SECURITY GOVERNANCE IN SOUTH AFRICA

Paper for the Friedrich Ebert Stiftung Security Governance Project

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NOTE

This paper is aims to provide a very broad-brush overview of key issues involved in security governance in South Africa. It of necessity covers the transformation period although it seeks to concentrate on current and future challenges.

It is 'formative research' in the sense that it identifies the scope and nature of the issue but does not seek to provide definitive answers. It is also not comprehensive: it does not deal in any detail with foreign policy dimensions of security governance or with the criminal justice system, for example.

To some extent the paper is also a result of 'action research' in that it is based on the author's involvement in security governance and policy issues. A number of interviews were carried out with practitioners, but these have not been attributed. Nor has the paper been referenced, given the very broad nature of its concerns and its synthesis of many sources. However, key sources of information are provided at the end.

BACKGROUND AND INTRODUCTION

In the almost ten years since the establishment of South Africa's first inclusive, democratic government, an ambitious, extensive and systematic process of reform has been carried out in the governance of security. The process is widely regarded as having been successful and a model for other processes of 'security sector reform' in the context of transitions from authoritarian forms of governance to democratic ones.

The new government led by the African National Congress (ANC) was faced with daunting security challenges, for which it was ill-prepared. The apartheid regime had put in place a comprehensive 'national security management system' to deal with both internal and external threats, but this had been largely demolished and was in any case based on political repression, militarism and conflictual relations with neighbouring countries and had been largely unaccountable. Yet the new government inherited intact

the security apparatus that had served this system. It thus had to simultaneously rework policy and governance and to reform and restructure the various security institutions.

The apartheid-era defence force had to be integrated with the ANC's guerilla army, as well as that of the Pan-Africanist Congress and five other armed formations (controlled by the Inkatha Freedom Party and four 'independent homelands'). A ministry of defence had to be established almost from scratch, executive and parliamentary authority over defence asserted, and policies and strategies for the transformation, reorientation and reprofessionalisation of the armed forces developed. The new defence force had to be prepare them for new roles and tasks and for co-operation rather than conflict with neighbouring states.

In the safety and security area, the post-apartheid government had to integrate eleven police forces and carry out a process of systematic restructuring, reorientation and retraining aimed at transforming the police from a political instrument of repression to a crime-fighting service based on community policing and respect for human rights. In intelligence, it also had to integrate several intelligence agencies and establish new frameworks for control and new orientations. It had to develop a strategy for dealing with previous human rights abuses, which gave rise to the Truth and Reconciliation Commission (TRC). And the new government also had to meet African and world expectations of South African security leadership.

That most of this has largely been achieved, and with hardly a shot fired in anger, is a remarkable achievement, and a credit to visionary political leadership as well as organisational capacity, in other words to effective security governance.

At the same time, progress has been uneven and sometimes fragmentary, policy intentions and commitments have not always been translated into practice, the end results have not been to everyone's liking, and transformation has engendered its own pathologies. There thus remain several challenges in improving security governance.

This paper provides a very broad overview of the roles played by the various actors in the governance of the security sector, including the executive, parliament and civil society. It examines the main policy frameworks and touches on organisational transformation because it is impossible to deal with governance in isolation from these issues. Policy processes and the frameworks they give rise to in particular are critical for effective governance. This paper deals with the defence, safety and security and intelligence fields. A comprehensive overview would also need to include the governance of criminal justice and foreign policy. The paper does not seek to make an overall evaluation of governance, but to identify achievements, shortfalls and challenges.

NATIONAL SECURITY GOVERNANCE

Policy

A broad framework for national security and ending civil conflict was put in place during the transition to democracy, as a result of a 'pacted' agreement between the major actors – chiefly the ANC and the outgoing apartheid regime – in which normative principles relating to human rights, political conduct and the 'rules of the game' for the transition were agreed. This included: a National Peace Accord, which set out norms for the conduct of political parties as well as the police; joint executive control in the lead-up to the election through the establishment of a transitional government; an early agreement that all combatants and soldiers answering to political parties who were party to the negotiations would be integrated into one national defence force; agreement on the (limited but critical) role of external actors and the active involvement of civil society. Many of these principles were incorporated into an interim constitution that received wide support. At the same time the transitional government sought to demilitarize relations with neighbouring states.

