

TRUTH AND RECONCILIATION PROCESSES AND CIVIL- MILITARY RELATIONS: A QUALITATIVE EXPLORATION

by

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Declaration by Candidate

I declare that this thesis is my own work and that all sources that I have used or quoted have been indicated and acknowledged by means of complete references.

A handwritten signature in black ink on a light blue background. The signature is written in a cursive style and reads "J. C. R. Liebenberg".

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Acknowledgements and (re-) Memories

Birds need not only wings, but air in which to fly. The desert scorpion, despite agile legs and heavy armour, will find itself helpless in a calm sea.

If Kipling was correct in suggesting that “the heights by great people reached and kept were not obtained by sudden flight, but they, while their companions slept, were toiling upwards through the night”, then acknowledgements are crucial. Not that one is great or necessarily at great heights, but no working person exists as an island, nor does a single somatic being constitute tradition and achievements attained or aimed at. In all this we stand but on the shoulders of others that went before us and those accompanying us.

This is true for the research track here. Numerous people played a role over a long time.

I owe gratitude to a great many friends past and present and not all of them can be mentioned here. I humbly tender my apologies in this regard.

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Barbara Bradley assisted as language editor and Tienie du Plessis dealt efficiently with the layout. I offer them my gratitude. Barbara did wonders with rehabilitating a South African English text created by an *Oranje Rivier/Groot Gariep/Kalahari/Boesman boykie* who has a remarkable ability to ignore the rules of (English) grammar as if they are simply nuisance variables. Tienie added that necessary touch of experience to make a somewhat lengthy and arguably, tedious, text friendlier to the reader (it is to be hoped) and thus break the monotony of a world where far too many people and texts still see everything around us in exclusive shades of white, black and grey.

Hettie Beyleveldt and Hermien Bolton assisted with corrections. Their input is well appreciated. I thank Magda Kruger and Annetjie Jansen, departmental administrators at the Unisa Department of Sociology. When I became engrossed in this study or other projects, they took care in a very diplomatic way to remind me about pending assignments and deadlines in the department – in good time and always in a friendly and warm collegial manner.

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Mariaan, Tienie and Ruhr Martin were possibly the only persons to share and understood the author's deep dislike for the pretence and elitism – even arrogance – of the academic world and why I sometimes delayed working on this particular project. I cannot have but deep appreciation and respect for them in this regard.

Outside the strict academic sphere others played a role. Len Els, martial arts instructor, knowing this “long march experience” challenged me by offering two years ago, the use of his complete five volume TRC Report with the promise that on successful conclusion of the

project the report would become mine (I could not at the time afford to buy one myself). Well, that is one way to motivate a student! Humorous and contextual Zen-like quotations adapted to our African condition also played their part. Finally it is done, Sensei! Domo arigato and kampai!

If not for hobbies, travel, friends (including one's household non-human animals) and sport, the strains of lecturing, writing and publishing, completing a doctoral thesis, domestic life or mere life administration in general could get to a human animal. One memorable habitat was/is the Karateka 40 group. We shared sweat, concentration, fighting combinations and frequent laughter. Such comradeship and *esprit de corps* contributed much; even if these fellow karateka did not realise it ... Senseini Solly Pokroy, Eddy Dorey (*ex officio*), Len Els and Jan Beetge need mentioning. So does Marlene, Pieter, Mariaan, Stephan and others (which reminds me that a "D" and achieving a Shodan, Nidan or any other grade, shares similarities: Both require time, focus, cooperation, interested and human instructors, humility, a supportive environment, integrity, long hours of training and feelings of trepidation and elation, emotional ups and downs. Both require from the involved actor to "storm the castle" and "part the clouds" while keeping end goals in mind.) In this regard training with Sensei Steve Madue, Bra Sam, Annelize Young and our group in Arcadia also played a valuable role.

In writing this I could not help to remember the support, love and loyalty of my late father, Eben Liebenberg, and my mother, Bessie. Throughout, they were a source of critical support and empathy. And I guess much of the tracking represented here started off with long father/son talks over many years in and over red sand dunes ...

In expressing gratitude to the above people, none of them should be burdened with the contents and/or outcomes of the study, which remain my responsibility.

Many others persons and their work of life, which I admired over decades, also played a role in reflecting on society and the present study here. Obviously/sadly none of these persons I ever met. I conclude with translated quotations from some of them. I wrote it up about twenty years ago in a small notebook.

Consciousness is something that the world (has to) acquire even if it does not want to
– Karl Marx

One must take the risk of saying things that are in dispute, provided that vital problems are thereby raised – Dietrich Bonhoeffer

As long as we remain merely victims or spectators in the struggle for justice, we are supporting the thief and its crimes – Dorothea Sölle

If one is free at heart, no human made chains can bind one to servitude – Bantu Biko

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and reads "Ian Liebenberg".

Ian Liebenberg, Pretoria, November 2008

Summary

This exploratory study deals with the South African Truth and Reconciliation Commission (SATRC) as a case study within a *broader casing* or “comparative perspective”. The study adopts an exploratory qualitative approach with strong auto-ethnographic underpinnings. The nature of the SATRC as a case study and other examples of truth and reconciliation commissions (TRCs) and non-TRC processes complemented by an individual narrative informed the study. In this regard the research represents a narrative of different “voices”, as well as theoretical discourse; more aptly, a dialogue between informed context, process, the military-civil community and the author. The research question posed relates to the question whether new democracies, such as South Africa, which opted for a TRC process, fared better in establishing working CMR and civil control over the military than new democracies that did not opt for TRCs. The research contends that TRC options followed by young or emerging democracies – inclusive of the SATRC – did not necessarily contribute significantly to the establishment of civil control over the military, although it may have value for others if the need for civil control over the military is consciously kept in mind (the benefit of foresight) when TRCs are conceptualised.

The research, through the existential lenses of the author, suggests that TRC and non-TRC choices could lead in equal measure to working CMR and civil control over the military. It could assist the military to be aware of the dangers of partisan involvement when invited into the realm of politics by partisan political leaders. The study could raise awareness among political leaders against drawing a constitutional professional military force into partisan politics, thus undermining democracy and almost certainly transparency, accountability and human rights protection within a community of self-chosen citizens.

The research processed/narrated/experienced by the author as an embedded research tool points towards some importance for TRC approaches vis-à-vis other approaches. But in some cases little difference could be proven when it came to optimal democratic control over military institutions in emerging democracies. This statement is open to qualification. It seems that in a lived experience (*deurleefde ervaring*) there is potential for TRC-like approaches to add value to eventual civil control over the military, as long as the process is consciously coupled to the end goal of affirming workable CMR, civil control over the “armed” forces, the (re-)professionalisation of the military and the persistent nurturing of human rights by the state, the military, the civil community and elected political leaders. Differently put, contemplating a TRC as a replicable or transfereable model (or even guideline) for other countries implies the significance of foresight rather than hindsight in incorporating CMR as a central part of the planning, implementation (read: TRC, a broadened mandate) and conclusion of such a multi-layered process.

The study utilised personal experience, literature reviews, documentary and archival research solicited and unsolicited materials, impromptu exposures of an overt nature, coupled with face-to-face interviews with selected participants in order to capture as rich as possible a slice of life of TRC/non-TRC approaches in various countries. In this attempt I argue that this study captures some of the rich collage of human experiences in social processes here and elsewhere and that it may hold transferability value within set parameters.

In a rather under-researched field this exploratory qualitative study answers the research question(s) with qualifications. The study makes its contribution in the field of military sociology and the sub-discipline of CMR. It may be considered for future deployment, provided that comparative and contextual differences are kept in mind. What may work in one country under one particular government may not be a good “export product”. Civilians, politicians, military professionals – even religious leaders – need to be aware of this while they strive continuously for improvement of CMR, civil control over professional armed forces and consensus on the protection and nurturing of human rights and human security within a nation of self-chosen citizens.

List of abbreviations

ACCORD	—	African Centre for the Constructive Resolution of Disputes
ACDP	—	African Christian Democratic Party (South Africa)
ANC	—	African National Congress (South Africa)
APLA	—	Azanian People's Liberation Army (South Africa)
ASC	—	Afrika Studies Centre (Rijksuniversiteit Leiden, The Netherlands)
AU	—	African Union
AZAPO	—	Azanian People's Organisation (South Africa)
BCM	—	Black Consciousness Movement (BCM – South Africa)
BOSS	—	Bureau of State Security (apartheid South Africa)
CCB	—	Civil Cooperation Bureau (Afrikaans: <i>Burgerlike Samewerkingsburo</i> – BSB)
CEMIS	—	Centre for Military Studies, Military Academy of South Africa
CIA	—	Central Intelligence Agency (United States of America)
CIGS	—	Centre for Intergroup Studies (South Africa)
CIIR	—	Catholic Institute for International Relations
CMR	—	Civil-military relations
CODESRIA	—	Council for the Development of Social Science Research in Africa
CONADEP	—	National Commission on Disappeared People (Argentina)
CPSA	—	Communist Party of South Africa
CSV	—	Centre for the Study on Violence and Reconciliation (South Africa)
DefSec	—	Defence Secretariat (South Africa)
DRC	—	Democratic Republic of the Congo
DRP	—	Defence Review Process (South Africa)
DTA	—	Democratic Turnhalle Alliance (South West Africa/Namibia)
ECOMOG	—	Economic Community of West African States Monitoring Group
FF	—	Freedom Front (South Africa)
FAPLA	—	Popular Armed Forces for the Liberation of Angola (<i>Forças Armadas Populares para a Libertação de Angola</i>)

FNLA	—	<i>Frente Nacional de Libertação de Angola</i> (National Front for the Liberation of Angola)
FRELIMO	—	Front for the Liberation of Mozambique
HRVIC	—	Human Rights Violations Investigative Commission (Nigeria)
HSRC	—	Human Sciences Research Council (South Africa)
IAC	—	Issue Attention Cycle
IAS	—	Institute for African Studies (Moscow)
IC	—	Interim Constitution (South Africa)
ICCPR	—	International Covenant on Civil and Political Rights
ICD	—	Independent Complaints Directorate (South Africa)
ICJ	—	International Court of Justice
ICMH	—	International Commission for Military History
ICT	—	International Criminal Tribunal
ICTs	—	International Criminal Tribunals
ICTY	—	International Criminal Tribunal for the former Yugoslavia
ICTR	—	International Criminal Tribunal for Rwanda
IDASA	—	Institute for a Democratic Alternative for South Africa
IDP	—	Institute for Defence Policy (South Africa)
IFP	—	Inkatha Freedom Party (South Africa)
IMMATT	—	International Military and Advisory and Transition Team
INCH	—	Institute for Contemporary History
IPSA	—	International Political Science Association
ISA	—	International Sociological Association
ISS	—	Institute for Security Studies (South Africa)
JOC	—	Joint Operational Centre
LRC	—	Legal Resource Centre (South Africa)
MDM	—	Mass Democratic Movement (South Africa)
MPLA	—	Popular Movement for the Liberation of Angola (<i>Movimento Popular para a Libertação de Angola</i>)
MK	—	<i>Umkhonto weSizwe</i> (“Spear of the Nation”), military wing of the African National Congress (ANC)

MRG	—	Military Research Group (ANC aligned military think tank established in the early 1990s, South Africa)
NAMPOL	—	Namibian Police (post-liberation police service of Namibia)
NC	—	New Constitution (South Africa)
NDF	—	Namibian Defence Force
NEDLAC	—	National Economic Development and Labour Council
NGK	—	Nederduits Gereformeerde Kerk
NHRC	—	Nigerian National Human Rights Commission
NIA	—	National Intelligence Agency (South Africa)
NP	—	National Party (South Africa)
NNP	—	New National Party (South Africa)
NPF	—	National Patriotic Front of Namibia
NRF	—	National Research Foundation (South Africa)
NSC	—	National Security Council (South Africa)
NSF	—	Non-statutory forces
NSMS	—	National Security Management System
NUSAS	—	National Union for South African Students
OAU	—	Organisation for African Unity
PAC	—	Pan-Africanist Congress of Azania (South Africa)
PDP	—	People's Democratic Party (Nigeria)
PLAN	—	People's Liberation Army of Namibia (Military wing of SWAPO)
RC01	—	Research Committee 01 of ISA
RENAMO	—	National Mozambican Resistance, also known as MNR
RoD	—	Military Discipline Code (Afrikaans: <i>Reglement van Dissipline</i>)
RPF	—	Rwandan Patriotic Front
SAACI	—	South African Association for Conflict Intervention
SACC	—	South African Council of Churches
SACP	—	South African Communist Party
SADC	—	Southern African Development Community
SADF	—	South African Defence Force (apartheid era)
SAKK	—	Suid-Afrikaanse Kleurlingkorps (S.A. Cape Coloured Corps)

SANDF	—	South African National Defence Force
SANNC	—	South African Native National Congress
SAP	—	South African Police (apartheid police)
SAPS	—	South African Police Service
SASA	—	South African Sociological Association
SASS	—	South African Secret Service
SATRC	—	South African Truth and Reconciliation Commission
SATRCR	—	South African Truth and Reconciliation Commission Report
SSC	—	State Security Council (South Africa)
SWAPO	—	South West African People's Organisation (Namibia)
SWAPOL	—	South West African Police (under apartheid rule)
SWATF	—	South West African Territorial Force
TRC	—	Truth and Reconciliation Commission
TRCs	—	Truth and Reconciliation Commissions
USME	—	Universiteit Stellenbosch Militêre Eenheid
UDF	—	United Democratic Front (South Africa), established 1983
UN	—	United Nations
Unisa	—	University of South Africa
UNITA	—	Union for the Total Independence of Angola (Portuguese: <i>União Nacional para a Independência Total de Angola.</i>)
UNTAG	—	United Nations Transition Assistance Group
UWUSA	—	United Workers Union of South Africa (Inkatha Union supported by apartheid government)
ZANU	—	Zimbabwe African National Union
ZANU-PF	—	Zimbabwe African National Union Patriotic Front
ZAPU	—	Zimbabwe African People's Union

ABSTRACT

This work narrates a qualitative sociological exploration with auto-ethnographic underpinnings. It deals with the South African Truth and Reconciliation Commission (SATRC) as a contextual case among others. The thesis seeks to answer the question of whether countries following a TRC route did better than those that did not use TRCs, when it comes to establishing civil control over the military. The author's exposure and involvement in the process as participant, participant observer, observer participant and observer inform the study. With the SATRC as one cornerstone other cases reflected upon include Argentina and Chile (Latin America), Spain and Portugal (Southern Europe), Namibia, Nigeria and Rwanda (Africa).

