus on means to enhance such oversight, particularly in South Africa. Finally, in relation to the challenges noted in this study, an opportunity exists for in-depth studies of parliamentary oversight of the military in other African states. This will provide not only a view of oversight of the military in those countries, but also in Africa in general. Such studies can therefore add to the body of knowledge on the development of civil-military relations and defence oversight in Africa as a whole.

6. Conclusion

Two distinct yet contextually overlapping periods of parliamentary oversight, characterised the first twenty years of democracy in South Africa. Parliamentary oversight of the military can be analysed according to this separation. The first two parliaments (1994 to 2004) saw ongoing efforts to define defence policy and legislation within the newfound liberal democratic context. While the focus of the first two parliaments was on its legislative function, focus shifted to its oversight function in the third and fourth parliaments. Parliamentary processes, structures and oversight-enhancing legislation improved tremendously over the years to enrich the potential for thorough oversight in the third and fourth parliaments. Based on these improvements, and the relatively elevated levels of oversight already achieved by the JSCD and PCDMV in the first two parliaments, a continuously improved level of parliamentary oversight of the military could thus have been expected along the linear timeline.

However, oversight of the military did not improve in line with the scope offered for improvement. There was a shift away from de-politicised, consensus-seeking oversight as observed by interviewees during the First Parliament. Oversight tools were not used optimally, focus areas of oversight not balanced and significant risks to effective oversight manifested over time. The quality of oversight therefore showed contextual regression, bringing into question the standing of parliamentary oversight of the military. Such regression is in line with, and potentially contributed to, the Defence Force's critical state of decline as found in the 2014 Defence Review as well as the growing civil-military gap in South Africa identified in existing literature and corroborated by interviews.

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ADDENDUM A Oversight tools, focus areas and indicators of weak oversight in selected parliaments

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Oversight tools utilised	Parliamentary debates	Regular plenary and committee debates. 198 meetings of the Select Committee on Defence between 2010 and 2015.	Regular plenary and committee debates 230 total committee meetings on defence (two committees) between 2011 and 2015.	Regular plenary and committee debates. High number of meetings by defence-committees.	Very limited plenary and committee debates. 70 meetings of the Security and Foreign Affairs Committee between 2010 and 2015 (not all related to defence).	Regular plenary and committee debates. 82 meetings held by the Standing Committee on Defence between 2011 and 2016.
	Parliamentary questions	Very high levels of oral and written questions to the Ministry of Defence. E.g. 1 905 Written questions posed in 2015 alone (House of Commons).	Relatively low level of written and oral questions on Defence. Time allocation for dealing with oral questions limited. E.g. 55 Written questions posed in 2011-2015 (House of Commons).	Relatively high level of written and oral questions on Defence. E.g. 199 Written questions between Nov 2013 and April 2015 (Senate)	Very low usage of oral questions. No reflection of the utilisation of written questions. E.g. Only 3 Oral questions on defence posed in 2014. (No information on written questions posed).	Very high level of written and oral questions on Defence. E.g. 2279 Written questions from Sep 2011 to Sep 2016
	Special defence inquiries	Regular inquiries by the Defence Committee. Four special inquiries announced for 2015/16.	Regular inquiries by both Defence Committees. 33 Special inquiries conducted between 2011 and 2015.	Ad hoc inquiries by the two committees dealing with defence. Regularity of inquiries undermined by multidimensional focus of the committees. Three special inquiries (reports) on defence in 2015 (excluding legislation)	No real special defence inquiries, but focus on selected defence-related aspects during meetings.	In-depth inquiries correlate largely with normal Committee work, but formal reports with recommendations and subsequent government responses are presented to the Houses of Parliament. 32 such reports submitted between 2011 and 2016.

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Oversight tools utilised	Oversight visits and study tours	Regular domestic and international oversight visits by the Committee or representatives. Significant focus on operational matters. Limited international study tours.	Tool available and utilised. Between 2011 and 2015 only the Senate's Standing Committee on National Security and Defence conducted oversight visits and two study tours.	Tool available and used relatively frequently. Relevant foreign visits conducted in the past, including to deployment areas.	Domestic and international oversight visits conducted by the Committee, but very limited focus on defence matters.	Regular oversight visits to defence facilities. No evidence of foreign study tours/visits.
	Use of external audit	National Audit Office reports to Parliament and extensively utilised. <i>TI</i> ⁸⁵ Score: 100/100	Regular reports of the Auditor-General of Canada submitted to Parliament. <i>TI</i> Score: Not evaluated	Regular finance and performance audit reports by the Australian National Audit Office to Parliament. <i>TI</i> Score: 100/100	Office of the Auditor-General reports to Parliament's Public Accounts Committee, but reports lack depth. <i>TI</i> Score: Not evaluated	Regular engagement with the Comptroller and Auditor-General, but mostly by the Public Accounts Committee. <i>TI</i> Score: 50/100
Oversight focus areas	Defence budget	Thorough oversight by defence committee. <i>TI</i> Score: 83/100 Level of Budget Transparency ⁸⁶ : High Transparency	Regular oversight, but oversight lacks depth. Main criticism: Short defence budgetary meetings. <i>TI</i> Score: Not evaluated Level of Budget Transparency: Not evaluated	Thorough annual oversight of defence estimates. <i>TI</i> Score: 100/100 Level of Budget Transparency: 100/100 ⁸⁷	Public Accounts Committee reviews defence expenditure, but reviews lack depth. <i>TI</i> Score: Not scored Level of Budget Transparency: Moderate Transparency	Regular oversight by the Standing Committee on Defence, including powers to reject/adjust the budget, but scope for improvement remains <i>TI</i> Score: 58/100 Level of Budget Transparency: Moderate to low

⁸⁵ Transparency International (TI) Score based on a 2013 Study on the quality of legislative oversight of defence in 82 countries (Cover & Meran, 2013b).

⁸⁶ Budget Transparency Score is based on a 2011 Study by Transparency International measuring the transparency of defence budgets (Levels of Transparency include High; Moderate to high; Moderate; Moderate to low; and, Low) (Gorbanova & Wawro, 2011b).

⁸⁷ In the case of Australia, the 2013 study on Budget Transparency is utilised as it was not reviewed in the 2011 study (Cover & Meran, 2013b).

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Oversight focus areas	Defence policy	Regular, in-depth debates and veto power on defence policy. <i>TI Score: 95/100</i>	Reports on policy matters produced, but limited impact on policy itself. <i>TI Score: Not evaluated</i>	Ad hoc discussions on policy matters. Regular tracking of developments related to policy implementation. <i>TI Score: 95/100</i>	Defence committee has the power to review defence policy, but this is not regularly conducted. <i>TI Score: Not evaluated</i>	Policy reviewed by the Standing Committee on Defence. Recommendations made on policy requiring government feedback. <i>TI Score: 45/100</i>
	Defence procurement	Strong legislative environment and transparent oversight. <i>TI Score: 95/100</i>	Procurement reviewed, but limited reports compiled by parliamentary committees related to procurement. <i>TI Score: Not evaluated</i>	Committee inquiries reveal that procurement processed and specific large procurement packages are reviewed by the committees. <i>TI Score: 95/100</i>	Engagement on procurement of defence equipment, but discussions lack depth on financial transactions. <i>TI Score: Not evaluated</i>	Improvement in procurement procurement-related engagements since 2013, but challenges remain. <i>TI Score: 45/100</i>
	Human resources (HR)	Regular discussions on HR matters across various Committee Reports	Regular discussions on HR matters by both Defence Committees.	Ad hoc reviews of personnel matters as is evident in Committee Reports/Inquiries. Clear recommendations offered.	Occasional discussions on HR matters across various Committee Reports	Regular discussions on a broad range of HR matters reflected in Committee Reports
	Deployment of the military	Parliamentary approval not required by law, but increasingly being sought as convention now dictates parliamentary approval as a requirement.	No legal requirements for parliamentary approval of deployments, but increasingly common. Previous recommendations to terminate external deployments have been adhered to.	Deployments of the military are reported to Parliament and debated, but the prerogative for deployment remains with the executive. There have been instances of votes by the House on foreign deployments.	No clarity on Parliamentary role in defence deployments. Defence committee had limited discussions on matters of deployment.	No direct constitutional or other provisions for parliamentary oversight of defence deployments. Standing Committee on Defence briefed on some deployments and <i>ad hoc</i> debates held in plenary, but no significant impact on deployments.

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Lower-order oversight focus areas	Annual and quarterly performance	Annual performance reviewed and reported on by the Select Committee on Defence. No consideration of quarterly performance.	Provision made for annual reporting on defence as well as quarterly expenditure reporting.	Annual performance reviewed by the Joint Standing Committee on Foreign Affairs, Defence and Trade. No consideration of quarterly performance.	No reference to the Ministry of Defence's annual reports in the Defence Committee's reports. No provision made for quarterly reports.	Annual reports referred to Committees, but Standing Committee on Defence had limited interaction on annual reports. Quarterly expenditure referred to, but quarterly performance not considered.
	Inter-departmental cooperation	Inter-departmental cooperation considered intermittently through input from other departments as part of discussions on defence.	Senate Committee on National Security and Defence deals with various departments contributing to national security. However, limited meetings related to interdepartmental cooperation.	Limited focus on interdepartmental cooperation, but the broad scope of the Committees (defence, trade and foreign affairs) allow for some degree of interdepartmental focus.	Matters of interdepartmental cooperation considered occasionally. This likely stems from the Committee's multi-departmental focus.	Ad hoc meetings related to interdepartmental cooperation. This is largely limited to cooperation between the military and the police.
	Military training and education	Sporadic focus on military education by the Select Committee on Defence. Some plenary debates on military training aspects.	Extensively addressed in regular meetings/studies by the defence committees. However, no specific meetings/reports on training. Limited focus on military education.	Matters pertaining to training have been addressed by the committees. Education received limited attention in committee reports.	Very limited oversight of training by the defence committee. No reference to military education.	Regular meetings on military training aspects, including dedicated meetings on manpower and training. Limited focus on military education.
	Gender and racial equality	Sporadic focus on gender equality in the military during Plenary debates. However, no engagement by the Select Committee on Defence.	Sporadic engagement on gender inequality. No set meetings/reports on gender and racial equality.	The employment of women in the Australian Defence Force has emerged in official committee inquiries. Limited reference is made to matters of racial equality.	No engagement on gender and racial equality related to the defence sector.	Only one discussion on the admission of girl cadets held in 2015. No discussions on racial equality.