During the Mandela presidency, security policy, including the foreign policy dimensions thereof, was highly normative. Principles of democratic governance, human rights and constitutionalism dominated the policy discourses in all areas, although this was strongly inflected with the overriding requirements for 'transformation'.

Under the Mbeki presidency, *realpolitik* has become a more dominant trend in foreign as well as domestic security policy and the emphasis has been on implementation. Promotion of human rights and democratization agendas internationally have given way to a concentration on conflict-resolution, peacekeeping, good governance and the promotion of national interests. Domestically, the focus has been on the 'war against crime'. Transformation, however, has remained an overriding concern, democratic governance has been consolidated and none of the normative intentions have been abandoned even if they have sometimes been difficult to put into practice.

Since September 11, 2001 and the resultant 'war against terror', South Africa's security policies have also had to be realigned to deal with these new global realities. Government is currently undertaking a review of national security policy, in part in response to these developments.

Control and oversight

Security decision-making has become increasingly centralized in the Office of the President which has been provided with dedicated intelligence, policy and foreign affairs capacities. The somewhat *ad hoc* decision-making processes of the early post-apartheid period (which gave rise to some ill-prepared actions, such as the intervention in Lesotho in 1998) have been replaced by a much more co-ordinated system for national security management.

Mbeki's government has introduced a more integrated process for executive decision-making, through the 'clustering' of various ministries into cabinet committees. The two key clusters for security governance are International Relations, Peace and Security (IRPS) and Justice, Crime Prevention and Security (JCPS). The basic division of labour

is that the IRPS is responsible for external security and the JCPS for internal security, although there is some overlap of membership and issues.

In addition, a National Security Council, consisting of senior ministers and officials, has been set up to make key decisions on high-impact security issues, be they internal or external. However, it appears to meet only very irregularly, to deal with specific crises. None of these structures has threatened the normal processes of government or undermined the systems of accountability and (sometimes limited) transparency built into South Africa's democratic system. However, some concerns have been raised about the centralization of decision-making in the Presidency, and indeed this appears to have led to tensions between the Presidency and ministerial or departmental functions (for example, on key foreign affairs issues, or commitments to deploy peacekeeping forces).

The 'cluster' system is replicated at the level of senior officials, promoting co-ordination on security issues, and some dedicated inter-departmental offices have been set up to further promote co-ordination and enhance effective decision-making, such as the National Office for the Co-ordination of Peace Missions (NOCPM) and the Counter-Intelligence Forum which deals with threat analysis.

All the security functions (including intelligence, although with some limitations) are subject the normal government auditing procedures and to scrutiny from the Parliamentary Standing Commitee on Public Accounts (SCOPA). In addition, they are also subject to oversight by the human rights monitoring agencies set up in terms of Chapter 9 of the South African Constitution, such as the Gender and Human Rights Commissions.

DEFENCE GOVERNANCE

Policy initiatives

During the negotiations that preceded the political transition, a broad set of principles relating to defence and security had been agreed by the various parties, relating in particular to democratic political control, human rights issues, peaceful relations with neighbours, professional non-partizan and properly equipped security forces, and the principles governing the integration of forces and the treatment of previous human rights abuses. Some of these principles were also entrenched in the interim constitution.

However, it was clear that these were insufficient as policy guidelines for the Department of Defence (DoD), and the new minister, Joe Modise, thus almost immediately implemented a process to produce a White Paper on Defence. Because of lack of capacity in the department, this was written largely by a civil society advisor, and involved a protracted consultative process, in which parliament played a prominent role (see below).

The White Paper, pointedly entitled 'Defence in a Democracy' was adopted unanimously by parliament in 1996. Much of it was taken up with elaborating principles of democratic

control and specifying the roles and functions of the various actors. It also established a set of principles governing the overall approach of the state to security, which could be summed up as a human security approach domestically and a collaborative security approach externally. It specified the roles and functions of the defence force - formulated in classic terms as defence against external aggression, although 'secondary roles' such as international peacekeeping, border protection and support to the police were provided for. The paper was consciously normative and principled and sought to ensure that the defence function was governed in a by-the-book democratic manner. At the same time, many of these principles were being debated in the Constitutional Assembly and were eventually incorporated into the constitution. The White Paper thus remains the guiding policy framework for the DoD

With this policy framework in place, the Department of Defence then embarked on a Defence Review, the aim of which was to come up with more concrete policies regarding force design, budget frameworks, main armament requirements, human resource policies, defence structures, and land-use and environmental policies. By this stage, the department had the capacity to run the process itself, but it nevertheless made a conscious effort to involve parliament, other government departments, civil society and academics and ran a process that is possibly globally unsurpassed in its transparency and consultative nature. One result of the broad consultations, particularly the involvement of issue-based NGOs, was the adoption of progressive policies on human resource issues such as the rights of homosexuals and women in the armed forces. However, the 'technical' debates, around issues such as structure, budget and armaments, were dominated, as would be expected, by departmental experts. As a result, some of the civil society organisations rejected the final product, arguing that it would lead to military rearmament inconsistent with the spirit of the White Paper.