Keywords:

Truth and reconciliation, democracy, apartheid military, military sociology, auto-ethnography, South African National Defence Force (SANDF), civil control (South Africa), authoritarian rule, liberation struggles, reflexivity, armed forces (in transition), scientific narratives.

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CHAPTER 1

INTRODUCTION: PROBLEMS IN CONTEXT

Historical man always sees and understands from his standpoint in time and place; he cannot stand above history and procure “objectively valid” knowledge. There is no standing place for the interpreter outside of history; a subject can never be seen from the point of eternity – Palmer, 1969: 178ff.

Humans observe the world around them through sets of spectacles or lenses, called concepts and relational terms – Meehan, 1988: 45.

What matters, then, in the making of peace is the transfer from angular viewpoint to generic vision – Desan, 1987: 110.

1.1. Background

Transition from authoritarian rule to democracy has led to a number of countries instituting truth and reconciliation commissions (TRCs). Such a process can broadly be defined as opening up past human injustices caused by oppressive national governments; revealing human rights extremes, allowing especially victims, but also perpetrators, to make their voices heard, attempting to achieve reconciliation and justice (arguably peace also), and proposing mechanisms ensuring that similar events will not reoccur. Prominent TRCs were instituted in Argentina, Chile and South Africa. African countries also decided on TRC approaches, for example Burundi, Sierra Leone and the Democratic Republic of the Congo (DRC). In Rwanda, a process is occurring that reflects some elements of a TRC and similar processes have come into being in East Timor and Cambodia.

“Truth commissions are now standard post-conflict structures set up in over seventeen countries in the last twenty years to investigate unresolved cases from past human rights violations ... as one strand of the globalisation of human rights, they have taken on a trans-national validity as one of the main mechanisms for announcing a new democratic order” (Wilson, 2001: xviii). I would not go as far as Wilson, arguing that truth commissions are now a universal standard. However, they are frequently viewed as a standard approach to deal with a history of past human rights excesses within national communities. For some such commissions has become a norm, if not close to a blueprint (Sverrisson, 2006: 8).

It speaks for itself that not all these cases can be discussed within the scope of this thesis. Each case involves people, humans in interaction. As alerted by Palmer in the epigraph above (1969: 178ff), chosen cases cannot be discussed from a viewpoint of eternity, the author being from his contextual position but one human interpreter of such social processes in a continuously changing context.

Compared to other processes, the TRC approach is relatively new on the political scene. Introduced around the 1980s, an extensive corpus of literature on TRCs is available today. Since 1992, a spectrum of publications on South Africa's history of oppression and its aftermath has seen the light. A significant percentage of these works deal with the South African Truth and Reconciliation Commission (SATRC). The number of publications on the SATRC and others is still increasing.

Publications and reflections since 1999 cover an array of issues that have an impact on the current academic – and to a degree public – discourse in South Africa. These discursive materials include social recollection, collective remembrance and historical consciousness, even attempts at inducing a debate among South African historians, which has been much less successful (see text in block on page 26). The SATRC, its workings, structures and victims also deserve much attention. Several reflective works deal with the impact of and the prospects for reconciliation on community level. Other aspects that are dealt with include language games or discourses reflecting on process, power and literary perspectives, the psychological impact of apartheid and unearthing the truth about apartheid repression and “the politics of memory”, inclusive of flaws in the SATRC process. Others reports deal with the impact of the TRC in particular communities or the effects of human rights excesses, such as torture or the loss of loved ones or issues of gender and being a witness before the TRC (Nomoyi, 2000). Others venture into meta-fiction, reportage and partial memoirs¹ [Works related to and/or referring to the SATRC include Sanders (2006), Verwoerd (2005) Wilson (2001), Villa-Vicencio (2002), Meredith (1999) and Christie (2000). See also James & Van de Vijver (2000), *After the TRC – reflections on truth and reconciliation in South Africa*, Christodoulidis & Veitch (2001), Mamdami (2000) and Goodman (1999)].

An observer, theorist or participant in a social process views the world through human eyes. Such views or *angular optics (context-bound perspectives)* on, and attempts at understanding the SATRC and other TRCs abound. I prefer the term *angular optic* rather than “context-

¹ The work of Antjie Krog, *Country of My Skull*, is seen as part of this genre (Sanders, 2000: 73ff).

bound perspectives” or spectacles. The former for me implies human agency – despite its limitations – and the possibility to “see” through the eyes of others from different viewpoints, even argue or generically live these viewpoints interactively in the hope of attaining peaceful relationships in a given community. Despite human – even one’s own – deficiencies, I believe that different angular optics that are shared can lead to generic visions that improve attitudes and socio-economic structures. Lessons learnt from the past can lead to a society where socio-economic and political structures will enhance communal tolerance and human rights, one trusts; in other words the “transfer of angular viewpoints to generic visions” (see the Desan epigraph). This also applies to the way in which structures of military power are approached.

In 1995, the South African government opted for a TRC approach that was strongly modelled on the earlier Chilean approach. A five-volume report on the TRC was issued in 1998, addressing issues such as its advocacy, rationale, history, composition, detailed witness proceedings, analyses of victims’ reports and experiences, perpetrators’ accounts, issues of amnesty and socio- and individual psychological concerns. In the last volume of the report, released in 1998, recommendations were made on restitution and reparation (TRC Report, 1998, Volume 5: 420ff). This volume also included the “minority position” submitted by Commissioner Wynand Malan and the TRC’s response to the minority position (TRC Report, 1998, Volume 5: 436ff).

Sverrisson rightly argues that despite the fact that TRCs attempt to unearth the truth, they leave some victims dissatisfied. In other cases TRCs became controversial in hindsight (Sverrisson, 2006: 7). Such observed shortcomings relate to various issues that I address below.

Seemingly lacking in the wide-ranging literature on TRCs are the possible effects of TRCs on CMR within democratised countries such as South Africa, and effecting for the citizens of these countries future control over military and other security agencies. While there are many in-depth analyses of the potential failures and successes of CMR in South Africa and other countries, there is not enough on what a TRC meant, or could (or should for that matter?) have meant, for civil control over the military.

There are arguably reasons for this. For example, in South Africa the SATRC and the Defence Review Process (DRP)² ran concurrently. Yet, with some hindsight these processes, each valid in its own right, ended up as two entirely independent processes. Between the TRC and the DRP there seemed to be limited cross-fertilisation, instead of an observable reciprocal influence, which with foresight could have taken place and would have added to the enhancement of CMR.

An argument frequently offered is that it was not part of the SATRCs mandate to address future CMR. Inherent within the definition of TRCs we find two elements: (1) A directed attempt to unearth the truth about the past and (2) the outspoken principle of *never again*; in other words to prevent a return to similar occurrences. The latter, I argue, includes future civil control of the military. Yet, there are few concrete suggestions in the South African Truth and Reconciliation Commission Report (SATRCR, Vol 5: 304ff) that explicitly attempt to prevent a return to past actions, and offer means to ensure future civil control over the military specifically. That these issues were not dealt with in the SATRCR's recommendations is regrettable in hindsight – even if the arguments hold water that the mandate did not include it.

The SATRCR (Vol. 5) makes reference to ratifying the International Covenant on Civil and Political Rights the United Nations Convention against torture and other cruel, inhuman and degrading treatment or punishment (1998: 348), and the promotion of a human-rights culture (1998: 311–312). It briefly suggests that the Defence White Paper's civil education programme provides “a positive initiative to prevent future human-rights abuses by members of the security forces and to encourage and instil an understanding of human rights values in the population at large” (1998: 329). It also indicates that the White Paper provides some guidelines for the future conduct of security forces and the relationships between state and security, and that the South African constitution (Chapter 11, Section 199) should be adhered to. However, no detailed guidelines or instructions, nor analyses of proposed civil control over the military were provided (consult the recommendations of the SATRCR in Volume V, 1998: 302).

It is regrettable that even if it had been only minimal, there was not the foresight at least to address the issue of civil control over security institutions in more detail in the SATRCR. TRCs – with the limited exception of the Chilean commission – that went before did not pick

² The DRP in South Africa involved the public in the process of co-designing the new South African National Defence Force (SANDF) vision and mission with regard to its future strength, budgetary needs, force projection, primary and secondary of the military in the new democracy.

up this potential strength of a TRC process. This however does not mean that South Africans involved in the design of the process should have suffered the same shortcoming.

One may ask why other TRCs did not reflect the foresight to address future CMR, even as a small part of the reports' recommendations. There may be many reasons, yet this general oversight by instigators of TRCs when setting the mandate is regrettable and the opportunities missed are clear.

Another observation lurks in the background. In contrast to TRC exercises it seems that democracies that have not opted for TRCs – particularly those that formed part of the so-called *third wave of democracy* such as Spain, Greece and Portugal – addressed the issue of civil control over the military as well as CMR with remarkable vigour in times before TRCs became a vogue, even at a time when such choices were already available. In the latter case, one African country, Namibia (independence achieved in 1990), can be quoted as example. The above arguments will suffice. In the next section I will introduce the notion of ethnography, which forms an integral part of this narrative.

1.2. Enters auto-ethnography

Auto-ethnographic

This term now commonly refers to a particular form of writing that seeks to unite ethnographic (looking outward at a world beyond one's own) and autobiographical (gazing inward for a story of one's self) intentions. The aim in composing an auto-ethnography account is to keep both the subject (knower) and object (that which is being examined) in simultaneous view. It is commonly claimed that the striking stories that frequently comprise auto-ethnography are intended to illustrate and evoke rather than to state or make a claim, and that the author of such a text aims to invite readers into the text to relive the experience rather than to interpret or analyze what the author is saying.

– Schwandt, 2001:13

Some scholars frown on auto-ethnography as being radical if not unscientific. The approach is not new. More recently it has received much more attention and recognition. The auto-ethnographic approach incorporates the researcher and author as part of the research and a voice in itself; a subjective being that relates to text and human context, rather than role-playing the distant “neutral” observer. The latter theoretical approach frequently reflects a

passive style of writing and is grounded in the expressive voice of the third person viewing the subject(s) of study from a presumed clinical distance.³

Why a preference for the auto-ethnographic approach? Firstly the involvement of the individual in any social process is not that of a “being- apart” from the process but “being a part”. Social and individual experiences inform each other. Secondly, on reporting a research process and its findings such involvement cannot be sidestepped. I concur with Esterberg (2002: 208) “that the use of passive voice tends to imply that no one actually did the research; it somehow merely appeared or ‘was found’”. Stated in stronger terms; the passive voice of the “neutral” researcher alienates the researcher from the active self in interaction with others. Auto-ethnography as an activity that builds on ethnographic description involves the personal and the author as participant in the social process in relating to and reflecting actively in interaction with other subjects. It aims to paint a larger, sometimes more intense and human picture while sharing knowledge (Ouelette, 2003: 13ff; Ellis, 2004: 31ff).

“We can look at auto-ethnography this way; it gets us out of an either/or way of thinking. As a form of ethnography auto-ethnography ... is part auto or self and part ethno or culture” (Ellis, 2004: 31). Auto-ethnography can include interpretive or narrative ethnography and unfolding, dialogic plots (Ellis, 2004: 32). In the words of Josselson *et al.* (2003: 3) it is “Up Close (and Personal)”. In reflecting on research and how to communicate the research process, auto-ethnography became part of a shifting landscape or a widened *digm* in the world of research that represents different moments – and in some cases – different voices, likely in the same work to communicate to the reader or fellow traveller a larger collage of life (Sparks, 2002: 2–5). I discuss this approach in more detail in **Chapter 2**.