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Lower-order oversight focus areas	Defence morale	Mention of defence morale during Plenary debates. No engagement on morale by the Select Committee on Defence.	Reference to defence morale during some meetings, but aspect not discussed as a stand-alone topic.	No specific engagement on the state of morale of the Australian armed forces.	No specific engagement on Defence morale by the defence committee.	No dedicated meetings on defence morale. Sporadic reference to morale during regular Committee meetings.
	Defence infrastructure	Engagement by the Select Committee on Defence with the Defence Infrastructure Organisation.	Infrastructure more regularly discussed as part of meetings on defence expenditure, but not as a stand-alone topic.	Several engagements on defence infrastructure, notably defence-related housing.	No specific focus on defence-specific infrastructure.	Regular discussions on defence infrastructure with some meetings showing more in-depth discussion on infrastructure challenges.
Indicators of weak oversight	Constitutional and legal powers	No set constitution in the UK, but oversight ensured through the principle of parliamentary sovereignty.	Set constitutional provision for parliamentary oversight of the military.	Set constitutional provision for parliamentary oversight of the military.	Principle of parliamentary oversight entrenched in the Constitution.	No direct constitutional directives for parliamentary oversight of the military, but general parliamentary oversight provided for.

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Indicators of weak oversight	Customary practices	Oversight tools available and widely utilised. Democratic values highly entrenched. <i>FH Score</i> ⁸⁸ = 1 <i>DI Score</i> ⁸⁹ = 8.08	Oversight tools available and utilised, but the impact thereof undermined to an extent by concerns related to political will. Democratic values highly entrenched. <i>FH Score</i> = 1 <i>DI Score</i> = 9.07	Oversight tools available and well utilised. Democratic values highly entrenched. <i>FH Score</i> = 1 <i>DI Score</i> = 9.09	Oversight tools available, but poorly utilised. Democratic values not fully entrenched. <i>HF Score</i> = 3 <i>DI Score</i> = 5.25	Oversight tools available and generally well utilised. High levels of democracy. <i>FH Score</i> = 2 <i>DI Score</i> = 7.68
	Resources and expertise	Very well supported Select Committee on Defence. Regular use of external specialists.	Library of Parliament provides research support, but support limited and not always content experts. More regular usage of external experts to brief committees.	Both Defence Committees well supported by parliamentary staff, including researchers. For specific reports, the Committees also make use of special defence advisors (serving members of the armed forces).	Several support elements present, including researcher, library services, and committee assistants. Limited utilisation of external specialists.	Poor support to Committees and MPs as they lack dedicated research staff. Limited use of external experts to brief the committee.
	Political will	Executive dominance limited through principle of parliamentary sovereignty. Regular engagement with NGOs and other interest groups.	Separation of powers entrenched. However, executive dominance impacting negatively on oversight of the military. MPs often bound by political loyalties to 'toe the party line'.	Separation of powers entrenched. Indications are of increased political will for parliamentary oversight and a balance of power between the executive and parliaments is in place.	Advances in oversight since 1991 highlight an increasing political will for oversight of the military. However, advances are undermined by the poor execution of oversight.	Executive dominance highlighted as an ongoing concern. Regression in parliamentary activity an indication of a lack of political will.

⁸⁸ Freedom House (FH) Score refers to political rights and the link to democratically entrenched values, where 1 represent the most free and 7 the least free rating (Freedom House, 2015b).

⁸⁹ Democracy Index (DI) Score refers to a study by the Economist's Intelligence Unit based on various democratic indicators, including the electoral process, the functioning of the government, political participation, political culture and civil liberties (Kekic, 2007). The study provides a score from 1 to 10 where 10 represents the highest levels of democracy.

BROAD INDICATOR	SPECIFIC INDICATOR	UK PARLIAMENT	CANADIAN PARLIAMENT	AUSTRALIAN PARLIAMENT	ZAMBIAN PARLIAMENT	INDIAN PARLIAMENT
Indicators of weak oversight	Follow-up on parliamentary recommendations	Follow-up is highly structured. The executive generally responds to Committee Reports within two months.	Some degree of follow-up through government responses, but scope for improvement exist in terms of follow-up.	Follow-up is highly structured with three-month deadlines for government responses to Senate Committee Reports.	Although limited focus placed on defence oversight, the defence committee shows intent in following up on recommendations.	Follow-up is well structured with executive feedback on recommendations regularly provided. Recommendations are, however, not binding on the executive.

ADDENDUM B South African oversight of the military 1994 – 2004: Oversight tools, focus areas and indicators of weak oversight

BROAD INDICATOR	SPECIFIC INDICATOR	IMPLEMENTATION IN THE SOUTH AFRICAN PARLIAMENT: 1994 to 2004
Oversight tools utilised	Parliamentary debates	Robust plenary debates on defence-related matters limited between 1994 and 2004. Defence matters mostly debated during debates on the Appropriations Bill, the Adjusted Appropriations Bill and other defence-related bills introduced on an <i>ad hoc</i> basis. The frequency of Committee meetings varied between 1998 and 2004. JSCD activities decreased significantly after 1998 (finalisation of the Defence Review), while PCDMV meetings increased in frequency. The number of PCDMV meetings compared favourably to that of other committees in the security cluster between 1998 and 2004.
	Parliamentary questions	Parliamentary questions used frequently and covers a wide variety of defence focus areas. Parliamentary questions were utilised more frequently during the Second Parliament. However, there was a significant reduction in the number of defence-related questions posed by MPs from the NCOP during the Second Parliament.
	Special defence inquiries	Very limited utilisation by the PCDMV and JSCD. Although some inquiries were held (including an inquiry into the Strategic Defence Procurement Packages), these were not truly independent special defence inquiries.
	Oversight visits and study tours	Limited usage of this oversight tool. Only two study tours conducted, although on relevant topics given the focus areas of the PCDMV and JSCD. Reports tabled for both study tours. Only one official report tabled for oversight visits (1994) although evidence exist of other oversight visits by the JSCD and PCDMV. The lack of official reports tabled limits the potential impact of oversight visits.
	Use of external audit	Ineffective utilisation of this tool. Limited reference is made to input provided by reports of the Auditor-General and no dedicated briefings from the Auditor-General were recorded between 1998 and 2004, except to the SCOPA.
Oversight focus areas	Defence budget	Annual and medium-terms budgets regularly scrutinised by the JSCD and/or PCDMV. Questions related to the Defence budget and expenditure increasingly prominent during the Second Parliament.
	Defence policy	Significant oversight of defence policy and legislation by both the JSCD and PCDMV. The PCDMV focused more specifically on legislation. Parliamentary questions and committee meetings reveal a maintained focus on policy matters during the Second Parliament, suggesting continued oversight of legislation and policy implementation.
	Defence procurement	Regular engagement on defence procurement at Committee level, notably related to an in-depth inquiry into the Strategic Arms Procurement Package. However, the quality of oversight of the procurement package has been challenged. Oversight of procurement shifted towards a focus on the National conventional Arms Control Committee (NCACC) around 2002, but challenges remained in the frequency of inquiry of NCACC activities.
	Human resources	Regular engagement by the JSCD and PCDMV on human resources, notably related to the force structure of the SANDF. This included dedicated briefings on the human resources component of the 1998 Defence Review and the 2010 Human Resources Strategy. A high number of questions were posed related to personnel matters as well as questions related to individual military personnel.
	Deployment of the military	Well established legislative guidelines exist that define the role of Parliament in relation to defence deployments. The scope of powers offered to Parliament, and notably the JSCD, was severely underutilised during the first two parliaments. Limited dedicated briefings were held on the deployments of the SANDF, which likely explains the high number of questions posed in relation to defence deployments during the Second Parliament. Poor overall levels of oversight of deployments as well as compliance requirements to the executive for deployments.
	Annual and quarterly	Legislative directives established under the Public Finances Management Act (1999) and National Treasury guidelines in 1999 and 2001 respectively placed specific focus on annual and quarterly reporting. However, following the implementation of these directives, the JSCD and