The review left out two key issues: peacekeeping and defence industries. These were the subject of two further policy processes, but in both cases these were less consultative and much more focused in nature. The White Paper on South Africa's Participation in International Peace Missions was produced by the Department of Foreign Affairs in 1998 and sought to align South African principles and practices with those of the UN. The White Paper on Defence-Related Industries, as it came to be called, adopted a largely non-interventionist approach to the defence industry which had been allowed to wither, arguing that it should no longer be supported (or even identified) as a specific strategic sector, but that government should provide some policy guidance and seek to protect and support important technology development.

Institutional transformation

The new South African National Defence Force (SANDF) formally came into being at midnight on the day before the national elections. In reality, there was a high level of continuity between the SANDF and the old apartheid armed force, and many have argued that the process of amalgamating the seven armed formations amounted more to the absorption of guerilla forces into the existing defence force than integration. Perhaps this was inevitable given that the old defence force (including the 'homeland' armies and

civilian administrators) outnumbered the guerilla forces by approximately three to one, and it was largely incumbent on the guerillas to accommodate themselves to a conventional army. As a result, the integration process was fraught with difficulty, and a number of mutinies took place, although it was largely accomplished without violence.

The SANDF is still grappling with the problems of transformation and there are signs of 'transformation fatigue'. A key concern has naturally been to address the race and gender inequities. Substantial progress has been achieved at the most senior levels through political appointments, and at the most junior levels, but it remains a major problem at the NCO and officer level and racial tensions have persisted and sometimes led to isolated acts of violence, despite a strong programme of equal opportunities and affirmative action.

To address political transformation, a civic education programme has been introduced to ensure that officers and soldiers understand democratic politics, constitutionalism, democratic civil-military relations, military professional obligations and international humanitarian law, but its implementation has been patchy.

Integration has been followed by demobilization, to get the SANDF down to planned levels. In practice, many former guerillas were excluded for reasons of health or age, and demobilization has been poorly handled through cash hand-outs and a badly-executed Service Corps. Further demobilization is required, and this may have consequences for social and political stability.

The SANDF has had to transform itself from a largely conscript-based force to a mostly full-time one and from a strategic offensive posture to a defensive one. It has had to prepare itself for new roles such as international peacekeeping. It is not clear if has been able to devote sufficient attention to these challenges, given its preoccupation with integration and affirmative action.

Control, oversight and accountability

Executive control of defence is reasonably effective although as always in these cases much depends on the power and character of the minister appointed. As well as a minister, deputy ministers have been appointed. For the sake of stability an apartheid-era commander, General Georg Meiring, was left in command of the SANDF at first, and it took a political fall-out over his misuse of intelligence information for him to be dismissed in 1998. Since then the minister, deputy minister, secretary and chief of defence have all come from the same political party and liberation movement background. This might have lead to too cosy a relationship; on the other hand it probably also contributes to stability. The current minister, Mosiu Lekota, is also chair of the ANC. While this gives him considerable clout it means that he has many other responsibilities.

The constitution provides for a powerful Joint Standing Committee on Defence (JSCD) (joint in the sense that it involves both the National Assembly and the Council of

Provinces), and parliament also set up other committees for defence and security oversight. As much replication took place, the Portfolio Committee on Defence in the National Assembly has now taken on much of the work of the JSCD. The committee system has proved very effective, thanks in part to strong leadership, and parliament has adopted a proactive and interventionist role in relation to crafting defence policy and legislation, and has also held generals to account for performance and the implementation of policy.

Planning, budgeting and procurement

Given that the new government inherited a situation where there was in effect no ministry of defence, considerable progress has been made in establishing a functioning secretariat capable of policy development and interpretation, planning and budgeting. Procurement, previously the responsibility mostly of the state armaments manufacturer, Armscor, has also been transferred to the secretariat.