³ More positivistic-orientated researchers insist that the author should write “scientifically”, i.e. (Van Maanen, 1988, Sparkes 2002) references must be in the third person, i.e. the distant observer. Following a comment of a South African reviewer on earlier work, I consulted several accredited and international journals. I found first person references in among others the *African Sociological Revue*, *Journal of Democracy* and *Social Identities*. Accredited South African journals in which first person terms were found include *Scientia Militaria*, *Politikon*, *Koers*, *Politeia*, *Society in Transition* (journal of the South African Sociological Association) and *Journal for Contemporary History* (Afrikaans: *Joernaal vir Eietydse Geskiedenis*). Other South African journals include *African Journal on Conflict Resolution*, *African Security Review* and Human Sciences Research Council (HSRC) publications. It seems that with regard to the third person reference (“the distant voice”), earlier researchers in South Africa and elsewhere adopted preferences (bias?) as a rule. More recently approaches using the active voice have been examined and accepted by for example the University of Johannesburg and the University of South Africa – among others in the fields of business science, psychology, communication sciences and theology (pastoral care). Esterberg argues: “I strongly recommend writing in the active voice. It is better to use ‘I’ or ‘We’ to show that a real person did the research” (Esterberg, 2002: 208). I agree with Esterberg.

The choice for TRC-type processes or against them (re-) touches peoples lives, past and present experiences of individuals and communities – also those that worked closely in or were touched by that particular environment; it is individually and collectively “up close and personal” and forms part of this study. Up close and personal relates to the individual, the “I” of the researcher, his/her experiences and socialisation within a concrete context – also in this case – my personal interest in the topic cannot be divorced from the scientific narrative deployed here. Next my personal interest in this study needs discussion.

1.3. Personal interest in the study

Earlier South African debates concerning its TRC, starting as early as 1992, triggered the present study. Initially, my main interest was the debate on the SATRC as possible avenue for reconciliation (see Boraine *et al.*, 1994; Liebenberg, 1992). Villa-Vicencio (2002: 4–5) mentions that many South Africans embraced this notion. As one that originally advocated the TRC as a path of reconciliation, I was led to an interest in TRCs elsewhere and a desire to undertake at least some tentative comparative work on TRCs.⁴ (Admittedly before I started advocating the SATRC as a choice, I wrote at least one article in which I hinted that the new democratic government, after taking power, should embark on internal criminal proceedings against some prominent figures representing the *ancien regime* [Liebenberg, 1992] At the time I could not care less if that put me in the same league as some members of the Pan-Africanist Congress (PAC) or Mrs Winnie Mandela, former wife of President Mandela, and a radical voice on dealing with the past of apartheid excesses. Following through such an argument in South African *realpolitik*, however, presents problems as the ruling National Party – even if reluctantly and under pressure – became involved in a process to relinquish power through a negotiated settlement and was not replaced through conquest).

Christie aptly remarks that, “Despite the number of attempts to examine the past there have been (too) few comparative studies which attempt to shed light on the phenomenon” (Christie, 2000: 46). Christie wrote about the South African process and apparently refers to comparing the SATRC with other similar processes.

The continued violence after the unbanning of the liberation movements in South Africa and the ascendance of covert operations acted as a stimulus to make a personal contribution to unearth covert operations as part of continued violence by the then incumbent government

⁴ This edition quickly sold out and a second edition followed. For a list of related publications by the author see **Appendix 1** (page 433).

against its own citizenry. For me personally unearthing the truth also implies making a contribution to the prevention here and elsewhere of similar occurrences during and after transition. Upholding apartheid came with violence, structural and physical. This legacy was carried into the South African attempt to become a democracy. On the one hand, the security issue in South Africa became entangled with both democratisation and civil control. On the other the reduction/prevention of violence and community reconciliation – or at least social accommodation – became an urgent imperative.

In South Africa transition coincided with violence spurred on by among others government-orientated “third forces” (Sanders, 2006: 255ff; SATRCR, Vol. 5: 424 [1998]; Coleman, 1998; Schutte, Liebenberg & Minnaar, 1998). The attempt to make a tangible contribution in the South African context led to an initiative that set out to describe state intervention aimed at undermining attempts at attaining a democracy in South Africa. In a project on covert operations that we undertook the sociologist, Charl Schutte, from the Human Sciences Research Council (HSRC), a military sociologist and ex-Umkhonto we Sizwe (MK) officer, the late Rocky Williams and the historian and criminologist, Anthony Minnaar, also in the employ of the HSRC, played a significant role. The project was funded by the Institute for Democracy in South Africa (IDASA), the Friedrich Naumann Stiftung and the Danish embassy. After procurement of external funding (our then employers were not particularly enthusiastic about the project), we held a conference at Espada Ranch outside Pretoria, which in turn resulted in a widely reported publication, *The Hidden Hand: Covert Operations in South Africa* (1994).⁵

An earlier interest in democratisation in my case gave rise to exploring CMR in emerging democracies, partly as a result of previous experience and individual involvement with the South African DRP as part of the civil society component. My friendship with the late Rocky Williams, military sociologist and a colonel of MK background in the newly created South African National Defence Force (SANDF), played a role too. Regular interaction with persons close to the process also enhanced my interest in these matters. A participant-observer position enabled close monitoring of the ongoing complex, if not problematic, integration process of previously adversarial armed forces in post-apartheid South Africa and taking part in an “organic process” where civil society and the military could interact on civil-military issues.

⁵ It was revised and appeared as a second edition in 1998.

Over time, in my case, a convergence of interest in TRC processes, CMR and democratisation came about. These issues happen to be a crucial nexus in a post-transitional democracy such as South Africa, as well as others.

1.4. Social science, sociology and the military

Sociology as a social science is interested in social groups, institutions and societal processes. Virtually every element of society, be it institutions, small or large groups of people in interaction, power relationships, economics and people, the world of work, conflict, peace and socio-cultural aspects, is investigated by sociologists.

Likewise, an interest in the military among social scientists and sociologists is not new. *Sociology: a systematic introduction*, authored by Harry M. Johnson (foreword by Robert Merton) deals with military organisation (Johnson, 1961; 40–46, 292ff). John Robert Beishline, a military scholar, as far back as the 1950s ventured into military sociology by discussing military organisation, interaction between commanders and subordinates, military functions and functionalism, management and group activities and line command functions within the military structures, which are themselves part of broader society (Beishline, 1950). An illustration of strong interest in the military is the International Sociology Association's (ISA) research committee (RC01) that is dedicated to military sociology.

In the case of South Africa the same applies. Interest shown by South African sociologists in military-related topics, as well as by international scholars in South Africa's military and political interface, has existed for some time.

The role of the military and military policy was mentioned as early as the 1970s by social theorists in discussions related to political change (see Sachs in Thompson & Butler, 1975: 229ff; 239). Heribert Adam, well known sociologist, in *Modernizing Racial Domination*, spent time on discussing the role of security institutions in upholding white control (Adam, 1972: 53ff, 125ff)⁶. Some works paid attention to security legislation and its effect on human rights (Dugard, 1978: 151ff). In particular cases they took up insights by people involved in South African politics for further analysis. For example, a decade earlier the then leader of the African National Congress (ANC), before the organisation made the choice for armed

⁶ Ten years later Adam, in a work co-authored with Hermann Giliomee, would reconsider the theme of the security forces and the trend towards militarisation in South Africa (see Adam & Giliomee, 1981: 184–185; 196ff).

struggle, referred to the problematic role of the military in upholding white power (Luthuli, 1962: 114, 204–205). As political personalities pointed out the dangers associated with security and human rights in South Africa, social scientists, among them sociologists, followed suit.

During the 1980s the debate for and against the role of the military and issues related to military policy in apartheid South Africa have increased. Some works simply cited the ever increasing list of security laws (Horrell, 1982). Others interpreted the effect of an increasing range of legislation related to state security, policies related to it and its effects on human rights (Mathews, 1986; Hund & Van der Merwe, 1986).⁷ Other works less critical of apartheid ventured into comparing South African defence policy with the policies of other countries, such as Australia, France, India and Japan (Roherty, 1980). Works that addressed the role of the security forces, internal oppression, external aggression and the ideology of Total Onslaught as an anti-communist (and black) tool increasingly appeared and analysed the South African state (Frankel, 1984; Leonard, 1983; Grundy, 1987). South African foreign policy, the role of the military and foreign aggression were analysed in detail (Geldenhuys, 1984; Grundy 1988); (Du Pisani, 1988).

During the early 1990s the debate continued as security forces remained active through front organisations and covert operations, trying to set hurdles in the future political playing field in favour of the ruling National Party. The growing dependence of the politicians on the military – or viewed alternatively, the military increasingly being sucked into politics by the politicians – continued to be hot points of discussion (Evans & Philips, 1988; Cock, 1990; Seegers, 1990; Swilling, 1990; Liebenberg, 1990; Minnaar, Schutte & Liebenberg, 1994). This debate has continued through the 1990s (Rosenberg, 1999: ix–xii; Meredith, 1999: 55ff, 167ff) to the present day (Sanders, 2006).

⁷ H W van der Merwe, a sociologist, is well known for his work in conflict resolution and advocacy of a negotiated settlement to South African conflict. He graduated from the University of Stellenbosch in Sociology and completed his PhD in Sociology at UCLA. He lectured at Rhodes University before heading up the Centre for Intergroup Studies, in Cape Town (UCT). Van der Merwe contributed numerous articles to sociology journals. He was nominated as a SATRC commissioner but not selected. An example of his views on the SATRC can be found in his contribution “Punishment in Perspective” (Van der Merwe, 1996 and in his autobiography Van der Merwe, HW 2000. *Peacemaking in South Africa: A life in Conflict Resolution*. Cape Town: Tafelberg Uitgewers). In the latter he deploys the auto-ethnographic style.

Civil-military research within the field of military sociology is currently producing a warehouse of social-relevant analysis.⁸ The same trend can be observed in South Africa. Over the past decade – and more – I have noted the activities within various (sub-)disciplines and study areas, including military sociology. In these subject areas relatively less research was/is done on the relationship between CMR, inclusive of civil-military control and the *specific relationship* with TRCs in attaining and sustaining civil control over the military, or *security governance*, to use a wider term.⁹ It is clear that South African military sociology, while it has become a thriving theoretical enterprise, *is lacking in the research area that specifically links TRCs and their outcomes with CMR.*

While a broad corpus of literature on CMR in South Africa and elsewhere is available, fewer authors deal with the important relationship between the TRC and civil-military relationships and civil control over the military and the potential value that such a link could have had. Put differently, had we had the foresight to make this linkage, even if other countries that embarked on TRC exercises did not, the South African experience could have added value to civil control over the military. Foresight in this case would have benefited South Africans and others alike that consider TRCs or implementing them in future.

The argument is made that this lack of foresight on a wider understanding of the mandate of the SATRC is understandable. I referred earlier to the mandate that did not explicitly refer to future CMR and implementing structures and attitudes of civil control over the military. Secondly the integration of several armed forces, transforming the apartheid military apparatus, and the writing of the White Paper on Defence took energy and effort. Closely in its wake, the DRP was instituted on a national basis, which in itself tapped organisational and

⁸ South African sociologists working on the military and the civil-military interface are among others Gavin Cawthra, Rialize Ferreira, Lindy Heinecken, Laurey Nathan and Jackie Cock, South African theorists such as Garth Shelton, Philip Frankel, Inus du Plessis, Abel Esterhuyse, Theo Neethling and Deon Fourie frequently deploy sociological insights in their work. Earlier works by Moses Khanyile in this regard are also to be noted. The late Rocky Williams added an array of military sociological insights to the transition of the military up till his untimely death in 2004.

⁹ Somewhat different interpretations of terms such as *security governance*, *civil control over security agencies*, *civilian control over the military* and *democratisation of the military* exist. Another term much used and that may again be demarcated from the above is *reprofessionalisation* of the military. All of these terms relate closely to control by civilian institutions such as the elected bodies over military (and by implication security) institutions and will be discussed from Chapter 3 onwards. The nearly all-embracing term of *human security* also enters the picture. I decided to work with concepts other than human security while the term relates to the discourse here. Reprofessionalisation of the military implies that military institutions adjust in attitude, ethos and structure to a new democratic and constitutional state following transition from authoritarian rule; thus a state aimed at securing and enhancing human rights.

human resource skills. With the exception of a few persons, not enough work was done on the crucial link between the SATRC and civil control over the military.¹⁰

Influential publications on the SATRC, such as Boraine (2000), James and Van de Vijver (2000), Wilson (2001), Goodman (1999), Villa-Vicencio (2002) and Christie (2000), refer to CMR or civil control over the military on a limited scale. Worthwhile publications, such as Williams (1999), Cawthra and Abrahams (2003), Cawthra and Luckham (2003) and Frankel (2000), focus extensively on CMR and security governance, but seldom refer to the SATRC, or any TRC for that matter. A significant, and in all respects an important, theoretical contribution by Molo (2000) highlights the negotiation process for civilian control from the Transitional Executive Council/the Interim Constitution and the New Constitution adopted in 1996 and provides extremely valuable insights into “civilianising the military”, yet deals only sketchily with the TRC. Up till now, I argue, few enough significant systematic attempts have been made to provide a theoretical construct linking the SATRC and civil control over the military, nor was the issue explored in a focused way by social researchers, including sociologists.