BROAD INDICATOR	SPECIFIC INDICATOR	IMPLEMENTATION IN THE SOUTH AFRICAN PARLIAMENT: 1994 to 2004
Lower-order oversight focus areas	performance	PCDMV showed limited engagement on annual reports and no engagements on quarterly reports up to 2004.
	Inter-departmental cooperation	Limited oversight related to interdepartmental cooperation. Three meetings held related to cooperation between the SANDF and SAPS in terms of crime prevention and border safeguarding.
	Military training and education	Despite the legislative requirement for the JSCD to focus on force preparation, no dedicated committee engagements were held on military training. It was, however, noted on an <i>ad hoc</i> basis during other meetings, notably budget-related discussions. Defence education, notably civic education, received more attention and dedicated meetings on the roles of the Military Academy and Defence College were held by the PCDMV. Limited questions related to training and education were posed by MPs.
	Gender and racial equality	Significant focus on race and gender equality by the JSCD with several dedicated meetings on the matter. Transformation at lower level (in the various arms of service of the SANDF) were also reviewed during committee meetings. Limited parliamentary questions on race/gender equality arguably due to frequent committee engagements.
	Defence morale	No focus on defence morale by either the JSCD or the PCDMV despite the committees being informed of challenges related to morale in the SANDF.
	Defence infrastructure	Significant attention to defence infrastructure and equipment reflected in parliamentary questions. However, limited engagement on infrastructure during JSCD and PCDMV meetings.
Indicators of weak oversight	Constitutional and legal powers	Definitive constitutional and legal powers for parliamentary oversight of defence were established after 1994.
	Customary practices	Oversight tools were used with varying degrees of success. Debates and parliamentary questions were used more frequently. The impact of oversight visits limited by the lack of official reports. The utilisation of special defence inquiries and the use of external audit was severely underutilised as oversight tools.
	Resources and expertise	Research and administrative support to MPs and committees fell short between 1994 and 2004. This was noted as a major constraint in findings by the Independent Panel Assessment of Parliament.
	Political will	Both positive and negative developments related to the political will to oversee the DOD. Significant input from NGOs and other defence-related stakeholders can be observed during JSCD and PCDMV meetings. However, very poor utilisation of parliamentary questions as a continuous oversight tool by MPs from the governing party are evident.
	Follow-up on parliamentary recommendations	Between 1998 and 2004, follow-up meetings were often held where a commitment was made. However, no significant follow up by the JSCD and PCDMV on military deployments or by the DOD on recommendations emanating from Committee Reports. Crucially, no structures existed between 1994 and 2004 to track follow up by the Defence Committees and the Department of Defence.

ADDENDUM C South African oversight of the military 2004 – 2014: Oversight tools, focus areas and indicators of weak oversight

BROAD INDICATOR	SPECIFIC INDICATOR	IMPLEMENTATION IN THE SOUTH AFRICAN PARLIAMENT: 2004 to 2014
Oversight tools utilised	Parliamentary debates	Robust plenary debates on defence-related matters limited between 2004 and 2014. Defence matters mostly debated during debates on the Appropriations Bill, the Adjusted Appropriations Bill. Only two dedicated defence debates in addition to aforementioned debates. JSCD activities continued to remain limited, except for dealing with matters related to military veterans. PCDMV meetings remained at a higher level since 2004 and compared favourably to similar committees in the security cluster. However, meetings declined after 2011.
	Parliamentary questions	Parliamentary questions used frequently and cover a wide variety of defence focus areas, including an increased focus on military veterans in the Fourth Parliament. An increased focus on written questions as opposed to oral questions. Low number of defence-related questions from Members of the NCOP.
	Special defence inquiries	The PCDMV held in-depth meetings on the Defence Review and the JSCD on matters pertaining to military veterans. However, no formal reports were drafted in this regard and these inquiries do not conform to Special Defence Inquiries.
	Oversight visits and study tours	Several joined study tours by the PCDMV and JSCD. Increased use of oversight visits by the PCDMV, but limited visits by the JSCD. Formal reports on study tours/oversight visits mostly published in Parliament's ATC, but impact diminished by delays in publishing of reports.
	Use of external audit	Significant increase in the use of the audit opinion of the AGSA. More regular engagements held between the PCDMV and the office of the AGSA, notably on discussions of the DOD's annual reports. The SCOPA also made regular use of the AGSA work on the DOD.
Oversight focus areas	Defence budget	Significantly elevated levels of engagement on budgetary aspects. Parliamentary structures through the Budgetary Review Process became entrenched throughout the Third Parliament and especially during the Fourth Parliament. This leads to more thorough engagement on the budget, both <i>ex ante</i> and <i>ex post</i> . Budgetary oversight role largely fulfilled by the PCDMV; Very limited JSCD engagement on the DOD budget.
	Defence policy	Reduced focus on defence policy, but continued focus on defence legislation by the PCDMV. Despite its constitutional mandate to oversee defence policy, the JSCD showed very limited engagement on policy.
	Defence procurement	Very limited oversight of procurement. The establishment of and reporting to Parliament by the NCACC ideally laid the foundation for parliamentary oversight of procurement. However, the JSCD exercised very little inquiry of the annual and quarterly reports submitted to Parliament by the NCACC.
	Human resources	Significantly reduced focus on human resources, especially during the Fourth Parliament. HR Policy reviewed by PCDMV in 2004, 2005, and 2010 while JSCD focused exclusively on HR transformation. Major HR concerns developed in the DOD amid a lack of oversight.
	Deployment of the military	Very poor oversight of defence deployments. Limited engagement by the PCDMV on deployments. The JSCD, despite its mandate to oversee deployments, engaged on this to a very limited extent. Several cases exist where the JSCD did not discuss and/or adopt presidential letters of deployment of the military.
Lower-order oversight focus areas	Annual and quarterly performance	Legislative directives established under the Public Finances Management Act (1999) and National Treasury guidelines in 1999 and 2001 respectively placed specific focus on annual and quarterly reporting. Due to legislative requirements, annual reports were considered every year between 2004 and 2014. Quarterly reports were not regularly considered prior to 2012, but consistently reviewed thereafter. The PCDMV thus adhered to institutional developments around the Budgetary Review Process for Parliament.
	Inter-departmental cooperation	Limited oversight related to interdepartmental cooperation with a limited number of meetings between the JSCD/PCDMV and other departments. Of specific concern is the lack of engagement and follow-up with the DPW, despite DOD officials noting the DOD-DPW relationship as a significant concern.
	Military training and education	Regular engagement on training matters by the PCDMV. Particular attention was paid to the MSDS launched in 2003. Several oversight visits were conducted to training bases. Very limited oversight of training by the JSCD despite its constitutional mandate.

BROAD INDICATOR	SPECIFIC INDICATOR	IMPLEMENTATION IN THE SOUTH AFRICAN PARLIAMENT: 2004 to 2014
Lower-order oversight focus areas	Gender and racial equality	Reduced focus on racial and gender matters by the PCDMV with limited dedicated meetings in this regard. Several dedicated race and gender meetings held by the JSCD. Despite some focus, the impact of oversight in this regard remains questionable given the admitted challenges that remain in terms of gender and racial transformation in the SANDF.
	Defence morale	No focus on defence morale by the JSCD, but the PCDMV did include discussions on morale as part of some meetings. However, no dedicated meetings on morale despite this being highlighted as a concern in the SANDF.
	Defence infrastructure	Regular focus on infrastructure by the PCDMV during the third Parliament, but significant reduction in interest during the Fourth Parliament. Long-term infrastructure concerns in the DOD not addressed through Parliamentary oversight.
Indicators of weak oversight	Constitutional and legal powers	Constitutional provisions and policy directives on parliamentary oversight of the military established after 1994 remained firmly in place between 2004 and 2014. This was further enhanced through subsequent policies such as the 2014 Defence Review.
	Customary practices	Oversight tools were used increasingly effectively with the exception of special defence inquiries. The lack of utilisation of oversight tools by the JSCD stifled the broader oversight effort.
	Resources and expertise	Concerns related to research and other support to MPs were incrementally addressed after 1997. Although challenges remained, increased research and other support were offered to MPs during the Third Parliament and notably during the Fourth Parliament.
	Political will	Significant rise in concerns regarding the political will to hold the executive to account. Very limited utilisation of parliamentary questions as an oversight tool by MPs of the governing party. Significant matters raised by MPs of the opposition not included for discussion at committee-level. Very limited utilisation of external sector-specialists to brief defence committees and a rising notion of executive dominance, notably in the Fourth Parliament.
	Follow-up on parliamentary recommendations	The PCDMD did well to follow-up where such commitment was made during the Third Parliament. Follow-up decreased sharply in the Fourth Parliament and written responses from the DOD was frequently requested while not distributed to MPs. The JSCD had very limited follow-up, largely due to the limited number of meetings held.

ADDENDUM D

List of parliamentary defence committee meetings: 1998 - 2014

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
1998				
1	1	8 Feb	PCDMV	Deliberations on the Regulation of Foreign Military Assistance Bill
2	2	11 Feb	PCDMV	Voting on Amendments to the Regulation of Foreign Military Assistance Bill
3	3	16 Feb	JSCD	DOD Language Policy Briefing
4	4	22 Feb	JSCD	British Military and Training Team (BMATT) Report
5	5	23 Feb	JSCD	Military Disciplinary Code (Defence Act)
6	6	8 Mar	JSCD	Defence Acquisition management
7	7	9 Mar	JSCD	SANDF Rationalisation process
8	8	15 Mar	JSCD	Report on Chapter 12 of the 1998 Defence Review
9	9	18 Mar	JSCD	Report on Chapter 10 of the 1998 Defence Review
10	10	20 Apr	PCDMV	Consideration of amendments by NCOP to Study tour Report
11	11	4 May	JSCD	Report on Chapter 9 of the 1998 Defence Review
12	12	18 May	JSCD	Report on Chapter 9 of the 1998 Defence Review and BMATT Report feedback
13	13	19 May	PCDMV	Briefing on 1998/1999 budget
14	14	31 May	JSCD	Briefing on the position of the Military Ombud
15	15	1 Jun	JSCD	Discussions on the budget cycle and theft of arms from SANDF base
16	16	2 Jun	JSCD	Weapons theft from Military Bases: Briefing By SANDF
17	17	2 Jun	JSCD	Briefing on Sweden's proposal to sell military equipment to South Africa
18	18	7 Jun	JSCD	Briefing on the Military Veteran's Affairs Bill
19	19	28 Jul	JSCD	Armscor Annual Report presentation
20	20	2 Aug	JSCD	Hearings on the DOD Language Policy
21	21	17 Aug	JSCD	Weapons theft from Military Bases: Briefing By SANDF
22	22	24 Aug	JSCD	Role of SANDF in Peacekeeping Operation
23	23	30 Aug	JSCD	Briefing on DOD Budget
24	24	31 Aug	JSCD	Briefing on the Military Veteran's Affairs Bill
25	25	7 Sep	JSCD	Military Disciplinary Code (Defence Act)
26	26	13 Sep	PCDMV	Discussion on Defence Special Tribunal Bill
27	27	21 Sep	JSCD	Response by Minister of Defence on the BMATT Report
28	28	28 Oct	JSCD	Briefing on the Defence Medium-Term Budget
29	29	1 Nov	PCDMV	Voting on the Demobilisation Amendment Bill
30	30	1 Nov	JSCD	Briefing on the situation in Lesotho
1999				
31	1	7 Feb	JSCD	Briefing on the Draft Defence Bill and discussion on Military Ombud position
32	2	9 Feb	PCDMV	Adoption of Study Tour Report ⁹¹

⁹⁰ All information based on data kept by the Parliamentary Monitoring Group (www.pmg.co.za).