Initially thought of a civilian body – and specified as such in the constitution – the secretariat in fact involves many military officers, and now forms part of an integrated military headquarters with the SANDF. The chief of the SANDF is basically responsible for force preparation and operations, while the policy-planning-budgeting-procurement cycle is the responsibility of the secretary. This arrangement, while it has served to consolidate civil control, has been fraught with difficulties, with inexperienced civilians struggling to win the confidence of hardened military officers, and an increasing bureaucratisation sitting uncomfortably alongside traditional military concepts of command and control.

The formal processes for planning, budgeting and procurement clearly set out and follow international best practice, and require structured interactions between the executive, parliament, civil servants and military officers. A high degree of transparency and accountability is evident.

However, considerable public unease and allegations of sleaze have been attached to the major procurement initiative, the Strategic Arms Package, which emerged from the Defence Review, where it was ascertained that the SANDF needed to be almost totally re-equipped with major weapons systems for its primary role of conventional defence. The planning process for this was carried out in systematic and transparent way, and at the time received wide public support, largely because it was claimed that it would lead to job-creation and massive offset benefits. It resulted in a decision, taken at cabinet level (although not without considerable initial dissent) to purchase *inter alia* 28 Gripen jet fighters, 24 Hawk lead-in jet trainers, four naval corvettes, three submarines and 30 light utility helicopters.

However, massive cost escalations, questions over the offsets and, above all, the unraveling of many *prima facie* incidents of corruption and kick-backs involving some of the most powerful political figures in the land have led to a media and political backlash. Question-marks now hang over the integrity of the whole exercise, although only a few

cases of corruption have been proven in court. This has reignited the public debate over whether the state is spending more than it should on defence rather than social or human security.

At the same time, there is a growing perception amongst policy-makers and leading military practitioners that the policy, planning and budgeting process emerging from the Defence Review, although technically proficient, was based on a fundamentally wrong assumption: that the SANDF should be designed, equipped and trained mainly for conventional defence. Many argue that it might be time to 'review the review', in particular with the regard to configuring the SANDF for what it actually does, and is actually likely to do: African peacekeeping, border protection and support to the police.

Role of civil society

During the transition and immediate post-election period a wide range of civil society organisations, the media and the public at large were energetically engaged in policy argument over defence. This waned as a broad consensus was reached through the defence review. It has been reinvigorated by the arms package controversies. At the same time, a few NGOs specializing in defence and security issues – notably the Institute for Security Studies and the Centre for Violence and Reconciliation – have grown substantially in terms of their policy-research capacity. It is unclear, however, to what extent they actually influence government policy.

The executive, parliament and the department of defence itself all went out of their way to consult with civil society organisations and the general public during the major policy development processes around defence. In part, this was occasioned by an acknowledged lack of expertise and civil society was seen as able to plug some of the gaps. But the principal reason was the perceived need to legitimize the defence function which had been associated with repression and apartheid. Since then, it is notable that the level of consultation with civil society has declined – although this may also be a reflection of wider governance trends and increased institutional capacity within government.

SAFETY AND SECURITY GOVERNANCE

Policy initiatives

The principal policy concerns in relation to policing during the transition period and immediately afterwards can be summed up as establishing political control and overseeing a move from a militarized/repressive 'force' to a community policing 'service'. This entailed demilitarizing the police; introducing less-confrontational public order policing; establishing mechanisms for accountability to communities and for civil control and oversight; integration and restructuring; and ending human rights violations and torture. As with the defence force, transformation – understood largely as addressing racial and gender inequities – has been a principal concern.

A policy paper was introduced for discussion in 1994 dealing with many of the above issues; at the same time new legislation was introduced to effect the move from a 'force' to a 'service' and to institutionalize principles of community policing. At this point policy capacity within government was limited and considerable reliance was placed on private consultants with anti-apartheid activist backgrounds.

In 1996, in response to growing public concern about crime, six government departments (Correctional Services, Defence, Intelligence, Justice, Safety and Security, and Welfare) set up a joint policy task force which resulted in agreement on a National Crime Prevention Strategy. This seems has faded away in favour of a more hard-line police-driven response aimed at combating rather than preventing crime (see below).