1.5. Motivation for the study

Margaret Archer provides an important view on the relevance of real-life social involvement, whether the one involved is a theorist or practitioner or participant: “The ‘problem of structure and agency’ denotes central dilemmas in social theory ... These issues are central for the simple reason that it is impossible to do sociology without dealing with them and coming to decisions about them” (Archer, 1995: 65). She continues: “Imperative as it is the problem is not one that imposes itself on academics alone, but on every human being ... For it is part and parcel of daily experience to feel both free and enchained, capable of shaping our own future and yet confronted by towering, seemingly impersonal constraints ... Consequently in facing up to the ‘problem of structure and agency’ social theorists are not just addressing crucial technical problems in the study of society, they are also confronting the most pressing problems of the human condition” (Archer, 1995: 65).

Her words reminds one of experiences lived through, attempts made to address problems of enormous proportions, with real or potential negative or positive social consequences. In addressing such problems, we remain caught up in struggles past and present and a struggle

¹⁰ One is an exploratory paper and a resultant article by Rocky Williams and a co-author on the impact of the TRC on the SANDF, published in 1999 (Williams & Liebenberg: 1999: 89ff).

for the future, while acting within a concrete and given current South Africa with prevailing social challenges. In a very real sense this study is exactly about this – and other societies going through the same trials and tribulations.

There are many reasons for researchers deciding to launch research on particular social realities, problems or phenomena, one of them, as in my case, being a desire to make a contribution in some practical way. My conviction, originally triggered by what some would glibly call “moral outrage”, was facilitated by personal experiences as well as the socio-political changes taking place in South Africa.¹¹

By reconsidering the foresight one had, but lack of time at that stage to radically tease out the puzzle of TRC influences on post-oppressive politicians and the military (read: inclusive of other security agencies such as the police, paramilitary and intelligence services) a thesis such as this represents reflection and study of the SATRC and other cases. Sources informing such knowledge gained and communicated are human and qualitative. They represent people rather than distant objects or “objectivity”.

The angular optic deployed here, I believe, will establish some knowledge, and at the same time could assist in solving or alleviating problems related to civil control over security institutions in this field.

I believe that research findings should be used to improve the quality of social life. I concur with Meehan (1988: 8): “The fundamental human purpose to be achieved through systematic thinking is always and everywhere to maintain and improve the conditions of life of some human population.” My belief is that these “golden threads” should be reinforced by applying a research approach that reflects *qualitative elements (including auto-ethnography)* and elements of *action research*, or in the words of two local experts, Mouton and Marais (1990), undertaking participatory research. Participatory research or action research reflects “understanding the life-worlds of the research subjects. It contains an element of political commitment to the empowerment of participants or betterment of the social conditions of participants; affinities with critical research paradigms; being (slightly) more inductive than deductive, (is informed by) participant observation, semi-structured interviewing, using documents, constructing stories and/or narratives” (Mouton, 2001: 150–151).

¹¹ For the role and value of passion and conviction in qualitative research, consult Ouellette in Josselson, Lieblich and McAdams (2003: 26).

Regarding qualitative research Sparkes suggested that we are in [a] moment of discovery and rediscovery and new ways of looking, interpreting, arguing and writing are debated by researchers (Sparkes, 2002: 6). Consequently, “qualitative research can no longer be viewed from a neutral or objectivist positivist perspective ...” (Sparkes, 2002: 6). Scholz and Tietje in a similar vein argue: “The intent of qualitative researchers to promote a subjective research paradigm is a given. Subjectivity is not seen as a failing (that needs) to be eliminated, but as an essential element of understanding” (Scholz & Tietje, 2002: 45).

Over years, this position through experience was cemented as I observed, consulted various oral and written sources, debated, interacted, participated, differed and agreed with friends and peers over the practical value of involvement – and frequently acted upon such knowledge and experience.¹²

Various countries that have been transformed from oppressive or authoritarian regimes purporting to be democratic have not been successful. Failures in this regard also had an impact on the civil conduct of the military. In many cases this led to negative social and political consequences, such as the case of Ethiopia, deteriorating into continuous social conflicts at the time (Daniel, 2000; Toggia, 2004: 32ff). Others experienced a short “spring” of attempted reconciliation but regressed into tension and authoritarian type practices underpinned by the support of the security forces. Zimbabwe represents a Southern African example. The same applies to the outcomes in other regions in Africa (Appiah-Mensah, 2005: 7ff; Du Plessis & Gevers, 2005: 23ff).

In the majority of these failures, the relationship between civilians and the military remained – at best – an unsatisfactory *status quo* and at worst deteriorated. In many instances optimal CMR and civil control over the military were not institutionalised during transitions. The civil-military theorist Robin Luckham rightly speculates whether (new) democracies can “write an epitaph for Frankenstein’s Monster” – “The Monster” in this case being militarisation and the spectre of praetorian or authoritarian regimes (Luckham, 1996: 1). One of the participants in this study makes a point worth reflecting on: He argues that post-oppression “the military tends in ‘forget’ resulting in most people not being able to forgive” (E-mail response 2007). For this reason TRC exercises could do well by giving specific

¹² The interest in military matters academic or through socialisation in apartheid South Africa spans 30 years odd. I assume life experience as child, socialisation in the school cadet system and as a conscript, citizen force member, political objector to military service and various others experiences, such as belonging to a lower middle class family and my parents being from a working class background, may have played a role too.

attention in their reports to the creation of attitudes and institutionalising measures of future civil control over the military.

No matter how interesting researching a topic is, it could only be meaningful if its research findings contributed to resolving a social problem by illuminating a particular socio-political context and contributing to solving pertinent problems in the chosen field. Solving problems in this case is closely intertwined with guarantees for human rights through civil control over the military (read: all national security agencies) and CMR that enable security governance of high democratic standards.

Apart from what possible positive influence TRC-like processes can have on civil control over the military, another nagging question remains. Do national communities or a nation of self-chosen citizens in a post-oppression period need TRC-like processes?

Since one is aware that no single individual can hold or present the whole “truth” and thus obtain “objectivity”, and aware that in any large social process the individual forms but a small part of the process, a complex knot of questions and challenges deserve attention (Desan, 1987: 5, 17ff). “The cruel fact is that (at times) one is unable to live the open-mindedness one (may) want to display ... one does not *de facto* climb out of one’s prison. This is an intricate psychological [sociological also – my insertion] problem, which cancels [or at least inhibits – again my insertion] the Husserlian claim of ending up with objectivity” (Desan, 1987: 63). This acknowledgement about individual subjectivity by Desan might be seen as a weakness. Viewed differently, it may be a strength in our search for alternatives to authoritarian rule and establishing civil control over and for the military in the aftermath of gross violations of human rights.

To face challenges even when overshadowed by historical burdens remains a human trait. The field in which the sociologist finds her/himself carries with it the same implication. “Keep your eyes open to the varieties of individuality, and to the modes of epochal change. Use what you see and what you imagine as the clues to human variety ... Know that the problems of social sciences, when adequately formulated must include troubles and issues, biography and history, and the range of their intricate relations. Within that range the life of the individual and the making of society occur; and within that range the sociological imagination has its chance to make a difference in the quality of human life in our time” (C Wright Mills quoted

by Plummer, 2001: 6).¹³ Incidentally, auto-ethnography accepts that social change falls within this range.

The need to recognise the link between the individual as subject, his/her narrative engulfed/embedded/woven into social processes, be it conflict, strife, reconciliation, governance, any part of social life and its fabric, provides some clues to problem-solving and enhancing the (social) quality of life (see among others arguments by Plummer [2001], Bochner and Ellis [2002] and Garrat [2003: 117ff].) For this reason the research approach includes auto-ethnographic elements.

1.6. Objectives of the study

The objectives of this study are the following:

Firstly, I explore the question of whether post-oppressive societies that transitioned to democracy (*new or emerging democracies*) need a TRC process to inculcate working CMR and civil-military control. It is important to point out at the outset that, during the research process, while I formulate tentative hypotheses, I do not strive to construct a fully fledged construct (e.g. theory or a model), to illuminate the relationship between TRCs and CMR. Very important for me is that the study will provide unique and valuable insights into the dynamics between TRCs and CMR.

In the second instance, I tell the story of the individual, others in similar contexts and communal interaction in such a way that it generates greater understanding of our contemporary social experience in the chosen field. Various names in the world of qualitative research have been given to the story of the individual (embedded in a particular slice of social life), for example, *narrative ethnography*, *interpretive ethnography*, *personal narratives*, *reflexive ethnography*, *evocative ethnography*, *narratives of the self*, *writing stories and phenomenological ethnography*, while for Ellis *auto-ethnography* has become the current term of choice. Even the critics of this approach have lately used this description, she points out (Ellis, 2004:40).

¹³ According to Plummer (2001: 6) C Wright Mills said this at a lecture during a visit to Latin America rather late in his career. I cannot help thinking that a person of such capacity could have doubled his worth in social experience and teaching by being exposed to that part of the “Americas” much earlier.

Thirdly, while being cautious of uncritically “exporting advice” from one context to another, I aim to provide policy pointers and recommendations based on the qualitative research findings and auto-ethnographic moments (human experience) for others at present in transition from authoritarian and/or oppressive rule to democracy.

Fourthly, by drawing on the research findings in this exploratory qualitative work and its auto-ethnographic elements embedded in our experience of truth and reconciliation and CMR, I wish to contribute some further foundations for social-scientific knowledge in local military sociology and prioritise further areas for research. The latter amounts to laying *some building blocks for future research in the area* (Mouton, 2000) through auto-ethnography and through shared experiences.

An underlying aim incorporated in this study and garnered over years is that I chose as far as possible not to exclude persons that contributed to one’s knowledge and shared experience. In the process of findings one’s way to assist in bettering society, there are many sources. Insights gained, experiences lived and knowledge built and shared does not belong to one person but to many persons. In knowledge one stands on the shoulders of others’ experiences and foresight. And frequently we stand amidst our own and fellow travellers’ hindsight ...

1.7. Anticipated contributions of the study

Undertaking the research as an involved individual within a concrete, changing context should firstly shed light on whether the SATRC succeeded in facilitating better CMR and civil control over the newly-established SANDF in democratic South Africa.

Secondly, it will illuminate whether embarking on TRCs may lead to more effective and workable CMR and civil-military control elsewhere.

By answering such questions, one should be able to illustrate how democracy can be strengthened through enhancing civil-military control in newly-democratised societies, and in turn, contribute to sustaining democratic states and ensuring human rights during TRC processes or in their aftermath.

Thirdly, the study is meant to lead to (cues on) the formulation of policy related to civilian control over security institutions and thus limits potential weaknesses in the civil-military arena. Simultaneously, the study aims to answer the question whether TRCs are *imperative* to

properly functioning CMRhips. In this regard the study holds an element of problem-solving. “Policy science (or the researcher/go-between) is therapeutic and pragmatic ... (it may assist) to heal the polity” (Parsons, 1995: 19).

Lastly, the study aims to make theoretical and methodological contributions to local military sociology through the use of auto-ethnography coupled with an “extended case study”.

1.8. Research question

The research question is: **Did new democracies that opted for a TRC process, fared better in establishing working CMR and civil control over the military than those that did not institute such a process?**

Differently put: **Does a national community – or to use a Habermasian notion – a community of self-chosen citizens, need a TRC process at all to institute sound CMR and civil control over the military in building the emerging/ sustaining democracy and nurture human rights?**

Some may argue that following this general question the postulation of more hypotheses is important. As will become clear when dealing with my scientific beliefs in **Chapter 2**, I hold a different position. This question may instead be explored by undertaking an in-depth study of the lived experiences of the researcher and the conceivable “other”, those closely involved with the SATRC and other similar processes.

One may argue that quantitative research will better be able to answer the question. It may be so. I will retort that reading through an account of others’ experience and one’s own can answer the above questions through the real life experience of the individual and the conceivable “other”, “the other” being those that lived through the experience, pains and tribulations of a rich and sometimes torturous real life process in the area under study. In understanding various processes in dealing with past transgressions of human rights, typologies may be of value. Personal reflection and consultation of sources provided at least one intellectual tool, namely the following¹⁴:

¹⁴ The aim here is not to provide a fully fledged literature review (which will be attended to in Chapter 3) but instead to shed some light on different approaches in dealing with human rights excess and simultaneously to illuminate the SATRC and others similar TRCs.

1.9. Typologies

Some years ago I became aware that no typology on “dealing with the past” had been expounded in academic literature. This “discovery” followed a discussion with Elin Skaar from the Michelsen Institute in Norway. I developed the categorisation of approaches described below to assist research in this field. These assisted in my own work to prevent “fuzzy” distinctions like those made by Amnesty International up to 1996 and Hayner in her earlier work (1994). These typologies form crucial references in the rest of the thesis and I will discuss them here.