⁹¹ All tabs highlighted in grey note purely administrative meetings.

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
33	3	15 Feb	JSCD	Briefing on the Military Discipline Supplementary Measures Draft Bill
34	4	22 Feb	JSCD	Defence budget for 1999/2000
35	5	9 Mar	JSCD	Defence Industry White Paper
36	6	14 Mar	PCDMV	Military Discipline Supplementary Measures Bill
37	7	15 Mar	PCDMV	Military Discipline Supplementary Measures Bill
38	8	22 Mar	JSCD	Transformation in the DOD
39	9	16 Aug	PCDMV	Election of Chairperson
40	10	17 Aug	PCDMV	SANDF Regulations
41	11	18 Aug	PCDMV	PCDMV Programme
42	12	23 Aug	PCDMV	Briefing on civil-military relations
43	13	25 Aug	PCDMV	Committee Programme for 1999
44	14	25 Aug	JSCD	Election of the Chairperson
45	15	6 Sep	PCDMV	Draft Defence Bill
46	16	13 Sep	PCDMV	Draft Defence Bill
47	17	16 Sep	JSCD	Seminar on civil-military relations
48	18	20 Sep	PCDMV	Draft Defence Bill
49	19	21 Sep	JSCD	Briefing on the Defence Budget Process
50	20	18 Oct	PCDMV	Draft Defence Bill
51	21	19 Oct	JSCD	Briefing on the Defence Budget Process
52	22	19 Oct	PCDMV	Draft Defence Bill
53	23	25 Oct	PCDMV	Draft Defence Bill
54	24	15 Nov	PCDMV	Draft Defence Bill
2000				
55	1	28 Feb	PCDMV	Briefing on the Angolan crisis
56	2	6 Mar	PCDMV	Briefing on DOD rationalisation
57	3	2 Apr	PCDMV	DOD Budget briefing and Review of the Draft Defence Bill
58	4	3 Apr	PCDMV	Amendments to the Armscor Act
59	5	4 Apr	JSCD	Armscor Draft Bill
60	6	8 May	PCDMV	Police Powers for SANDF when in support of SAPS
61	7	15 May	PCDMV	Police Powers for SANDF when in support of SAPS
62	8	11 Sep	PCDMV	Conventional Arms Control Bill
63	9	12 Sep	PCDMV	Integration into the SANDF
64	10	2 Oct	JSCD	Setai Commission Findings & Recommendations
65	11	3 Oct	JSCD	Defence medium-term budget briefing
66	12	31 Oct	JSCD	Reserve Force transformation
67	13	31 Oct	JSCD	State of SANDF Reserves & Military Ombudsman
2001				
68	1	12 Feb	PCDMV	Armscor briefing on acquisition, procurement and stock sales
69	2	19 Feb	PCDMV	Defence-related public-private partnerships
70	3	26 Feb	PCDMV	Integration & Demobilisation Update
71	4	6 Mar	JSCD	Non-Statutory Forces for Pension Benefits; SANDF Response to Interim Report of the Setai Commission
72	5	12 Mar	PCDMV	Discussion of the Constitution of the Republic of South Africa Amendment Bill
73	6	13 Mar	JSCD	Committee programming

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
74	7	2 Apr	JSCD	Integration Progress Report and Preparedness of SANDF
75	8	21 May	PCDMV	Service Corps briefing
76	9	30 May	PCDMV	DOD Budget briefing
77	10	31 May	PCDMV	DOD Budget briefing
78	11	3 Jun	JSCD	Overview of the Defence Secretariat since 2004
79	12	4 Jun	PCDMV	Status Report on the Service Corps
80	13	12 Jun	JSCD	Integration Report
81	14	27 Aug	PCDMV	National Conventional Arms Control Bill
82	15	28 Aug	JSCD	Military Trade Unions
83	16	18 Sep	JSCD	Briefing on the Military Ombud
84	17	24 Sep	PCDMV	National Conventional Arms Control Bill
85	18	25 Sep	JSCD	Briefing on the closure of military bases
86	19	1 Oct	PCDMV	Demobilisation Amendment Bill; Termination of Integration Intake Bill
87	20	8 Oct	PCDMV	Defence Bill briefing and voting on the Demobilisation and Termination Of Integration Intake Bill
88	21	9 Oct	JSCD	Military Trade Unions
89	22	11 Oct	JSCD	Setai Commission Final Report
90	23	15 Oct	PCDMV	Equal opportunities in the SANDF
91	24	16 Oct	JSCD	Role of Commandos
92	25	22 Oct	PCDMV	National Conventional Arms Control Bill
93	26	23 Oct	JSCD	DOD HIV/AIDS Policy
94	27	29 Oct	PCDMV	National Conventional Arms Control Bill
95	28	30 Oct	JSCD	DOD HIV/AIDS Policy; Setai commission briefing and briefing on SANDF deployment to Burundi
96	29	5 Nov	PCDMV	Briefing by the SA Military Academy and Defence College
97	30	13 Nov	JSCD	SANDF deployment to Burundi
98	31	14 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
99	32	19 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
100	33	20 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
101	34	21 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
102	35	26 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
103	36	27 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
104	37	28 Nov	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
105	38	3 Dec	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
106	39	4 Dec	JSCD/PCDMV	Joint Investigation - Strategic Defence Procurement
2002				
107	1	18 Feb	PCDMV	National Conventional Arms Control Bill
108	2	4 Mar	PCDMV	National Conventional Arms Control Bill
109	3	5 Mar	JSCD	Meeting with US War College Personnel
110	4	11 Mar	PCDMV	Burundi deployments

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
111	5	12 Mar	JSCD	Burundi Appropriation Bill
112	6	22 Apr	PCDMV	Defence Bill
113	7	23 Apr	PCDMV	Defence Bill
114	8	6 May	PCDMV	Defence Bill
115	9	7 May	PCDMV	VOD Budget
116	10	20 May	PCDMV	Defence Bill
117	11	21 May	PCDMV	Defence Bill
118	12	27 May	PCDMV	Defence Bill
119	13	28 May	PCDMV	Civil-military relations Seminar
120	14	10 Jun	PCDMV	Defence Bill
121	15	18 Jun	PCDMV	Defence Bill
122	16	24 Jun	PCDMV	Defence Bill; National Conventional Arms Control Bill
123	17	25 Jun	JSCD	Election of Chairperson
124	18	29 Jul	PCDMV	National Conventional Arms Control Bill
125	19	30 Jul	PCDMV	National Conventional Arms Control Bill
126	20	12 Aug	PCDMV	National Conventional Arms Control Bill
127	21	19 Aug	PCDMV	Military Justice System
128	22	20 Oct	PCDMV	Anti-Personnel Mines Prohibition Bill
129	23	24 Oct	JSCD	DOD Budget and Strategic Plan briefing
130	24	28 Oct	PCDMV	Anti-Personnel Mines Prohibition Bill
131	25	29 Oct	PCDMV	Engagement with British Defence Secretary
132	26	4 Nov	PCDMV	Anti-Personnel Mines Prohibition Bill
2003				
133	1	18 Feb	JSCD	Status of the Defence Secretariat
134	2	25 Feb	JSCD	DOD HR Strategy
135	3	3 Mar	JSCD	Transformation and integration in the SA Army
136	4	4 Mar	JSCD	Transformation and integration in the SA Navy
137	5	12 Mar	JSCD	DOD Budget briefing
138	6	17 Mar	PCDMV	Transformation and integration in the SAMHS
139	7	18 Mar	JSCD	SANDF foreign deployments
140	8	24 Mar	PCDMV	Armscor Bill
141	9	25 Mar	JSCD	White Paper on Peacekeeping
142	10	31 Mar	PCDMV	Protocol relating to the Peace and Security Council of the African Union
143	11	7 Apr	PCDMV	Transformation and integration in the SA Air Force
144	12	8 Apr	JSCD	Department Response to Setai Commission Report
145	13	21 Apr	PCDMV	Armscor Bill
146	14	15 Apr	JSCD	Civic education in the SANDF
147	15	12 May	PCDMV	DOD Budget briefing
148	16	26 May	PCDMV	Discussion on the final Report on Integration in the SANDF
149	17	9 Jun	PCDMV	Armscor Bill
150	18	19 Jun	PCDMV	Anti-Personnel Mines Prohibition Bill
151	19	4 Aug	PCDMV	Armscor Bill
152	20	5 Aug	JSCD	Defence Foreign Relations
153	21	17 Aug	JSCD	National Conventional Arms Control Committee Report
154	22	18 Aug	PCDMV	White Paper on Defence Related Industries
155	23	25 Aug	PCDMV	Disposal of Excess Military Stock; Follow-Up on Department's Annual Report