It was only in 1998 that a White Paper on Safety and Security was finalized, drafted mainly by the Safety and Security Secretariat (see below) and based on extensive public and political consultations, which included (as with the defence review) provincial and parliamentary public hearings. The White Paper focused on four issues: law enforcement, social crime prevention, institutional reform, and the enhancement of policing at provincial and local levels. The White Paper sought to move beyond the issues of control and community policing that had been the focus hitherto to concentrate on crime prevention and improving police effectiveness.

This policy shift has became even more evident in recent years. Issues of accountability, democratic governance and human rights, so important in the early post-apartheid period, have now given way almost completely to the exigencies of the 'war against crime' and political engagements with opposition parties around this issue. Policy now revolves around the National Crime Combating Strategy, leading to actions such as 'Operation Crackdown' involving cordon-and-search operations and roadblocks, usually with assistance from the defence force.

Control, oversight and accountability

The new government was naturally concerned to establish firm control over the police, which had been at the front line of apartheid repression. For this reason, it resisted decentralization proposals, instead amalgamating the eleven nominally separate police forces (the South African Police (SAP), the forces of the 'independent homelands' and also forces of six 'self-governing homelands' (which had police forces but not armies) into one national South African Police Service (SAPS) which was made accountable to the Minister of Safety and Security. The nature of ministerial oversight has varied according to the character of the ministers, as discussed below. However, in general all the ministers have had other political priorities that may have distracted them from their departmental leadership responsibilities.

However, policing is constitutionally a provincial responsibility, and although there is one national service, policy, oversight and (with some exceptions) operational deployment is carried out at provincial level. Members of the Executive Committee

(MECs) for Safety and Security thus play an important executive role, and provincial parliaments are also actively involved in oversight.

A civilian Secretariat for Safety and Security was provided for in the constitution and established in 1994 at national headquarters to deal with policy, budgeting and political accountability issues. Its functions were defined as promoting democratic accountability and transparency in the service, monitoring policy implementation, conducting policy-oriented research and offering legal services, communication, and providing advice to the minister. This system was replicated at provincial level.

The Safety and Security Secretariat has been much less successful than the Defence Secretariat, however. Reasons for this include institutional resistance within the police service, a failure to bridge the divide between policy and operations and between civilians and uniformed members, lack of knowledge and experience of civilian members, and personality factors. Initially a sharp distinction was made between policy (the secretariat's responsibility) and implementation, but this may have served to have weakened the policy function rather than strengthen it. The power and influence of the secretariat has subsequently declined sharply, and with it some important aspects of civil oversight and monitoring.

At provincial level, the picture is less clear, with some provincial secretariats still playing an important role in monitoring policy implementation and dealing with police accountability issues, if not in the actual formulation of policy. Their powers are limited, however, as they have to operate within the framework of national policies and initiatives.

A further level of accountability is provided through the Independent Complaints Directorate (ICD), a separately-budgeted state institution independent of the police, which has specifically set up to investigate and deter human rights abuses on the basis of complaints submitted by the public. Most of the complaints are now about service delivery, however. The ICD has proven to be fairly effective, although it is not clear if the reduction in the number of complaints relating to human rights abuses is a result of its work.

While there is no 'joint standing committee' in parliament for safety and security, multi-party committees exist in both houses and have played an active role in drawing up legislation, and also in formulating policy, monitoring compliance and discussing issues of public concern. The extent to which they have actively exercised their powers has depended to a large extent on the strength of the leading personalities involved and their relationships with the minister.

The Safety and Security Department carries out its planning, budgeting and procurement cycles much like any other government department. At the higher level, this requires active interactions between parliament, the executive and the department, although as noted above the role of the secretariat has not been as effective as it might have been.

There seem to be signs of growing frustration by the political leadership at the failure of the police to make a significant impact on crime. As the issue has become politicised (it is one of the main issues that opposition parties use to bash the ruling party) a certain defensiveness seems to have crept in, perhaps indicated most clearly by an unwillingness to publish crime statistics.

Professionalism and institutional transformation

Institutional transformation initially involved the integration of eleven forces and the subsequent rearticulation of the service into eight new provincial services. Key functions such as public order policing remained under national command.

Unlike the SANDF, the SAPs did not integrate any significant number of former guerillas (except into the VIP Protection Unit), but it did have to incorporate the ten former 'homeland' forces. This had the effect, however, of radically changing the racial demographics of the force at all levels, although whites continue to predominate at senior management levels.

Police training has been systematically demilitarized and the police are now also trained in human rights issues and the use of non-lethal force. The extent to which this has been successful is debateable, as the SAPS is still under scrutiny for human rights abuses.