1.9.1 Truth and reconciliation commissions

“Truth Commissions are relatively new social attempts by which recently democratized states choose to unburden their past through public acknowledgement coupled with restitution and in search of justice. Such countries have been typically under authoritarian rule and experienced prolonged human rights abuses. Following democratisation such countries decided on a moral or pragmatic basis to come to terms with their history of oppression. They do it in a way that would allow for public admission (or at least description) of the conditions that led to the excessive and systematic abuse of human rights” (Liebenberg & Zegeye, 1998: 541). With TRCs we differentiate between various other pathways addressing systematic human rights abuses, such as international criminal tribunals (ICTs), government-appointed commissions and/or forgive-and-forget approaches.

As I already pointed out, countries that opted for TRCs include Argentina, Bolivia, Chile, Guatemala and South Africa. The DRC also passed legislation in 2004 on a TRC (*Mail & Guardian*, 2004, September 17–22: 14).¹⁵ Hayner as early as 1994 reported 15 truth commissions and Bronkhorst (1995) 37 attempts to get to the “truth”. Both Hayner and Bronkhorst’s definitions were quite wide and included government commissions of enquiry at the time. Wilson points out that over the past 20 years more than 17 countries opted for TRC-like approaches (Wilson, 2001: xviii). Wilson’s clear distinction between TRC-type commissions and other approaches is relevant.

¹⁵ An attempted TRC in Yugoslavia was short-lived. East Timor embarked on a Commission for Reception, Truth and Reconciliation (Sverrisson, 2006: 5).

The Rwandan peace process also reflects, at least partially, some elements of a TRC process. The corresponding part of the post-conflict Rwandan process is called the *Cacaca* process (Wolters, 2005: 1).

1.9.2 Forgive-and-forget approaches

These are also referred to as *drawing a line through the past*. This approach was followed by Spain, Portugal, Namibia and Zimbabwe after regime change. For various pragmatic, ideological and political reasons, or *realpolitik* pressures, the new post-authoritarian regime chose not to act directly on past human-rights transgressions, but rather to focus on socio-economic reconstruction and attempts to strengthen the new state.

Post-Franco Spain, after democratisation, embarked on reforming and reprofessionalising the military to meet democratic standards and prevent future human-rights abuses rather than initiating a TRC process (Bañón & Carrillo, 1995a, 1995b, 1995c).¹⁶ Portugal, following the fall of the Ceatano regime as a result of the Carnation Revolution, chose the same route.

Taking such steps was facilitated by the greater need to reconstruct a viable and growing economic system in the new democracy to the benefit of the broad citizenry.

1.9.3 International Criminal Tribunals

TRCs and ICTs are distinctive processes dealing with mass abuse and violation of human rights. Rakate (1999), a law scholar and former staff member during the Criminal Tribunal for the former Yugoslavia (ICTY), however, sees some common characteristics, yet achieved by different pathways. Both TRCs and ICTs “force their respective communities to confront the past; forge a collective memory, acknowledge atrocities of the past; build a future of state ethics; move towards reconciliation; and move through a process of historical catharsis” (Rakate, 1999: 1). Rakate in support of his argument quotes Barrie: “the purpose of both bodies is to create lasting peace and justice.” (1999: 1). This remark by Barrie on the issue is more complex. I will discuss the problems of TRC’s vis-à-vis ICT intentions and outcomes in more detail in Chapters 3 and 4.

¹⁶ The link between (re-)democratisation, consolidation of democracy, (re-)professionalisation of the military and the decline of direct military participation in politics following Spain’s transition to democracy are discussed in detail by these researchers. For definitions of terminology, see **Appendix 2**, page 437.

The ICT in its most generic form can be defined as a forum or tribunal that is created to deal with human-rights abusers following the incapability – or inaction – of a state to act in instances where extensive human-rights abuses took place. “In a more formal sense, there has been a long ongoing debate in the international human rights community, where the classic response to gross human rights violations is prosecution” (Boraine, 2000: 279).¹⁷ In international law a distinction is frequently made between international human rights law (IHRL) and international humanitarian law (IHL). According to this argument IHRL is more difficult to enforce than IHL. Conceivably ICTs find themselves in the realm of IHL. TRCs following this logic deal with human rights violations and not humanitarian law. I focus less on this distinction in international law here and more on the chosen typology.

Where the state fails to intervene in crises it is believed that the international community has the right – even a duty – to take action against these states (Boraine, 2000). However, not everyone agrees with this argument: “Rather than a duty to prosecute, we should focus on a duty to safeguard human rights and to prevent future violations by state officers or other parties” (Boraine, 2000: 280). In contrast, Orentlicher states that amnesty (for past offenders) contradicts the rule of law and damages the perceptions of justice that requires that people are answerable for what they have done (Duvenage, 1998: 366).¹⁸ Therefore, the need for an international forum of justice arises. Nino, on practical grounds, argues that this is not always possible and that prosecution may result in further violence or a return to undemocratic practices (Nino, 1992: 309ff; Boraine, 2000). Nonetheless, the ICT approach – closely modelled on the lines of the Nuremberg trials of 1946 in Germany – is still in use; but mostly “as an exception rather than a rule, because they are appointed to address extreme situations such as genocide” (Boraine, 2000: 280; compare also Nino, 192: 309–312). The case of Nazi Germany’s defeat after WW II is one example. An international criminal tribunal set up in Nuremberg heard and sentenced Nazi leaders for their role in planned extermination of large segments of the German inhabitants and those in adjacent communities (In this regard historian’s debates are both welcome and interesting – see following page)

¹⁷ For more detail on this debate, including the role of the “communitarian trend” versus the classical liberal approach to human rights, see Nino (1992: 309ff).

¹⁸ In this I am in agreement with her. However, I disagree with her statement that TRCs or ICTs are the only way to deal with human-rights transgressions in the absence of amnesty.

HISTORIANS DEBATES

The genocide wrought by Nazi rule went further than people of Jewish origin. It included Slavic peoples, resisters to Nazi rule, Christians, Communists and Gypsy people. Steinbach (1994: 45–49) provides a list of persons in *ein breites Spektrum widerständigen* (a wide spectrum of resistance) that were executed or died in concentration camps and organisations (social movements if you like) that were destroyed.

The Lutheran pastor Dietrich Bonhoeffer, a leading member of the *Bekennende Kirche* (Afrikaans: *Belydende Kerk*, in English translated as the “Witnessing Church”) was but one of many Christian people executed for resistance against Nazi racism and authoritarian rule.

Noticeable is the possible historical impact of a TRC and its potential to spark debates similar to those of German historians (*Historikerstreit*), which included the morality of Nazi action against Slavic peoples, Jews, Christians, Communists, Social Democrats, Pacifists and a host of minorities during Nazi rule (1933–1945). Adorno and other German philosophers provided fundamental criticism against the extermination of opponents of authoritarian rule under the Nazis. Only during the 1960s and 1970s did German historians enter the debate on this topic.

In Germany revisionist historians in defence of the Nazi past, such as Hillgruber, Stürmer and Nolte, were confronted by Habermas, Alexander and Margaret Mitscherlich and others (Duvenage, 1998: 366–368; Steinbach, 1994: 45ff). A public debate on history, the morality of ultimate power, the genocide and reliving the painful past ensued. Historians played an important public role, either defending the past authoritarian practices or morally criticising these.

A distinction should be kept in mind between the general discourse concerning TRCs, including South Africa’s, and resultant debates and what is called a “historians’ debate” in which the meaning, impact, legacy and moral issues of apartheid in South Africa’s history receive attention. The SATRC sparked wide public discussion. In contrast, too little of a “historians’ debate” took place in South Africa. This debate only took off by the end of the 1990s. The debate has been slow to penetrate public discourse. One important reflective account is the work of R.A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimising the Post-Apartheid State* (2001).

In South Africa a “historians’ debate” seems to be outstanding a decade after the TRC was institutionalised (Duvenage, 1998; Duvenage & Liebenberg, 1996 and Liebenberg, 1999. See also Williams & Liebenberg, 1999: 89–90). At the end of the 1990s debate was sparked by those in the literary field and other social scientists. An example was “The TRC: Commissioning the Past Conference”, hosted by the Centre for the Study of Violence and Reconciliation and the History Workshop at the University of the Witwatersrand (11–14 June 1999). The work of Wilson (2001) mentioned earlier is another example. Unfortunately, few Afrikaner historians entered the debate. Currently more reflective works on the past are being published (see Du Pisani, 2007: 1–12). Perhaps the “historians’ debate” on the meaning and impact of apartheid and its outcomes in South African society still lie ahead.

In the case of South Africa under apartheid, genocide was not an option – even if purely to retain social stability and an effective labour force for a system of racial capitalism. Unlike those in Nazi-Germany, the Rwandan-Burundi massacres and the German colonial offensive against the Herero people, South African human-rights abuses did not have genocide as the aim or outcome. The human-rights offences in South Africa reflect actions pursued through various means to institutionalise the separateness of races and suppress resistance against this ideology and the social engineering process by critics and liberation movement supporters, rather than a planned attempt at systematic extermination of race or ethnic groups. The issue was subjugation through harsh measures, not destroying a populace needed to uphold a white racial system of capitalism.

ICTs come into practice when states seem to be too weak to deal with a past of human-rights abuses and supra-national bodies see a need for intervention. In other instances, the responsibility to deal with past excesses may fall on the state.

ICTs depart from the qualification that there is a “duty to safeguard human rights and prevent future violations by state officers or parties”. As a rule, the “model followed by international law remains that of the Nuremberg trials and the International War Crimes Tribunals set up in The Hague to prosecute human rights violators in the former Yugoslavia and Rwanda” (Boraine, 2000: 280). Sverrisson cautions that an ICT, in view of the difficulty to lay criminal blame as a result of a “blurring of criminal responsibility”, sets major challenges in achieving reconciliation (Sverrisson, 2006: 18). He quotes the case of the ICTY. “Up to an extent the ICTY might be seen as a solution. However, almost seven years after the end of the war the ICTY has not become a significant contributor to the reconciliation process in Kosovo” (Sverrisson, 2006: 19).¹⁹ Logically following through this argument, the choice between TRCs, ICTs and forgive-and-forget approaches becomes complex and a road strewn with landmines.

It is normally expected that the International Criminal Court will regulate acts of genocide, “ethnic cleansing” and crimes against humanity in future. It is believed to do so by, among others, advocating norms that all states are obliged to follow. Secondly, it will be required to act when states contravene these international (human-rights) norms. An earlier case is Nazi Germany’s political leadership put on trial after the fall of Berlin 1945. One recent case in Africa includes the tribunal following the genocide in Rwanda (1994).

¹⁹ He goes further: “The arrest of Milosevic does not seem to be relevant for Kosovo ...” (when reconciliation is at stake” (Sverrisson, 2006: 19). Sverrisson’s argument is worth reflecting upon.

The ICTY is an example. The United Nations (UN) requested its secretary-general in October 1992 to establish an impartial commission to investigate breaches of international humanitarian law in the former Yugoslavia. In May 1993, an ad hoc ICTY was established.²⁰ Following the African Union's assessment of the Darfur crisis in the Sudan, some observers speculated that an ICT might follow. This was after the UN Security Council passed Resolution 1593, that referred to prosecution of those responsible for atrocities in Darfur (Du Plessis & Gevers, 2005: 23ff).

From another perspective, some scholars argue that ICTs are usually established by the victors against the vanquished, and have less to do with human-rights concerns than new configurations of power. Others argue that the "impartiality" of such tribunals presents problems (see among others Sverrisson, 2006). ICTs in the past reflected a strong element of the victor punishing the vanquished.²¹ I will return to these arguments in Chapters 3 and 4.²²

The choice for or against ICTs is no easy matter and interpretations differ on which approach is regarded as most fruitful. Reflecting on Kosovo, Hjortur Sverrisson argues that a TRC in the case of Kosovo may offer an opportunity for reconciliation. He argues that it "might be a politically smart idea to include a debate on a TRC in current negotiations" in Kosovo (Sverrisson, 2006: 23). There are clearly grey areas where ICTs and TRCs potentially intertwine and which complicates the seemingly simplistic choice for one or the other.

Sverrisson reminds the reader/persons involved in such experiences that "although TRCs are not designed to gather evidence for criminal prosecution, the reports and conclusions of TRCs have in many cases led to prosecution of perpetrators" (Sverrisson, 2006: 8). A more cynical

²⁰ The full name of the commission established by the UN Security Council's Resolution 808 and 827 was the "International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia". It was to cover the period from 1991 onwards and was extended several times. The ICTY, however, proceeded mainly by targeting the Serbian leadership (at least in its first five years of existence), a rather limited interpretation of its original mandate.

²¹ The case of a tribunal, which was in fact an ad-hoc tribunal, where the flag of the USA, a super-power in itself, adorns the courtroom, illustrates this complexity. It happened in the past, and it may happen in the future without necessarily providing for sustainable democracy and the entrenchment of human rights. One harrowing example is the execution of Saddam Hussein after what is seen by many as a US sponsored tribunal. An authoritarian regime has been replaced by foreign occupation and a multi-level civil war with no end in sight. In this case one can rightly ask whether the externally enforced regime change and attempted transition to a Western-style "democracy" have not worsened the situation and imperilled the protection of human rights, future reconciliation and stability within the country and the region.