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
156	24	26 Aug	JSCD	DOD Equal opportunities directorate briefing
157	25	1 Sep	PCDMV	ARMSCOR 2002-2003 Annual Report
158	26	15 Sep	PCDMV	Adjustment budget
159	27	16 Sep	PCDMV	Service Corps briefing
160	28	18 Sep	PCDMV	Visit by Defence College
161	29	13 Nov	JSCD	Briefing on the SADC Mutual Defence Pact
162	30	17 Nov	PCDMV	Project Phoenix and Phasing out of Commandos
163	31	24 Nov	PCDMV	Adoption of Committee Annual Report
2004				
164	1	2 Feb	PCDMV	Common African Defence and Security Policy; Creation of an African Standby Force
165	2	16 Feb	JSCD	DOD Strategic Plan and Budget
166	3	10 May	PCDMV	Election of Chairperson
167	4	30 May	PCDMV	DOD Budget briefing
168	5	31 May	PCDMV	DOD Budget briefing
169	6	3 Jun	PCDMV	DOD Budget briefing
170	7	24 Jun	PCDMV	Election of Chairperson
171	8	9 Aug	PCDMV	DOD HR Strategy and SETA Report
172	9	16 Aug	PCDMV	Engagement on the 1998 Defence Review
173	10	23 Aug	PCDMV	SANDF Peacekeeping missions
174	11	6 Sep	PCDMV	Engagement on the 1998 Defence Review
175	12	11 Oct	PCDMV	Engagement on the 1998 Defence Review
176	13	18 Oct	PCDMV	Armcor and DOD Annual Reports
177	14	23 Oct	PCDMV	Engagement on the 1998 Defence Review
178	15	25 Oct	PCDMV	Engagement on the 1998 Defence Review
179	16	1 Nov	PCDMV	Overview of public hearings on Defence review
180	17	4 Nov	PCDMV	DOD Medium Term Budget Policy Statement
181	18	7 Nov	PCDMV	Meeting with European Union Parliamentarian
182	19	8 Nov	PCDMV	SANDF briefing on the Final Integration Report
2005				
183	1	31 Jan	PCDMV	Adoption of oversight visit reports
184	2	7 Feb	PCDMV	Withdrawal of Commandos
185	3	14 Feb	PCDMV	SADC Mutual Defence Pact
186	4	15 Feb	PCDMV	Defence White Paper and Defence Review
187	5	21 Feb	PCDMV	United Nations Mission in Rwanda
188	6	27 Feb	PCDMV	SANDF Participation in UN and AU Peace Missions
189	7	7 Mar	PCDMV	DOD Budget
190	8	14 Mar	PCDMV	DOD Strategic Plan; Briefing on Reserves
191	9	15 Mar	PCDMV	Small Arms Control
192	10	4 Apr	PCDMV	Defence Land And Facility Maintenance
193	11	11 Apr	PCDMV	DOD HR Policy
194	12	16 May	PCDMV	Armcor Amendment Bill; Special Defence Account Amendment Bill; Military Ombudsman Draft Bill
195	13	6 Jun	PCDMV	Civic Education Evaluation and Advisory Board Annual Report 2003
196	14	13 Jun	PCDMV	Adoption of the Special Defence Account Amendment Bill; discussion on the Armcor Amendment Bill
197	15	20 Jun	PCDMV	Adoption of the Armcor Amendment Bill

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
198	16	1 Aug	PCDMV	NCACC Annual Report
199	17	1 Aug	PCDMV	Activities of the NCACC
200	18	2 Aug	PCDMV	DOD Budget and Procurement Programme
201	19	9 Aug	PCDMV	Committee Business Plan and Budget
202	20	16 Aug	PCDMV	Defence Unions
203	21	22 Aug	PCDMV	Defence Secretariat Report and Department Restructuring
204	22	29 Aug	PCDMV	Armscor Annual Report and Equal Opportunities Board
205	23	12 Sep	PCDMV	DOD Quarterly Report, HR Strategy and Reserves
206	24	16 Oct	PCDMV	Election of Chairperson
207	25	18 Oct	PCDMV	AGSA briefing on DOD performance
208	26	20 Oct	PCDMV	Armscor Annual Report
209	27	20 Oct	JSCD	Election of Chairperson
210	28	24 Oct	PCDMV	Oversight Visit Report adoption
211	29	7 Nov	PCDMV	Prohibition of Mercenary Activity Bill
212	30	14 Nov	PCDMV	Committee programme for 2006
213	31	15 Nov	JSCD	Letter of deployment of SANDF
2006				
214	1	13 Mar	PCDMV	DOD Strategic Plan
215	2	27 Mar	PCDMV	Adoption of committee reports
216	3	3 May	PCDMV	Meeting with French Senators
217	4	16 May	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
218	5	18 May	JSCD	SANDF Comoros Deployment
219	6	21 May	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
220	7	22 May	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
221	8	23 May	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
222	9	29 May	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
223	10	4 Jun	PCDMV	MSDS system; DOD Budget timelines ⁹²
224	11	5 Jun	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill ⁹³
225	12	11 Jun	PCDMV	Reserve Force activities; Mobility/ Exit Mechanisms for the DOD ⁹⁴
226	13	12 Jun	PCDMV	Adoption of committee minutes
227	14	19 Jun	PCDMV	Briefing by Denel
228	15	22 Jun	JSCD	Briefing on the DRC situation
229	16	31 Jun	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
230	17	1 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
231	18	2 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
232	19	3 Aug	PCDMV	Prohibition of Mercenary Activities and

⁹² This meeting was reflected twice in the PMG database, on both 4 June 2006 and 4 June 2007. Duplication was removed in this study.

⁹³ This meeting was reflected twice in the PMG database, both dated 5 June 2006.

⁹⁴ This meeting was reflected twice in the PMG database, on both 11 June 2006 and 11 June 2007. Duplication was removed in this study

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
				Regulation of Activities in Armed Conflict Bill
233	20	13 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
234	21	17 Aug	JSCD	SANDF deployment to DRC
235	22	21 Aug	PCDMV	DOD Exit Mechanisms and Special pensions
236	23	28 Aug	PCDMV	DOD and Armscor Quarterly Reports
237	24	7 Sep	JSCD	Reserve Force Council
238	25	10 Sep	PCDMV	Armscor Quarterly Report
239	26	11 Sep	PCDMV	Aerospace Maritime and Defence, DOD and Armscor Annual Reports
240	27	16 Oct	PCDMV	Adoption of Committee Report
241	28	23 Oct	PCDMV	Adoption of Committee Report
242	29	30 Oct	PCDMV	Disposal of Ammunition Plan; Military Ombudsperson
243	30	2 Nov	JSCD	SANDF Deployment letter
244	31	14 Nov	PCDMV	Committee Annual Report adoption
2007				
245	1	15 Feb	JSCD	Committee programme and Annual Report adoption; Letters of SANDF deployment
246	2	22 Feb	JSCD	Committee programme and Annual Report adoption; Letters of SANDF deployment
247	3	8 Mar	JSCD	Military veterans' matters
248	4	21 Mar	PCDMV	DOD Budget and Strategic Plan
249	5	5 Mar	PCDMV	Ngwane Defence Group and CSIR briefing on their capabilities
250	6	12 Mar	PCDMV	Armscor Annual Report
251	7	22 Mar	PCDMV	DOD Budget
252	8	3 May	JSCD	Non-Statutory Forces Pension Fund
253	9	9 May	JSCD	Services to military veterans
254	10	10 May	JSCD	Services to military veterans
255	11	14 May	PCDMV	Armscor and DOD Quarterly Reports
256	12	17 May	JSCD	SA Navy transformation
257	13	21 May	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
258	14	24 May	JSCD	Transformation Management Developments; Letters of SANDF deployment
259	15	28 May	PCDMV	Department of Public works briefing on DOD maintenance
260	16	7 Jun	JSCD	Adoption of committee report (postponement)
261	17	14 Jun	JSCD	Briefing by the State Information Technology Agency
262	18	18 Jun	PCDMV	Psychometric Testing in Defence Forces
263	19	21 Jun	JSCD	Adoption of committee report (postponement)
264	20	25 Jun	PCDMV	Aerospace, Marine and Defence Industries Association briefing
265	21	29 Jul	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
266	22	6 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
267	23	7 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
268	24	20 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
269	25	21 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
270	26	23 Aug	PCDMV	Prohibition of Mercenary Activities and Regulation of Activities in Armed Conflict Bill
271	27	11 Sep	PCDMV	Election of Chairperson
272	28	13 Sep	JSCD	Election of Chairperson
273	29	17 Sep	JSCD/PCDMV	Adoption of committee reports; Letters of SANDF deployment
274	30	8 Oct	JSCD/PCDMV	Adoption of committee report; Letters of SANDF deployment
275	31	15 Oct	PCDMV	DOD Annual Report
276	32	29 Oct	PCDMV	Armscor Annual Report
277	33	5 Nov	PCDMV	Adoption of Committee oversight report (postponement); Adoption of minutes
278	34	8 Nov	JSCD	Adoption of Committee reports and letters of SANDF deployment
279	35	12 Nov	PCDMV	DOD Mobility Exit Mechanism
280	36	19 Nov	JSCD	Adoption of Committee reports; Letters of SANDF deployment
2008				
281	1	4 Feb	PCDMV	Committee business (postponement)
282	2	14 Feb	JSCD	SANDF deployment in Darfur
283	3	18 Feb	PCDMV	Adoption of Committee reports
284	4	3 Mar	PCDMV	Castle Management Repeal Bill; Draft Defence Amendment Bill
285	5	4 Mar	PCDMV	Castle Management Change; SA Army Seminar
286	6	17 Mar	PCDMV	South African National Defence Union grievances
287	7	18 Mar	PCDMV	Castle Control Board Annual Report
288	8	5 May	PCDMV	Castle Management Repeal Bill ; Prohibition or Restriction of Certain Conventional Weapons Bill
289	9	6 May	PCDMV	Castle Management Repeal Bill
290	10	13 May	PCDMV	Castle Management Repeal Bill
291	11	18 May	PCDMV	DOD Budget and Strategic Plan
292	12	19 May	PCDMV	Adoption of Committee Report on DOD Budget
293	13	20 May	PCDMV	Adoption of Committee reports
294	14	27 May	JSCD	Defence Amendment Bill
295	15	2 Jun	PCDMV	Defence Amendment Bill
296	16	3 Jun	PCDMV	Defence Amendment Bill
297	17	9 Jun	PCDMV	Updates on military trade unions
298	18	10 Jun	PCDMV	Defence Amendment Bill
299	19	17 Jun	JSCD/PCDMV	Letters of SANDF deployment
300	20	23 Jun	PCDMV	Armscor Management challenges
301	21	5 Aug	PCDMV	National Conventional Arms Control Amendment Bill
302	22	11 Aug	PCDMV	National Conventional Arms Control Amendment Bill
303	23	12 Aug	PCDMV	National Conventional Arms Control Amendment Bill
304	24	18 Aug	PCDMV	National Conventional Arms Control Amendment Bill
305	25	19 Aug	PCDMV	National Conventional Arms Control Amendment Bill
306	26	25 Aug	PCDMV	National Conventional Arms Control