Role of civil society

Civil society organisations and academics played an important role in the early period of post-apartheid policy formation, in part because of lack of governmental capacity. Their influence seems to have waned over the last few years, even as their research capabilities have grown (witnessed by the substantial research output from the ISS and the Centre for the Study of Violence and Reconciliation (CSVR). Government now appears less willing to engage the public around policy issues relating to safety and security, possibly because it is on the political defensive over crime.

The most important elements of civil society oversight are the Community Police Forums, meant to be established at every police station, in which community representatives are involved on a daily basis and in a structured way provided by law, in oversight of policing in their area. In practice, they tend to work best in wealthy white areas, where in cases they have also been actively involved in supporting the police and garnering additional resources. Implementation across the country has been patchy at best and they have failed to get off the ground in many of the areas where they are most needed.

INTELLIGENCE GOVERNANCE

Policy initiatives and institutional transformation

Government moved swiftly to establish a policy framework for intelligence, through the White Paper on Intelligence of 1994, which sought to place the intelligence function firmly under constitutional and democratic control. This was followed by the enactment of new legislation reorganizing the intelligence agencies, defining their functions, and providing for the amalgamation of the various 'homeland' agencies and the integration of around 1 000 former ANC and PAC intelligence operatives.

Military Intelligence, the dominant agency in the dying years of apartheid, was downgraded and prevented from carrying out non-military covert operations, while the SAPS's intelligence function was restricted to criminal investigations. Two principal civilian intelligence agencies were set up, the South African Secret Service (SASS) for foreign intelligence, and the National Intelligence Agency (NIA) for domestic intelligence. Information gathered by all the agencies should be passed on to the National Intelligence Co-ordinating Committee (NICOC) which analyses and interprets intelligence on behalf of the Ministry which is responsible for distributing it to the appropriate government structures. In addition, in November 2001 a Presidential Support Unit (PSU) was set up to support the President on issues related to conflict and conflict resolution, especially in Africa (it has been very involved in the Democratic Republic of the Congo and the Burundi peace processes).

Four new acts were introduced in 2002 aimed at further aligning the intelligence agencies with democratic governance norms and other national legislation, and dealing with new threats such as cyber-intelligence. Government is currently undertaking a review of intelligence in the context of the national security review, which will lead to a new White Paper on Intelligence. It is expected that this will involve a considerable degree of civil society participation. As with other policy reviews it is also likely that it will take a less idealistic view of things, concentrating on effectiveness and national interest.

Control and oversight

Formerly under a deputy minister, intelligence was upgraded to full ministerial and departmental status in President Mbeki's government in 2001. The minister has proved to be proactive, and has actively sought to increase interactions between the intelligence community and civil society.

A multi-party Joint Standing Committee on Intelligence has been active in carrying out legislative, oversight and monitoring activities. Although it meets in secret, it is required to send an annual report to parliament.

Additional controls are provided by the Auditor General, and an Inspector-General for Intelligence has been appointed with wide powers of oversight. An Audit Committee, including outsiders, has been appointed as well as and a presidential budgetary advisory committee.

Remarkably, there was very little public demand for intelligence functions to be opened to public scrutiny, as happened for example when the German Democratic Republic

collapsed. Instead, there seems to have been a high level of continuity, with files remaining closed or (mostly) being destroyed – no less than 44 tons of government security-related documentation was shredded during the transition. It is thus unclear to what extent a break with past covert and intrusive practices has been made, even though a legislative and administrative framework consistent with best democratic practice has been put in place.

However, a Review Committee on Classification and Declassification, consisting entirely of academics, was set up in 2002, and is due to report before the end of 2003. Public input was invited into the process, and it is likely to recommend that pre-1994 records (those that remain) be audited with a view to being made public, and that the restrictive Protection of Information Act of 1982 be replaced with a new law.

Role of civil society

Intelligence is not an area in which civil society can be expected to be extensively involved. However, the intelligence ministry has recently shown greater signs of openness towards civil society and academia, especially with regards to the declassification issue and the upcoming White Paper.

In addition, the new National Intelligence Academy has actively sought to recruit academics to its staff and is establishing (which is required by law) an advisory board from civil society, chaired by an individual who has to go through a process of public nomination.