²² The contrasting perspectives held by those who instituted international trials in the former Yugoslavia provide some telling examples of major differences in approach (see my arguments in Chapters 3 and 4 in this regard).

analysis may suggest that part of a TRC is to prepare charge sheets for selected members of the *ancien regime*. On the other hand Minnaar, rightly remarks in his analysis of the SATRC that TRCs frequently relate to negotiated settlements and horse-trading between power-holding elites. The outcome – if not the intention – in such a case is that the full truth will not be out (Minnaar, 1995).

If this argument holds, the choice between TRCs and ICTs is the choice between facing an angry lion and a wounded buffalo and involves existential individual and social choices. The real challenge faced is to guarantee future human rights and keep politicians from calling in the military for partisan purposes to enhance their powers in a democracy. Simultaneously one has to assert that the military institution and lines of command understand their role as defence of the nation of self-chosen citizens when aggression takes place and not internal oppression by the military themselves or partisan factions. When secondary roles come into play one has to ensure that a military is deployed outside the borders strictly agreed to by regional organisations and the UN (preferably no deployment if any veto crops up). Small wonder then that observers find the choices between TRCs and ICTs fraught with complexities.

1.9.4 Government-sponsored commissions to investigate human-rights abuses

Commissions in this category are quite distinct from TRCs and ICTs. Following transgressions of human rights within a country, the ruling government initiates a commission of inquiry by choice but mostly under internal and foreign pressure.

Bronkhorst (1995) lists various countries that opted for this approach. Among them were: El Salvador (1992), Sri Lanka (1994), Thailand (1992), Bolivia (1982), Togo (1992), Poland (1992), Bulgaria (1992), Albania (1992), Romania (1992), Guinea (1985), the Philippines (1986–1987) and Brazil (1992). In various cases reports were not completed (Bolivia, Philippines, Guinea, Sri Lanka). In others reports were not released, such as Bulgaria, Thailand, Uganda and El Salvador.

Other examples include Zimbabwe in relation to the Matabeleland debacle (1985), Uganda (1974) and Israel following the Sabra and Chatila killings (1982–1983). More recently Nigeria took similar steps. The Oputa Report in this case gathered witnesses testifying on

transgressions in the country but the report was not released on technical grounds (The Oputa Report will be discussed in **Chapter 5** in more detail).

In pre-democratic South Africa, examples are the McNally and Goldstone Commissions that attempted to unravel violence and a possible “third force” element in the pre-election violence (1990s).

Such commissions are undertaken while a government remains in power after claims have surfaced about human-rights abuses by the security forces. In some cases, reports are released and corrective steps taken.

South Africa itself, apart from the McNally and Goldstone Commissions, offers two examples of “government-in-waiting” reports on human-rights abuses. (The ANC denied it was a government-in-waiting. Many national and international role players favoured the movement as a compromise solution.) In the run-up to the 1994 elections, the ANC, owing to political pressure, had to investigate its human-rights abuses in training and prison camps. The organisation appointed the Motsuenyane Commission to investigate certain allegations of cruelty and human-rights abuses against ANC prisoners and detainees by ANC members (1993). The Skweyiya Commission in 1992 also dealt with complaints by ANC prisoners and detainees. As in the case of the McNally and Goldstone Commissions very little transpired. All that was confirmed was that people had suffered and died, and that someone (collectively or not fully identifiable) was responsible for their suffering.

1.9.5 Mixed approaches in dealing with past human-rights abuses

“Mixed approaches” include a range of approaches: court cases; internment of the previous elite and attempts at re-socialisation (The Netherlands and Denmark following liberation from Nazi rule); and physical elimination of previous oppressors i.e. Italy with regard to the Fascist dictator Mussolini. In Rumania, after the fall of the regime, Ceausescu was sentenced by a hastily assembled tribunal and killed by firing squad.

Several societies chose to apply the death penalty with regard to former abusers following an era of suppression. In this category we find again The Netherlands, as well as France and Denmark following WW II; or exile for the previous oppressive leadership. Somewhat more complex examples in this category include Iran after the fall of the Shah, the end of the Batista regime in Cuba and Uganda following the ousting of Idi Amin.

Despite perceived international opinion against the death sentence, a new precedent arose recently. In Iraq Saddam Hussein was tried for crimes against humanity and hung. Excesses that did take place in Iraq were not comparable with what happened in Nazi Germany and its occupied territories or Cambodia. In this case Saddam was found guilty by an “independent” judicial process and executed (the tribunal existed of Iraqi and American officials). Some of Saddam’s lieutenants followed the same route. The human-rights transgressions in Iraq, however inexcusable, cannot hope to mirror the slaughter that took place in Vietnam as a result of foreign intervention or in Cambodia. In this case a rather mixed approach seemed to be closely linked with punishing the vanquished.

An example of a country that opted for a mixed approach in Africa is Rwanda. An ICT, legal proceedings by the national justice system against perpetrators and the *Gacaca* process (which reflects elements of a TRC) complement one another in an attempt to achieve social justice and post-conflict stability.

In cases of contemporary human rights transgressions observers do not rule out a mix of approaches in the future (see Sverrisson, 2006).

1.10. Conclusion

This chapter provided a background and rationale for study, as well as personal reasons that triggered it.

Having dealt with the context and setting out the research question, I pointed out some important qualifications to this study. I do not view these qualifications as weaknesses but as strengths. The subjective involvement of an individual in the collage of social and individual life can enhance military sociology as a sub-discipline of sociology. Deploying a broadened case study approach that is qualitative and exploratory in nature, brings about insights that cannot be garnered through quantitative approaches, even if longitudinal and comparative in nature.

An approach enriched by auto-ethnographic insights gained through human interaction with others in the same or similar contexts could assist with hindsight being transformed into foresight when social processes resembling TRCs and future CMR are at stake.

If so, research on CMR as sub-discipline of military sociology can be enriched in South Africa and presumably elsewhere too. In such a case one can speak of value added through shared experiences and identify areas to better life for others through hindsight transformed into foresight in the chosen field of study.

A choice for any one of the typologies to deal with past human rights abuses as discussed earlier enters the picture here. The complexities and human challenges for any of the typologies or a combination of them were discussed. Simultaneously, whatever choice is made, the relations between civilian elements and structures for future CMR are to be firmly established. Attitudes have to be addressed and socialised changes effected to ensure civil control of the military.

In the following chapter I will address the methodology and introduce the metaphor of tracking that I use in this study.

1.10.1. Structure of the thesis

Chapter 1 puts the text into context. It consists of a general orientation sketching the subject of the study, research questions, rationale for the choice of topic, research objectives and expected contributions of the study. It justifies the choice of an auto-ethnographic approach and explains why it will receive more attention in the chapters to follow. I also briefly discuss the typologies that reflect the way in which post-oppressive societies deal with past human rights excesses. Related concepts are not discussed here but are attached for the interested reader as an Appendix (**Appendix 2**, page 436).

The theoretical framework, research setting and methodology applied in the study are presented in **Chapter 2**. My embeddedness within the chosen research setting and methodology, in this case an exploratory qualitative study incorporating auto-ethnography, receives attention. The case study approach, complemented by a broadened case study, which includes comparative insights, is addressed. I also introduce the metaphor of tracking that I deploy in the study in this chapter and elaborate on its value.

In **Chapter 3**, I address the scholarly review. Academic material, official reports, archival materials and personal notes form part of it. Solicited and unsolicited materials and official sources, democratisation literature, CMR studies/research reports, publications by practitioners and security think tanks, as well as materials on TRC processes, are discussed,

themes pointed out and comparisons made. The interlinkages between democratisation studies and civilian control are provisionally analysed and highlighted and a link between TRCs as part of the transitional context and democratisation is made.

In this chapter choices in dealing with the past come into play, such as the typologies discussed in Chapter 1.

Chapter 4 provides a background to TRCs in the international context (a comparative element or an enlarged case study) in relation to the SATRC. The chapter also addresses the outcomes of the reports of these bodies in terms of CMR and civilian oversight over security institutions. While exploiting elements of the comparative approach, the chapter retains a focus on the South African case study. In addition, involvement of the researcher as subject in terms of observer, participant and observer-participant deserves attention.

In **Chapter 5** I address the SATRCR and its impact on CMR. Similarities and dissimilarities with other case studies are introduced, as well as insights gained from comparative literature as consulted in Chapter 3. Again the personal narrative is woven into Chapter 5.

Chapter 6, the analytical chapter, deals with the analysis of the interviews conducted for this exploratory study. I address interviews that I held with various South African and non-South African persons regarding reconciliation and civil control over the military. These interviews include, among others, persons active in civil society before and after 1990, persons within the Defence Secretariat of South Africa, current and past high-ranking officers, an exiled Argentinean and a Rwandan ambassador to South Africa.

The E-mail schedules (as matter of “triangulation”, or rather *transferability*) and other interaction with role players in the process, as well as peer debriefers, receive attention.

An analysis of interactive moments since 1993 is integrated into the other work done in this exploratory study and conclusions are arrived at.

The chapter in conclusion briefly picks up on the role of policy and policy making in enhancing civil control over the military, as mentioned in Chapter 1.

The focus in the concluding chapter (**Chapter 7**) is on policy implications and recommendations through the eyes of an embedded researcher-participant-narrator. This

chapter addresses the research question and outcomes of the study and possible guidelines for engagement in policy processes regarding the improvement of civilian control over security institutions. The chapter derives its recommendations from insights I gained by researching TRC and non-TRC states in terms of value added to CMR and civil control over the military.

Apart from more concrete recommendations the chapter also expands on areas for further research in the field and my personal reflections on the study. Such reflection includes feedback from peer debriefers and peers. Personal insights and reflections on the role of the personal narrative in such a process receive attention. After all, the personal reflection on a process and experiences of the author intertwine in the research approach and cannot be escaped. On the contrary ...

CHAPTER 2

ON METHODOLOGY

“The objects of case studies are complex, real world cases that are investigated with respect ... Most embedded cases are unstructured and open systems ...” – Scholz & Tietje, 2002:332.

In many respects ‘What is a case?’ is a conversation that for us has no real beginning or an end ... – Ragin & Becker, 1992: 16.

“All research depends on interpretation ... Standard qualitative designs call for persons most responsible for interpretations to be in the field, making observations, exercising subjective judgement, analyzing and synthesizing, all the while realizing their own consciousness” – Stake, 1995: 41.

2.1. Introduction: On tracking versus tracing²³

The auto-ethnographic approach is not frequently used in South Africa.²⁴ This is especially true for disciplines such as sociology, political science and sub-disciplines such as military sociology.²⁵ This is rather surprising, as C. Wright Mills as long back as 1959 declared that authors in social science should present themselves as people rather than automatons whose heavy style depends on reified knowledge of ‘how it is done’. “My reasons for presenting myself as ‘I’ rather than ‘the author’ stem not just from stylistic preference, but from a recognition of the fact that the pragmatic nature of (a) study necessarily involves me as a person. To present data as if I had not been involved would be to tell only part of the story”

²³ In this chapter I belabour the choice for *intersubjectivity* versus objectivity, the human interrelatedness of the link between social and individual choices and fluidity in qualitative approaches as pointed out by among others Liamputtong and Ezzy (2005). Given the South African context where social theorists frequently still ascribe to rigid scientific/quantitative/positivist approaches, I see it as inconvenient, yet necessary. Despite the fact that globalisation means “fast travelling”, not all insights travel fast. The notion that theory is useful and helps in understanding the social world AND that there is an inescapable active relation between practice, things done and to do, “imagining” the world social life, and that theory in practice (*praxis*) also includes passion, enthusiasm, tolerance and judgement, is not necessarily well accepted in all social science disciplines in South Africa.

²⁴Ellis and Bochner refer to “alternative forms of qualitative writing in their edited work *Composing Ethnography* (1996). Garrat perhaps comes closer to the bone by describing recent qualitative work, including auto-ethnography as “researching against the rules” and points out how orthodox researchers frequently react negatively to new qualitative approaches. He mentions his own experience when he enrolled at Manchester Metropolitan University (Garrat, 2003: 1 ff, 5).

²⁵In South Africa the discipline of history also suffered under the shortcoming of making too little of researchers “bringing back in” the researcher. But times may be a’ changing ... (a dissertation by Alexander, 2003, completed at Unisa, serves as one example.

(C. Wright Mills, 1959). Because this approach is less known and in some quarters not well received in South Africa, the reader will have to bear with me if I belabour the point in this chapter and explain why this approach (the “I” of the researcher) is integral to this study.

“There is no single wellspring of qualitative research. Its history is extensive, drawing from evolving curiosities of humankind over centuries, formally disciplined by ethnographers, social psychologists, historians and literary critics” (Stake, 1995: 35). One may argue that in contemporary social science SOME TALK ABOUT *methodology* and *some talk about* METHODOLOGY.