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
				Amendment Bill
307	27	26 Aug	PCDMV	Concerns regarding oversight of defence deployments; National Conventional Arms Control Amendment Bill
308	28	1 Sep	PCDMV	National Conventional Arms Control Amendment Bill
309	29	15 Sep	PCDMV	National Conventional Arms Control Amendment Bill
310	30	16 Sep	PCDMV	National Conventional Arms Control Amendment Bill
311	31	23 Oct	JSCD	Protection of Civilians during Peacekeeping Operations; Employment of SANDF
312	32	16 Nov	PCDMV	Castle Annual Report and Armscor Annual Report
313	33	17 Nov	PCDMV	DOD Annual Report
314	34	18 Nov	PCDMV	DOD Annual Report
2009				
315	1	10 Feb	JSCD/PCDMV	Letters for SANDF deployment and Armscor personnel grievance
316	2	27 May	PCDMV	Election of Chairperson
317	3	9 Jun	PCDMV	Military veterans incorporation into DOD
318	4	16 Jun	PCDMV	DOD Budget and Strategic Plan
319	5	22 Jun	PCDMV	Committee Budget Report
320	6	23 Jun	PCDMV	Defence Budget Vote
321	7	29 Jun	PCDMV	Defence Budget Vote Committee Report
322	8	6 Jul	PCDMV	Defence combat readiness
323	9	4 Aug	PCDMV	PCDMV Strategic workshop and DOD briefings
324	10	11 Aug	PCDMV	NCACC report on the arms deal
325	11	1 Sep	JSCD	Election of Chairperson
326	12	1 Sep	PCDMV	NCACC Annual Report
327	13	7 Sep	PCDMV	Ministerial briefing on the SANDF strike
328	14	8 Sep	PCDMV	The International Hydrographic Organisation (IHO) Convention
329	15	14 Sep	PCDMV	Defence Force Service Commission and SA Air Force report on VVIP aircraft emergency landing
330	16	15 Sep	PCDMV	Courtesy meeting with visiting representatives of the South African Defence College
331	17	12 Oct	PCDMV	Defence Force Service Commission introduction; Procurement processes in the SANDF
332	18	13 Oct	PCDMV	Armscor Annual Report
333	19	26 Oct	PCDMV	DOD Annual Report
334	20	27 Oct	PCDMV	DOD Annual Report
335	21	3 Nov	PCDMV	Matters pertaining to military veterans
336	22	10 Nov	PCDMV	Armscor Strategic Overview
337	23	17 Nov	PCDMV	Interim Defence Force Service Commission Report
2010				
338	1	1 Feb	PCDMV	Discussion on submissions procedures for NCACC reports
339	2	8 Feb	PCDMV	Discussions on DOD performance at a SCOPA meeting

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
340	3	16 Feb	PCDMV	Briefing on SANDF border control operations
341	4	2 Mar	PCDMV	DOD Budget and Strategic Plan
342	5	15 Mar	PCDMV	Interim National Defence Force Service Commission briefing
343	6	16 Mar	PCDMV	National Treasury input on DOD Budget
344	7	23 Mar	PCDMV	DOD Budget and Strategic Plan
345	8	12 Apr	PCDMV	Ministerial response to key DOD concerns
346	9	13 Apr	PCDMV	Termination of service of Armscor CEO
347	10	20 Apr	PCDMV	Defence Amendment Bill; Military veterans affairs
348	11	17 May	PCDMV	NCACC Meeting (Postponed)
349	12	8 Jun	PCDMV	Defence Amendment Bill
350	13	18 Jun	PCDMV	Defence Amendment Bill
351	14	19 Jun	PCDMV	Defence Amendment Bill
352	15	27 Jun	PCDMV	Defence Amendment Bill; Interim Defence Force Service Commission Report
353	16	2 Aug	PCDMV	Defence Amendment Bill
354	17	3 Aug	PCDMV	Defence Amendment Bill
355	18	9 Aug	PCDMV	Defence Amendment Bill
356	19	15 Aug	PCDMV	Defence Amendment Bill
357	20	16 Aug	PCDMV	Defence Amendment Bill
358	21	24 Aug	PCDMV	Defence Amendment Bill
359	22	30 Aug	PCDMV	Defence Amendment Bill
360	23	31 Aug	PCDMV	Report of Ministerial Task Team on Military Veterans
361	24	14 Sep	PCDMV	Oversight visit report discussion
362	25	3 Oct	PCDMV	Defence Amendment Bill
363	26	5 Oct	PCDMV	Defence Amendment Bill
364	27	6 Oct	PCDMV	Defence Amendment Bill
365	28	11 Oct	PCDMV	Defence Amendment Bill
366	29	11 Oct	PCDMV	Armscor and Castle Annual Reports
367	30	18 Oct	PCDMV	AGSA on DOD Annual Report
368	31	25 Oct	PCDMV	DOD Annual Report
369	32	26 Oct	PCDMV	Committee Draft BRR Report
370	33	2 Nov	PCDMV	DOD HR issues; Defence HR policy; Mobility Exit Mechanism
371	34	15 Nov	PCDMV	DOD Maritime and Landward Defence Programmes
372	35	16 Nov	PCDMV	SA Air Force capability; Establishing the DMV
2011				
373	1	17 Jan	PCDMV	Election of Chairperson
374	2	17 Jan	JSCD	Election of Chairperson
375	3	24 Jan	JSCD	Committee programme discussion
376	4	3 Feb	JSCD	Committee workshop on functions
377	5	7 Feb	PCDMV	Military Veterans Bill
378	6	22 Feb	PCDMV	Military Veterans Bill
379	7	3 Mar	JSCD	Interim National Defence Force Service Commission Report
380	8	7 Mar	PCDMV	Military Veterans Bill
381	9	10 Mar	JSCD	Committee programme discussion
382	10	22 Mar	PCDMV	DOD Strategic Plan
383	11	27 Mar	PCDMV	Military Veterans Bill
384	12	28 Mar	PCDMV	Military Veterans Bill
385	13	29 Mar	PCDMV	Military Veterans Bill
386	14	11 Apr	PCDMV	DOD Budget

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
387	15	23 May	PCDMV	Committee programme discussion
389	16	24 May	PCDMV	Military Veterans Bill
390	17	25 May	JSCD	Interim National Defence Force Service Commission Report
391	18	30 May	PCDMV	Military Veterans Bill
392	19	31 May	PCDMV	Military Veterans Bill
393	20	1 Jun	JSCD	Denel restructuring
394	21	6 Jun	PCDMV	Military Veterans Bill
395	22	8 Jun	JSCD	NCACC Annual Report
396	23	14 Jun	PCDMV	Military Veterans Bill
397	24	20 Jun	PCDMV	Military Ombudsman Bill; Implementation of the Geneva Conventions Bill
398	25	22 Jun	JSCD	Transformation and gender equity in the SANDF
399	26	27 Jun	PCDMV	Military Veterans Bill
400	27	29 Jun	JSCD	Armscor Annual Report
401	28	16 Aug	PCDMV	Military Ombudsman Bill
402	29	23 Aug	PCDMV	Military Ombudsman Bill
403	30	24 Aug	JSCD	Letters of SANDF deployment
404	31	30 Aug	PCDMV	Military Ombudsman Bill
405	32	6 Sep	PCDMV	Military Ombudsman Bill
406	33	7 Sep	JSCD	Committee minutes discussion
407	34	11 Sep	PCDMV	Military Ombudsman Bill
408	35	12 Sep	PCDMV	Military Ombudsman Bill
409	36	19 Sep	PCDMV	Military Ombudsman Bill
410	37	11 Oct	PCDMV	Committee programme discussion
411	38	12 Oct	PCDMV	AGSA on DOD Audit Report
412	39	17 Oct	PCDMV	DOD Annual Report
413	40	18 Oct	PCDMV	Armscor and Castle Annual Reports
414	41	26 Oct	JSCD	Transformation in the SA Air Force
415	42	31 Oct	PCDMV	Committee Draft BRR Report
416	43	2 Nov	JSCD	Special Pensions
417	44	13 Nov	PCDMV	Implementation of the Geneva Conventions Bill
418	45	14 Nov	PCDMV	Implementation of the Geneva Conventions Bill
419	46	16 Nov	JSCD	Transformation in the Sa Navy
420	47	21 Nov	PCDMV	Implementation of the Geneva Conventions Bill
421	48	22 Nov	PCDMV	Implementation of the Geneva Conventions Bill
422	49	23 Nov	JSCD	Transformation in the SANDF
2012				
423	1	6 Mar	PCDMV	Military Ombudsman Bill
424	2	15 Feb	JSCD	Committee discussions on programming, handling of letters from the President and committee reports
425	3	22 Feb	JSCD	Adoption of committee minutes
426	4	29 Feb	JSCD	Committee programme discussions
427	5	7 Mar	JSCD	Discussion on how to handle confidential information during committee meetings
428	6	12 Mar	PCDMV	DOD Third Quarter performance
429	7	13 Mar	PCDMV	Military Ombudsman Bill
430	8	14 Mar	JSCD	NCACC Second, Third and Fourth Quarter Reports