CHALLENGES AND ISSUES FOR DISCUSSION

South Africa is often held up as an exemplar of 'security sector reform'. Measured against the past, remarkable progress has been made, and it has generally been achieved since 1994 with minimal violence. The security agencies have remained functional throughout, despite the enormous pressures of transformation and the challenges of dealing with apartheid legacies.

This is not to say that transformation has been without its stresses, or that it has been complete and effective. After all, measurement of success should not be made against a pathological past, but in terms of a future vision. There is, of course, no perfect solution to the multifaceted challenges of governing security in a democracy. There will always be a tension, even a contradiction, in the fact that democratic states rely in the final analysis on undemocratic institutions (which at times must carry out undemocratic practices) in order to protect democracy. If the security institutions of a state cannot be democratic, however, they can at least be governed in a democratic way. Even here, though, there are necessary limits on the principles of transparency and accountability required for democratic governance that need to be carefully managed.

Governance, like democracy, is always as much a process as an ideal, an in any country evolution of structures and practices will reflect political cultures and take idiosyncratic and context-specific turns.

In general terms it is evident that – at least on the formal level – South Africa has consciously and fairly successfully sought to apply best democratic practices to the governance of security. In some ways, it has found more transparent and accountable ways of doing this than exist even in established democracies. It has also sought to take into account the specific requirements of the transition, specifically in relation to the need to redress past inequities. However, the process of transformation itself has engendered some organisational and perhaps political fault-lines, and the focus on redressing inequities has perhaps resulted in other pressing institutional challenges being left unaddressed.

Some key issues for discussion include the following:

Policy overload and transformation fatigue*:* It is evident that an enormous number of policy changes have taken place in a short period of time, coupled with fairly radical institutional transformations. Can the security institutions be expected to continue to respond effectively to policy and transformation pressures? Is appropriate *prioritization* taking place or are institutions expected to do too much at the same time? On the other hand there is also a need for ...

Policy reviews: While a national security management system is in place, it is not clear if a coherent and integrated *national security policy* exists. Government has indicated that it intends reviewing national security and intelligence policy, particularly in the context of security environment changes since 9/11. Is it possible to operationalise the normative framework of democratic governance and human security whilst at the same time ensuring effective day-to-day security management?

With regard to *defence policy* it becoming evident that in order to pay for the Strategic Arms Package other areas are being made to suffer. Is it necessary to carry out a policy review to ensure that an appropriate balance between different capabilities (conventional, peacekeeping etc) is achieved? Does the Strategic Arms Package need reviewing?

Within *safety and security policy* it is evident that there has been a move away from normative concerns towards effective crime combating. But is there policy coherence to this?

Implementation: Policies are not always effectively implemented and do not necessarily achieve their envisaged goals. Are the *resources* available (human, capital, technological, organisational), or put another way are the policies appropriately tailored for the resource constraints current in South Africa (are we importing 'first world policies' for 'third world conditions')? Are appropriate *strategies* and priorities being developed for policy implementation through the policy-planning-budgeting frameworks?

Centralisation and co-ordination: Considerable progress has been made in co-ordination of security policy and governance, and the Office of the Presidency has been strengthened. Is this improving effectiveness? And if so, is it doing so at the possible expense of the pluralism and system of checks and balances essential to democratic governance?

Control and oversight: This study has indicated that neither the defence nor safety and security secretariats are achieving in full their objectives as provided for in the Constitution. How can this be addressed? While the parliamentary committees function reasonably well, could their role be enhanced? Are they appropriately resourced? With regard to safety and security, it is also clear that urgent attention needs to be given community policing and the CPF's in particular as a form of civil oversight.

One-party dominance: This carries with it both positive and negative features for a developing country like South Africa emerging from a conflictual past. On the one hand, a dominant party provides the gel that holds together state, political society, civil society and to some extent the private sector and establishes a national vision. However, could the intention of the ANC to gain control over state and society in the interests of transformation, achieved in the first instance through appointments to key posts of ANC supporters, have negative implications for governance? Could the separation of powers so key to democracy be threatened, and the system of checks and balances so carefully instituted through legislation and policy, as seen in this paper, be weakened? And down to what level should political appointments be made in the civil service and more particularly within the security institutions?

Leadership: As in any organisational context, much depends on the character and quality of senior leadership. This becomes particularly important in periods of change and in contexts of organisational challenges and weaknesses. Is sufficient attention being given to the process of developing and appointing appropriate leaders and developing succession strategies?

SOME SOURCES OF INFORMATION

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