In this chapter I motivate my use of auto-ethnography. I explicate my views on subjectivity and objectivity and post-modernism in the chosen area of study. I also discuss two research “steps” in the particular study, designing and execution, and will explain the concept of *tracking* and the use of this metaphor here as a theoretical construct/tool in contrast to *tracing*.

The research steps discussed here present some measure of tracing – a compromise with the discipline of positivist social science/sociology. I will argue the difference between *tracing* and *tracking* and introduce tracking (the interpretive) into the discussion. The metaphor of *tracking* should not be confined to, or confused with *tracing*. The latter has a tendency to duplicate or simulate. In tracking one cannot duplicate, since (as in analogy with qualitative research) one enterprise may differ from another even if the same steps are followed. No two attempts can be the same. In tracking one does not find mirror images. Tracking by its nature requires a discipline without pre-imposed mechanisms. Since it is executed by a *soma* or bodily being²⁶, we find in tracking that each contextual achievement cannot necessarily be duplicated as in “tracing”. Here the metaphor of tracking relates closely to qualitative research.

Tracing, on the other hand, requires duplication within a set discipline. While tracing can be compared with being a factory worker on a production line, forced to carry out her/his duties through repetitive actions, each mirroring the previous one, tracking in many stages requires the build-into-an-ever-changing-context, the subjective bodily being involved in tracking and knowing that objectives are human and interpretive and will include discourse or non-

²⁶ The argument is derived from Hanna. Hanna sees the *soma* or person-being as “me-the-bodily being”. It is not just a body. It is living, expanding, contracting and assimilating; it draws in energy and expels it.” Somas are the kind of living being which **you** are at *this* moment, in *this* place where you are.” (Hanna, 1970: 35). Hanna in rather prosaic terms, describe the somatic while taking note of the formative influences of ‘information’ in the broadest terms, such as *ontogenetic* information and *phylogenetic* information (Hanna, 1970: 24 ff).

discourse. “The body, emotions, and lived experience become text to be written and read in autobiography” apart from the events or social processes described and analysed (Gannon, 2006: 474). The personal is incorporated into the research (Gannon, 2006: 474). In this respect the lived concept of tracking versus tracing comes into play.

At base tracing aims at duplicating exactly the same within tradition and/or orthodoxy. A tracer is forced or may choose willingly to repeat exactly the same action and thus lose the ability to interpret live. Frequently tracers need to quantify. In contrast tracking requires the ability of the tracker to move in new territories (or contexts) and still to interpret through the somatic being without duplication. Rationality and quantification play but a part. Emotions, feelings and moments of contextual impressions add to the tracking exercise. Life-in-context and tracking processes supersede (if not precede) duplication, just as tracking a live animal supersedes making a copy of the animal’s hoof prints or looking at a CD image of a footprint.²⁷

In hunting, tracking as an interpretive action has more value than tracing. Tracing (repetitive action) would rarely enable the hunter or photographer to get hold of his/her food or a good photograph in nature. Beyond systematic tracking something else is needed. That action by a being is interpretive tracking.²⁸

The research design is the researcher’s plan for executing a particular study.²⁹ It could start off with tracing, but if objectives are to be met, systematic or interpretive tracking becomes imperative. (In following the cue from Liebenberg [1990] elements of speculative tracking will emerge.) Scholars offer various views, issues and suggestions with regard to research design, and the necessity of developing such plans (Haralambos & Holborn, 1995: 827ff, 834; Oran, 1998: 30ff; Ellis, 1996, 49ff; Schurink, 2004c).³⁰ Mason (1996), points out: (1) until relatively recently, exponents of the ethnographic research style (because of its fluid

²⁷ See on *somatic being* or “me-the bodily being” Hanna (1970) and on the art of tracking as one of the origins of science, Liebenberg (1990) [No relationship to the author].

²⁸ I take a cue here from the work of Louis Liebenberg, *The art of tracking: The origin of Science* (1990).

²⁹ See also Velázquez (1998) in reference to personal reflections about the role of the researcher in the process of transformative research. Insights by Garret (2003: 110–114) on reflections as a result of interaction with others are also relevant. See also Gannon (2006), Humphreys (2005) and Lincoln (1995).

³⁰ I once read a peer-reviewer’s response to an essay. According to her/him one should not quote “second insights” i.e. of people less read and quoted than those that are recognised to be the *alpha* in academia. I do not beg to differ. I differ. The reader may observe that in many instances I quote persons for their insights and experience, not necessarily for their number of citations in esteemed journals. And I do not apologise if in my view their insights equal or supersede arguments or insights of so-

character) resisted the idea that they should specify one or more sets of formal hypotheses within a rigid research design at the outset of their research; (2) regardless of qualitative researchers' reluctance to design their studies prior to the fieldwork, they haven't really had a choice in this matter since they are required to provide a design from various quarters; and (3) when qualitative researchers go off to research some aspect of the social world, they carry some or other mental tools of their trade with them and have plans that are typically formulated as hunches, which will more often than not be modified as they proceed with their research (Garret, 2003: 106ff; Schurink 2004c). The above also holds true for my study. It also explains why the notion of tracing, even if it plays an important role, finally has to succumb in such a process to the act of tracking.

In being qualitative in a dynamic context the researcher/tracker may not (in the view of some) provide as much design, procedure and information as the proclaimed "quantitative" researcher. It has to be said here that quantitative and qualitative researchers in their assumptions, designs and methodology within paradigms may differ, but not the sweat going into the attempt to provide a view, a moment of collective being. For quantitative researchers the research design is set, their methodology (pre-) determined, while the findings may differ (but within the paradigm that is viewed as "objective"). Perhaps the latter lies in the orthodoxy/nature of tracing. Qualitative researchers may deploy elements of tracing, but the interactive, human process of finding one's way ("understanding") lies in the act of tracking. The research evolves in the process with the researcher being one of the tools in the process. In the nature of tracking not all decisions on the research path can be foreseen, nor implemented and may have to be adapted in the course of the research exercise.

Qualitative researchers provide information on the procedural operations utilised in their studies: "Until probably the mid 1980s it was generally accepted that the problem of establishing credibility could be solved by providing what Becker (1970) originally called the *natural history* of a research project. Such a history contains an account of the various steps taken in the process of conducting a study. It typically includes information on (1) how entrée was initially gained to the persons, groups, or organisations that were studied, (2) how the empirical observations were made and how the cases or data examined in the study were actually produced, and (3) how the data were analysed in order to produce the results reported in the research report." (Schurink,

called "first order" referees. Earlier reflections on this issue were sparked by long discussions during the 1980s with a friend at the University of Stellenbosch, Abraham (Braam) Olivier, who subsequently became known for his work in the field of philosophy. Braam's work that spans the spectrum of imagination in the existence of the human being and his enquiries into the nature of pain as teacher or pain as perception relates to tracking rather than tracing.

2006; see also Schurink, 2004, a & d). Such detailed records are still found in qualitative research reports, but are now generally more popularly referred to as “the audit trail” (Daymon & Holloway, 2002). The role of auto-ethnography and the narrative, as pointed out by Sparkes (2002: 72ff), Sparkes, Ellis and Bochner (1996: 182, 188) and Suchan (2004: 304ff) de Marrais (1998), added new values, but still presupposes the points made above in (1) to (3).³¹

Jennifer Platt mentions an interesting point in her narrative contribution to Ragin’s *What is a case? Exploring the foundations of Social Inquiry*. In a chapter entitled “Cases of cases ... of cases” she points out the important links between the choice of a case (or cases) and the audience for which it is meant – in the case of this study, practitioners, auto-ethnographers and military sociologists (Platt, 1992). “It is always relevant to consider the intended audience (just as in choosing an audience when one writes an article for an academic journal or a newspaper – my insertion) ... and the use of cases may be treated as part of a work rhetoric” (Platt, 1992: 21). Obviously, in analysing a case or cases, the research to follow may imply themes or questions through a series of examples, chosen to provide diversity but also conclusions along dimensions relevant to the study, as I chose here. In doing so, one realises that one is entering a discussion with no end, as indicated by the Ragin epigraph.³²

In producing a video on the same topic tracing the same guidelines at a different time – even in the same space – the “video” in qualitative research cannot replicate the original. Human dynamics in qualitative research simply introduce too many variables to allow for mechanics. The quantitative project (i.e. a survey) provides a snapshot of a particular moment or a series of snapshots over time. Qualitative research resembles making a video once. The exact video cannot be reproduced because of the dynamics of human experience. Even if one attempts to do so, the qualitative experience cannot be replicated. At most one can hope for transferability. With the survey, if it is repeated under the exact same conditions and set procedures, one should be able to have a snapshot (a once-off study or photo) or a series of snapshots, which – even if one by one they are static – can relate the factual conditions at a moment in time or over time (the *longitudinal study*). With a video, it is never possible to repeat the same circumstances and context, not even with the same actors. Moment, context, emotions will differ at any repetition. This (dynamic) strength or weakness lies with the qualitative research approach, and that is why some refer to it as a discussion without end ...

³¹ Also consult Haralambos and Holborn (1995: 856, 861) in this regard.

³² The historian Pieter Geyl referred to *history as a discussion without end*. Qualitative research deals with people of the past, in the present, and people being historical agents. In turn, it projects human history, possibilities and choices. In this respect, qualitative research and history share some similar hunting grounds ...

I am aware of the complexities of entering the fray of “case studies” in this regard. Ragin makes an important point: “the term case is central to the enduring gulf between quantitative and qualitative science ... (It) is one of the many basic methodological constructs that have become distorted and corrupted over time” (Ragin, 1992: 3). “The view that quantitative researchers look at many cases, while qualitative researchers look at only one or a small number of cases, can be maintained only by allowing considerable slippage in what is meant by ‘case’” (Ragin, 1992: 3). I do not want to enter this debate here, but argue for the exploitation of comparative elements to add value to this study. In choosing between the afore-mentioned two research styles the choice for design becomes apparent. I will turn to this now.

2.2. On thinking about Designs and designs³³

This section is structured as follows: (1) an explanation of the scientific beliefs that underpin the study; (2) a description of the particular qualitative research approach I opted for and references to the broad/general theoretical perspective I used as framework in the study; (3) my position on theory in the study; (4) an outline of casing³⁴ as qualitative research design; (5) a delineation of the research setting; (6) the approach of selecting appropriate data sources; (7) a clarification of the data collection methods; (8) an explication of the data-capturing techniques; (9) an outline of the data analysis methods; (10) a description of how the data would be presented; and an explanation of the strategies used to ensure a high-quality and ethically responsible study.

“One has to ...” to have or not to have scientific beliefs

Qualitative researchers reflect on their scientific values before embarking on research projects and once having laid them bare, should use them as guiding cues throughout the research process. This state of affairs is aptly summarised by Potter (1996: 35–36):

³³ Both a dam and a river hold water; the latter however implies constant movement and flexibility. Sun Tsu would perhaps compare the dam to an army in defence and the river as one in offence. In a socio-political sense Gramsci would talk about a war of manoeuvre (the river in flood) in contrast to a war of position (holding the trenches). In context the analogy, if applied to qualitative research, implies a more fluid “(de)sign” versus “Design”, the river, rather than the dam, a *digm* rather than a *paradigm*. The South African philosopher Andries Gouws makes a distinction between the concept paradigm (derived from Thomas Kuhn) and digm. Paradigms can be exclusive, digms allows for more fluidity and openness. The digm is more flexible in discourse, content and application (Gouws, 1990).

³⁴ Ragin and Becker (1992), frequently use the term *casing*.

“The issues of ontology and epistemology are so fundamental to our everyday behaviour that we may rarely bother to examine them; in fact, *the questions are so fundamental that we might think it silly even to ask them seriously in everyday conversation*. We tell ourselves that, of course, we believe in an external reality that exists apart from us... *We don't have to perceive something directly to be convinced that it exists; indirect evidence will do, especially in our mediated world ... In the case of our everyday thinking, the question of existence is not dependent on our perceiving something directly*. For example, we believe we have a brain although we will never see it, touch it, taste it, or hear it. We accept certain rules and follow certain conventions in the belief that it will allow us to organize and integrate our world into a shared community with others ... At the same time one also has to have faith that other people in our culture share the same meaning for this object and will use the same word to express this meaning.” (Potter, 1996: 35–36).

For most of us in everyday life, the words *ontology* and *epistemology* do not blatantly impose themselves, nor the questions invoked by these terms. Our lack of concern for these terms derives from their axiomatic nature, argues Potter (1996: 36). Questions of an axiomatic nature require us to take a position based on belief, not proof. For example axiomatic questions include: Is there a supreme being? What is beauty? What is moral life? What is a professional soldier? What moral values should a politician in a democracy live? Is it fair to cheat or deceive in love and war? Should an alleged “terrorist” not be accorded the same rights as a prisoner of war? Do we have the right to impose the death sentence on a dictator, a state official or a president of a democracy that stole large amounts of money from the populace for which it was meant? Or, someone that led his/her advanced country to war against a weaker state? Should one forgive a president of a country that invaded or destabilised other countries for economic gain? Should one impose sanctions of a country's people if one dislikes their political leader? If a refugee camp was demolished by aggression because guerrillas used it as a transit camp and more civilians died than guerrillas, should one put the military commanders that planned and executed the operation on trial? If so, can one put them on trial if one does not address the top line of command (read: political leadership that approved the operation)?