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
431	9	17 Apr	PCDMV	Ministerial Defence Review Committee briefing
432	10	24 Apr	PCDMV	DMV Strategic Plan
433	11	25 Apr	JSCD	Defence Review 2012
434	12	1 May	PCDMV	DOD Annual Performance Plan
435	13	8 May	PCDMV	DOD Strategic Plan
436	14	9 May	JSCD	Defence Review 2012
437	15	14 May	PCDMV	Minister of Defence response to audit findings
438	16	15 May	PCDMV	Consideration of Committee report on DODMV budget
439	17	16 May	JSCD	Defence Review 2012
440	18	11 Sep	PCDMV	DOD First quarter performance
441	19	12 Sep	JSCD	Committee administration on minutes and possible study tour
442	20	19 Sep	JSCD	Committee administration regarding forming a quorum; Programme discussion
443	21	8 Oct	PCDMV	AGSA briefing on audit findings of DODMV
444	22	16 Oct	PCDMV	DOD Annual Report
445	23	22 Oct	PCDMV	BRR Report adoption (meeting postponed)
446	24	23 Oct	PCDMV	Armcor annual Report; BRR Report adoption
447	25	30 Oct	PCDMV	DMV and Castle Annual Reports
448	26	15 Nov	JSCD	Special Pensions
449	27	27 Nov	PCDMV	DOD Second Quarter performance; Armcor and Castle Strategic Plans
2013				
450	1	26 Feb	PCDMV	Implications of the State of the Nation Address on Defence: Brief by Parliamentary researchers
451	2	27 Feb	JSCD	Special Pensions Act
452	3	5 Mar	PCDMV	AGSA briefing on the use of consultants by the DOD
453	4	12 Mar	PCDMV	DOD Third Quarter Report
454	5	3 Apr	JSCD	Briefing on the Battle in the Central African Republic
455	6	23 Apr	PCDMV	Armcor and Castle Annual Performance Plans
456	7	7 May	PCDMV	DOD Annual Performance Plan
457	8	14 May	PCDMV	DMV Strategic Plan; Oversight visit report adoption
458	9	21 May	PCDMV	Adoption of committee report on DODMV budgets
459	10	12 Jun	JSCD	Letters for SANDF deployment
460	11	18 Jun	PCDMV	DOD Fourth Quarter Report
461	12	21 Aug	JSCD	Special Pensions Act
462	13	11 Sep	JSCD	NCACC Annual Report
463	14	7 Oct	PCDMV	SANDF skills development
464	15	8 Oct	PCDMV	AGSA briefing on DOD Audit outcomes
465	16	9 Oct	PCDMV	Castle Annual Report
466	17	14 Oct	PCDMV	DOD Annual Report
467	18	15 Oct	PCDMV	DMV Annual Report; DMV First and Second Quarter performance
468	19	21 Oct	PCDMV	Discussion on committee BRR Report
469	20	28 Oct	PCDMV	Adoption of committee BRR Report
470	21	5 Nov	PCDMV	DOD First Quarter performance

Unique number	Annual meeting number	Date	PCDMV and/or JSCD	Main topic of the meeting ⁹⁰
471	22	6 Nov	JSCD	Special Pensions Act; DMV Regulations
2014 (prior to elections)				
472	1	4 Feb	PCDMV	First term programme
473	2	17 Feb	PCDMV	Convention on Cluster Munitions; AGSA briefing on DOD audit findings; DOD Third Quarter Performance
474	3	18 Feb	PCDMV	Committee minutes and oversight visit report adoption
475	4	25 Feb	PCDMV	Defence Amendment Bill; Convention on Cluster Munitions; DMV Second Quarter Performance
476	5	26 Feb	JSCD	Letters for SANDF deployment
477	6	4 Mar	PCDMV	State of defence facilities; DMV Regulations
478	7	11 Mar	PCDMV	Briefing on the Military Academy and SA Air Force Base Langebaanweg; Defence Force Service Commission briefing; Military Ombud Briefing
479	8	12 Mar	PCDMV	Discussion on Private Members Bill and Committee legacy report
480	9	12 Mar	JSCD	Committee legacy report

ADDENDUM E Guiding questions to semi-structured interviews

1. Approach to the interviews

In the proposal to the study, it was indicated that qualitative interviews will be used as a means of obtaining primary data. The qualitative interview approach (through semi-structured interviews) suits the study well as it allows for flexibility (Babbie, 2013, p. 346). Babbie (2013, p. 347) also states that in qualitative interviews, “it doesn’t work merely to ask pre-established questions and record the answers”. The set of questions provided in this interview plan is therefore merely a guide to the interview and further expanded questioning will take place. As such, the interview plan provides for the main questions to be asked and some additional questions to aid in the flow of the interview.

2. Basis for interview questions

The interview questions are rooted in the aim of the study. The primary aim of the study is to determine the status of parliamentary oversight of the military in South Africa between 1994 and 2014. To determine this status, a number of tools and focus areas related to parliamentary oversight have been identified by the study. The most significant of these include, *inter alia*, (a) parliamentary debates on the military, (b) parliamentary questions, (c) special defence inquiries, (d) reviews of the defence budget, (e) reviews of defence policy, (f) reviews of defence procurement, (g) reviews of human resources, (h) reviews of the deployment of the military, (i) oversight visits and study tours, (j) the use of external audit and (k) budget transparency. Through its focus on additional international cases of parliamentary oversight of the military, the study also identified some lower-order focus areas which further informs the interview questions. These include (a) a focus on annual and quarterly departmental reports by parliament, (b) instances of interdepartmental cooperation, (c) military training, (d) gender and racial equality, (e) defence morale, and (f) defence infrastructure. The study also identified specific characteristics of weak oversight such as a lack of political will, a lack of the necessary oversight resources and expertise, and constitutional or other legal imperatives. These matters will be raised during the interviews to determine whether South Africa is affected by such weaknesses. While some of this data can be obtained through research of secondary data, interviews with individuals with relevant knowledge will provide significant additional detail and fill gaps where secondary research prove insufficient.

The above categories were highlighted in analysis on parliamentary oversight of the defence sector by several international institutions. These include, *inter alia*, the Inter-Parliamentary Union and Geneva Centre for Democratic Control of the Armed Forces (DCAF) (Born, 2003), Transparency International (Cover & Meran, 2013a) and the World Bank (Pelizzo & Stapenhurst, 2004). The guiding questions being utilised in this study were partially informed by the areas of analysis identified by these institutions.

3. Guiding questions

The table below highlights primary and secondary questions to aid the flow of the semi-structured interviews:

Table E1: Guiding questions for semi-structured interviews

Category	Main Questions	Additional Questions
Introduction/ General oversight	<p>What would you consider the strong points of Parliament's Defence Committees for each of the four post-1994 parliaments?⁹⁵</p> <p><i>Participant may not have information relevant to each Parliament.</i></p>	<p>Do you recall any significant legislation/policies passed?</p> <p>Were Committee meetings held regularly?</p> <p>How well were Committee meetings attended?</p> <p>How effective was the Committee in its decision-making process?</p>
Introduction/ General oversight	<p>What would you consider the weak points of Parliament's Defence Committees for each of the four post-1994 parliaments?</p> <p><i>Participant may not have information relevant to each Parliament.</i></p>	<p>Can you expand on factors that inhibited Committee effectiveness?</p>
Conditions for oversight	<p>Do you consider the power of Parliament sufficient to effectively oversee the defence sector?</p> <p><i>This should refer to Parliament in general and specific Committees.</i></p>	<p>Are there any constitutional and/or other legal parameters that inhibit effective oversight of the military in South Africa?</p> <p>Is sufficient Committee-time allocated to ensure effective oversight of the defence sector by Parliament?</p> <p>Is sufficient political will reflected in Parliament's obligation to oversee the defence sector?</p>
Budgetary oversight	<p>Is the defence budget frequently and thoroughly debated?</p>	<p>Do you believe that South Africa's defence budget is sufficiently transparent?</p> <p>Is there any room for improvement in terms of accountability to Parliament of the Defence budget?</p> <p>Without divulging details, are the Parliamentary Defence Committees afforded the opportunity to scrutinise military spending on secret/classified projects? How do the Committees engage this matter?</p>
Policy oversight	<p>Is policy regularly reviewed by the Parliamentary Defence Committees?</p>	<p>What policies that passed through the Committees do you consider significant?</p> <p>Would you consider the Defence Committees engagement on the 1998 and 2014 Defence Reviews appropriate</p>

⁹⁵ South Africa had four democratic Parliaments since 1994 (1994-1999; 1999-2004; 2004-2009; 2009-2014).

		<p>and influential?</p> <p>Do the Defence Committees engage effectively on the matter of arms control?</p> <p>Do the Defence Committees engage actively and efficiently on the matters of Defence procurement?</p>
Organisational oversight	In your view, is regular oversight of the organisation (South African National Defence Force) provided by Parliament's Defence Committees?	<p>Are Human Resources questions related to the SANDF regularly addressed?</p> <p>Is training and development in the military regularly reviewed?</p> <p>Is operational readiness of the SANDF regularly reviewed?</p>
Oversight of the SANDF deployment	Does Parliament engage regularly on the deployment of the SANDF?	<p>Are external deployments of the SANDF thoroughly debated by the Defence Committees?</p> <p>Are internal deployments of the SANDF thoroughly debated by the Defence Committees?</p> <p>In your view, does the legislation provide sufficient powers to Parliament to engage on the deployment of the SANDF?</p>
Utilisation of oversight mechanisms	What mechanisms are available to Parliament to oversee the Department of Defence effectively utilised?	<p>Do MPs make sufficient use of written questions to the Department of Defence?</p> <p>Is 'Defence' as a subject matter debated sufficiently in Parliament (both in the National Assembly and the National Council of Provinces)?</p> <p>Does Parliament utilise parliamentary inquiries effectively to ensure oversight of Defence?</p>
Oversight of lower-order focus areas	Do the Defence Committees regularly and efficiently review departmental performance against set targets?	<p>Are annual reports sufficiently analysed and debated?</p> <p>Are quarterly reports sufficiently analysed and debated?</p>
Oversight of lower-order focus areas	Do the Parliamentary Committees on Defence pay sufficient attention to the day-to-day functioning of the South African National Defence Force?	<p>Is military training and education regularly considered and debated?</p> <p>Does the Committees consider matters of gender and racial equality?</p> <p>Has defence morale been discussed? Has the state of defence infrastructure been debated?</p> <p>Is cooperation between the Department of Defence and other departments discussed?</p>
Transparency and accountability <i>Transparency of the</i>	Do you consider 'Defence' in South Africa to be transparent and accountable? Please explain.	In your view, what are effective means utilised by the Parliamentary Defence Committees to ensure accountability and transparency of the Department of

<i>DoD and its accountability to Parliament</i>		Defence? Do Parliamentary Defence Committees deal sufficiently with all aspects of the military or are there specific aspects that you feel were inadequately addressed?
International comparison	Were you ever exposed to how Defence Committees operate in other legislatures? If so, in your opinion, how did the South African Parliament's Defence Committees compare?	In what ways was the South African Defence Committees more effective than their international counterparts? In what ways were other Defence Committees more effective than their South African counterparts? <i>These are perception-based questions</i>
Support to the Committee	Is there sufficient institutional support offered to the Defence Committees and MPs serving on the Committee?	Did the Committees receive adequate support from the committee secretary? Was Research Support provided by Parliament? Do MPs rely mostly on his/her own reading, input from party researchers or input from Parliamentary researchers? What additional institutional support functions would assist the Committees to ensure effectiveness?
Closing/ General oversight	In your view, are MP's serving on the Defence Committees knowledgeable of both the defence sector and budget work?	During engagements with the Department and other roleplayers, did MPs show a thorough understanding of: <ul style="list-style-type: none"> • The oversight process • Oversight mechanisms • The budget process • Institutional knowledge of the Department and SANDF
Closing questions	In your view, how did Parliament assist in shaping civil-military relations since 1994? Was the level or capacity of civil-military relations raised?	Has parliament succeeded in ensuring civil oversight over the SANDF? How would you describe the relationship between the SANDF leadership and Parliament? In your view, do the Parliamentary Committees on Defence have sufficient expertise to perform oversight of the military?
Closing questions	Does Parliament manage to address the pertinent challenges facing the military?	Has Parliament provided effective oversight of major incidents affecting the military (such as Operation Boleas, the Tempe shooting and/or the Battle of Bangui)

While the questions above relate specifically to interviews with current and former Members of Parliament, as well as other individuals with intrinsic knowledge of the workings of Parliament's

oversight of defence, these are not the only individuals who forms part of the interview process. In addition, academics and members providing institutional support to Parliament's Defence Committees are also interview. Additional questions have been developed for these interviews.

Table E2: Guiding questions for semi-structured interviews with academics and parliamentary support staff

Institutional support	Point out the development of support structures to the Parliamentary Defence Committees between 1994 and 2014	<p>When was the Committee and Research Sections established and developed to include a Defence Portfolio?</p> <p>Are sufficiently qualified personnel appointed to these positions?</p> <p>What is the nature of support provided to Committees and how did this develop since 1994?</p>
Academic inquiry	Is the process of Parliamentary oversight of the military sufficiently studied in South Africa?	<p>In your view, has sufficient attention been paid to Parliamentary oversight of the military since 1994?</p> <p>Have you observed any changes in the regularity/intensity of such inquiry since 1994?</p> <p>Have you experienced knowledgeable experts or analysts assisting with the oversight function?</p> <p>Did or does parliament commission research on defence oversight?</p>

ADDENDUM F Sample of interviewee consent form**STELLENBOSCH UNIVERSITY
CONSENT TO PARTICIPATE IN RESEARCH**

**Twenty Years of Democracy:
An Analysis of Parliamentary Oversight of the Military in South Africa**

You are herewith invited to participate in a data collection activity (interview) for a study on Parliamentary oversight of the military in South Africa since 1994. The data collection is conducted by Mr. Wilhelm Janse van Rensburg for the purposes of a PhD study on the aforementioned title at Stellenbosch University's Faculty of Military Science.

1. PURPOSE OF THE STUDY

The approved study is titled *Twenty Years of Democracy: An Analysis of Parliamentary Oversight of the Military in South Africa*. The primary research problem centres on determining the quality and standing of parliamentary oversight of the military during the first twenty years of democracy. This will be achieved by providing international comparison, an overview of Parliamentary activities related to defence, and an internal perspective based on input from selected participants. It is intended that the study be completed by the end of 2018, where after it will be available on the SunScholar of Stellenbosch University.

2. PROCEDURES

Participation in this study is voluntary. Should you agree to participate, an arrangement will be made to conduct a semi-structured interview at a suitable time. The semi-structured interview will take approximately 40 minutes. The answering of questions is entirely voluntary and you may decide not to answer any of the interview questions should you wish. You may also withdraw from the study at any time by advising the researcher (see contact details below). During and after the interview, questions of clarification may be raised by the researcher, but you are not obliged to respond to these questions.

3. POTENTIAL RISKS AND DISCOMFORTS

There are no known or anticipated risks to you as a participant in this study. If you have any questions regarding this study or would like additional information please ask the researcher before, during, or after the interview.

4. POTENTIAL BENEFITS TO SUBJECTS AND/OR TO SOCIETY

An analysis of Parliament's oversight of the military is essential given the important role of the institution in ensuring the maintenance of healthy civil-military relations and the optimal functioning of the Defence Force. The study may assist in raising the prominence of the debate on parliamentary oversight of the military in South Africa. On a more pragmatic level, the study may be of value to parliamentary officials in determining factors that contribute to improved parliamentary oversight of the military.

5. PAYMENT FOR PARTICIPATION

Participation in this study is voluntary. No payment will be made for participation in the process of data-collection.

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law. The utmost effort will be made to ensure confidentiality.

Anonymity: Given the nature of a semi-structured interview, the identity of the participant will be known to the researcher. In that regard, anonymity cannot be guaranteed. However, where anonymity towards the reader of the research is requested, your input will be referenced as ‘anonymous quotes’. Should you request anonymity beyond anonymised quotes, information you provide will be treated only as a source of background information, alongside literature-based research and interviews with others. Your name or any other personal identifying information will not appear in any publications resulting from this study, except if documented otherwise with the researcher.

Confidentiality: To ensure confidentiality, the researcher will make use of codes for participants and for the location of the research. A separate list only accessible by the researcher will link participants with the data. There will thus be no public correlation between the participant and stored data.

All data will be stored digitally and as hard copies. Digital data will be securely password protected. Data will be saved on the researcher's private computer and linked cloud service which are all password protected. Only the researcher will have access to the data. Hard copies of the data and consent forms will be kept in a safe in the office of the researcher where only he has access. All data collected will be destroyed by 1 June 2019.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you are uncomfortable with and still remain in the study. The investigator may exclude you or your responses you from this research if circumstances arise which warrant doing so.

8. IDENTIFICATION OF INVESTIGATORS

If you have any questions or concerns about the research, please feel free to contact the researcher's supervisor, Professor Francois Vrey:

Associate Professor, Military Strategy Department
Faculty of Military Science
Private Bag X2, Saldanha, 7395
Tel: +27 22 702 3106, Fax: +22 702 3060
Email francois@ma2.sun.ac.za

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research subject, contact Ms Maléne Fouché [mfouche@sun.ac.za; 021 808 4622] at the Division for Research Development.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to [*me/the subject/the participant*] by Wilhelm Janse van Rensburg in [*Afrikaans/English/other*] and [*I am/the subject is/the participant is*] in command of this language or it was satisfactorily translated to [*me/him/her*]. [*I/the participant/the subject*] was given the opportunity to ask questions and these questions were answered to [*my/his/her*] satisfaction.

[*I hereby consent voluntarily to participate in this study/I hereby consent that the subject/participant may participate in this study.*] I have been given a copy of this form.

Name of Subject/Participant

Name of Legal Representative (if applicable)

Signature of Subject/Participant or Legal Representative

Date

SIGNATURE OF INVESTIGATOR

I declare that I explained the information given in this document to _____ [*name of the subject/participant*] and/or [his/her] representative _____ [*name of the representative*]. [He/she] was encouraged and given ample time to ask me any questions. This conversation was conducted in [*Afrikaans/*English/*Other*] and *no translator was used*.

Signature of Investigator

Date