Potter suggests that “answers to these questions are beyond fact and logic; they require an answer based on belief. Once we have recognized our belief, then we can

use logic to fashion arguments and practices to follow from it. When these practices become established we need not think about them; we take them for granted and act on them, many a time without reflection” (Potter, 1996: 35–36).

When we enter the world of formal scholarship, it is expected that we discuss/examine the foundations of our thinking (hence the importance of reflection – my insertion). When we do so, we discover that there exist alternative answers to each foundational question. Two scholars who hold different beliefs of ontology and epistemology may be interested in examining the same phenomenon, but their beliefs will lead them to set up their studies differently because of their differing views of evidence, analysis, and purpose of research.” (Potter, 1996: 35–36)³⁵

But what precisely does “ontology” and “epistemology” and related positions for this study imply? Let us trace this for the moment.

The loaded dice: Ontology

Ontology refers to the study of being or reality; in other words, the social world which is studied in the social sciences; whether it exists independently from human conception and interpretation, whether there is a common, shared, social reality or just multiple context-specific realities, and whether or not social behaviour is ruled by laws that can be seen as constant and generalised (Mouton & Marais, 1996:11).

“Questions of social ontology are concerned with the nature of social entities. The central point of orientation here is the question of whether social entities can and should be considered objective entities that have a reality external to social actors, or whether they can and should be considered social constructions built up from the perceptions and actions of social actors. These positions are frequently referred to respectively as *objectivism* and *constructivism*.” (Bryman, 2004: 16).

³⁵ There is little surprise in such a statement. Thomas Kuhn’s notion of contending paradigms in *The Structure of Scientific Revolutions* (1962), despite criticism by Amy Gutmann and others that he slipped into multiple uses of the term paradigm, holds. Thomas Hanna’s insights on the somatic being and evolution-revolution and the fluidity of human action within the world and science versus the plastics of repetitive orthodoxy are also relevant (Hanna, 1970:3). Note also footnote 10 in this chapter on digms and paradigms (Compare Gouws, 1990).

When considering ontological issues, it is of value to trace *objectivism* and *constructionism*. The former emphasises "... that social phenomena and their meanings have an existence that is independent of social actors. It implies that social phenomena and the categories that we use in everyday discourse have an existence that is independent or separate from actors" (Bryman, 2004: 16). The latter is a position asserting that "... social phenomena and their meanings are continually being accomplished by social actors. It implies that social phenomena and categories are not only produced through social interaction but that that they are in a constant state of revision. *In recent years, constructionism has also come to include the notion that researchers' own accounts of the social world are constructions. In other words, the researcher always presents a specific version of social reality, rather than one that can be regarded as definitive. Knowledge is viewed as indeterminate*" (Bryman, 2004: 17).

When I use the term constructivism it is used knowing that there is, despite the elusive nature of the concept, the implication that human beings do not "find" or "discover" knowledge in isolation; they construct meaning through concepts or abstractions. I also accept that constructivism in the human sciences differs from the strict constructivism found in mathematics, logic and psychometrics (Schwandt, 2007: 37). Schwandt makes a relevant point when arguing that constructivism encountered in the social sciences generally goes beyond the ordinary sense of constructing (i.e. naïve realism or strict empiricism). Knowledge is mediated procedurally, a process of (re)-constructing resulting from interaction and environment. Added to this, constructivism focuses on social process and interaction, in general referred to (in sociology) as social constructionism (Schwandt, 2007: 38–39). Needless to say, where social process and interaction are at stake Schwandt sees a mutual affinity – or at least complementary elements between symbolic interaction and ethno-methodologies (Schwandt, 2007: 39)³⁶

Individuals can only attach meaning to their social environment through their experience and understanding of it. This applies to a study of TRC role players, CMR and civil control over the military in a young democracy. I investigate the tentative hypothesis of whether TRC countries did better in establishing civil control over the military when compared to those in the "non-TRC camp". The aforementioned implies looking at some scholars' and stakeholders' constructions as reflected by their meanings, experiences, understanding, ideas, beliefs, views, stories, biographies, words, actions, reactions, interactions, situations, social

³⁶ I do not discuss the two strands of constructivism, namely radical constructivism and social constructivism here, but their generic traits. Likewise constructivism especially radical constructivism-views on empiricism and rationalisation I also skirt (for more detail, see Schwandt, 2007: 38).

relations, social and cultural practices and processes, rules, ethical values and belief systems of these processes and related innovations.

I explore, describe, and appreciate *concrete* experiences and perspectives of the (SA)TRC and CMR, and the potential effect of this on civil control over armed forces. From such social construction I explicate everyday experiences and viewpoints to the best of my ability, while also illuminating these by extracting relevant abstract concepts found in the literature. In doing so the deployment of a case develops into casing in its more extended context as understood by qualitative researchers. The close linkage between micro- and macro-contexts that Cicourel (1981: 51, 56–58) points out cannot be ignored. Micro- and macro-contexts are linked whether complementary, contradictory or so closely intertwined that a clear distinction is hardly possible.

The objectives of the study have a number of implications: Ontology and epistemology are two sides of a coin. There are close relational links. The issues of *objectivity* and *subjectivity* are “reciprocally involved”. Ad Peperzak, in referring to the link between individual, ontology and ethics, provides a cue that has relevance for this thesis: “Antropologie zou men kunnen bepalen als de leer van het zijn of de ‘ontologie’ van de mens ... men kan antropologie (de ‘ontologie’ van de mens) niet scheiden van ethiek: de mens is door zijn wezen een synthese van zijn en moeten, een *onto-ethisch wezen*” (Peperzak, 1977: 40). [English: Anthropology can be said to be the knowledge of being or ‘the ontology of man ... one cannot divorce the ‘ontology’ of man from ethics. Man/mankind in essence is a synthesis of being and being obligated, an *onto-ethical being*]. Peperzak uses *being* and *ontology* in a more restricted sense, namely that of the individual and his/her actions in society. His perspective holds relevance here. Also relevant is individual involvement (Peperzak, 1977: 41).³⁷ By using ontology in the more restricted sense Peperzak introduces action inclusive of choices (i.e. ethical choices) as ‘de-ontology’.³⁸ Ontology is no longer a static universal outside the human being/entity, but part and parcel of the human. Such a viewpoint influences research choices here.

³⁷ Despite their philosophical differences the Dutch philosopher Peperzak (1977) inclined towards anarchism and Luijpen, an existential phenomenologist (1980), agrees on the involvement, or rather interwovenness of the subject in making sense of the world. Their agreement has implications for a qualitative study such as this, where the individual researcher in a concrete social research context acts as one of the research tools. See also the epigraph by Stake at the beginning of the chapter.

³⁸ A good friend of mine since our student years, Pieter Snyman (“Oom Piet”) alerted me to the work of Peperzak in 1984. At the time I was reading Luijpen (1980) mentioned here. The discussion with Snyman led to the discovery of important insights proffered by Peperzak.

Firstly, as participant in life (or researcher/intellectual/practitioner/participant/observer) one engages with literature in a scholarly manner and otherwise in the field under study, critically and in the spirit of *inter-subjectivity* rather than *objectivity*³⁹ (the same applies to social interaction). In the social sciences, it is generally assumed that the researcher aims at *objectivity* as far as humanly possible. Horton and Hunt argue: "... objectivity means the ability to see and accept facts as they are, not as one might wish them to be" (Horton & Hunt, 1984: 6). Many other theorists agree with them. But "pure objectivity" is not achievable. On the other hand, one cannot enforce personal subjectivity on what one finds through one's tracking in a study.⁴⁰ The qualitative researcher finds him- or herself between the angry lion and the wounded buffalo, walking on red hot sand or desert thorns in this regard.

Popenhoe, Cunningham and Boulton argue: "Like other (hard) scientists sociologists strive to reach conclusions and present findings that are objective and not biased by emotion or preferences" (Popenhoe, Cunningham & Boulton, 1998: 3). But such a capability implies the distant observer. Things are more complex (Giddens quoted in Maharaj, 1997: 214). Theoretical reflection also plays a role (Mouton & Muller, 1998: 3). Here the qualitative choice or angular optic enters the picture. The reader may discover elements of critical theory in this text. Popenhoe *et al* in my view retain an optimism, if not a conviction, that cannot hold. Frequently theorists and qualitative researchers, among them auto-ethnographers, suggest – even if in different degrees – that human emotion and subjectivity enter the equation (Graeber, 2005: 189ff; Velazquez, 1998: 65; Neumann, 1996: 172ff; Garrat, 2003: xiii; 112–113, Scholz & Tietje, 2002: 44–45; 116). I accept this as a reality. I also agree with Scholz and Tietje that subjectivity is not a failing. Rather it is an essential element of research (Scholz & Tietje, 2002: 45). Critical theory may also appear in such a research approach (Graeber, 2005: 192; Neuman, 1996: 183). I did not set out to do a social critique here. Given

³⁹ One often hears that in "decent research" one should not quote newspapers, newsletters or NGO publications. In going "qualitative" one should use structured interviews or focus groups only. (Does it mean that one should not make a mental note about a discussion after visiting a church, a function, gathering of friends, a trade union meeting, soldier's reunion, a visit to family or a pub and later follow up on it?). Such arguments postulate that academic sources solidified in regimental order are the "real" way to understand the world around us. Those that argue thus really believe it. A thesis should quote from accredited (international) journals or websites. So, does the alienated researcher have to become another duplicator (read: a tracer) instead of a tracker in the academic world? Thus, twice alienated and silent about what society feels and what experiences suggest? In academia? Maybe yes. In experience? No. In intellectual enterprise? No.

⁴⁰ I do venture to say that those who trace mechanically may end up referring to themselves as "the researcher", rather than "I" or "me" within society and hence tend to think that they are "objective", an eye outside the material social process. At most the point made by them (even if not so realised by them) introduces another level of potential intersubjectivity, which in itself is a necessary condition for any discourse or life attitude or human accommodation.

one's experience and socialised being, it may occur. For me critical theory – also here – holds an important place.

On a micro-level a critical approach cannot be excluded. A critical stance certainly played a role in the study. Many of the ideas or themes in the study had been discussed at length and were sometimes debated heatedly from various angles with colleagues and compatriots working in the field, such as the late Rocky Williams, Solly Molo and others. In addition, many other peers and colleagues active in sociology and military sociology gave criticism, supplied feedback, and in many ways corrected some of my assumptions. Apart from these critical interactions one's past schooling in critical theory and social criticism may evidently play a role.

Secondly, instead of the *Great Objectivity*, the researcher here opts for *intersubjectivity*. Knowledge and insight can be achieved through critical engagement with literature, interaction with people (such as interviewees, practitioners, colleagues, observers, peer debriefers, antagonists and political commentators), contextual research, and mutual dialogue, debate and socio-critical communicative interaction.⁴¹ *Objectivity* as a goal is open to shortcomings (read: *is not obtainable* or worse, lends itself to superiority – even ideological impositions). Of relevance is also the insight of Leo Braudy that reminds us in times of cultural, social crises or contending collectivities that “modern culture presents itself as a species of story telling” that often features a first person or autobiographical voice among shifting markers and events (Braudy quoted in Neumann, 1996: 183).

A more fluid *digm* (rather than a more static *paradigm*) of contextual difference and agreement relating to *intersubjectivity* is needed. I argue for the latter and deploy it in this research project.

Thirdly, involved research plays a role here, since the *absolute truth* in the idealist sense cannot be achieved (see the first epigraph in the prologue). “Wie een ‘absolute waarheid’ in de zin van het idealisme accepteerd, heeft in feite opgehouden de geschiedenis van het steeds voortschrijdende onthullen voort te zetten, omdat hij deze geschiedenis voltooid ag” (Luijpen, 1976: 139) [English: He who aspires to ‘absolute truth’ in the idealist sense, has terminated (historical) understanding because history is (in such a case) viewed as complete].

⁴¹ Ragin reminds us again about *qualitative research being a conversation with no real beginning or end* (1992: 16). See earlier epigraph.

“Getting to the truth” is an ongoing process, which involves many actors within changing contexts over an extensive period of time (see Schwandt, 1996: 63–65 on “social enquiry as practical philosophy”). I take cognisance of Mouton and Marais (1990) and many other scholars’ position, namely that *the practice of social science research can never provide full proof of scientific claims* (nor can it provide fool-proof claims – my insertion). Therefore, when judging the “truth value”, I identify with the following: “The hallmark of science is the pursuit of truth and the limitation of error. As such, *science is an attitude of mind rather than a set of procedures. The defining characteristic of that attitude is a commitment to subject any claim to rigorous evaluation and the conscientious seeking out of evidence that might contradict or modify that claim.*” (Murphy & Dingwall, 2003: 204). The reader may observe the link between the statement above and my choice for the metaphor of tracking. In Latin America there is a saying, *abrigamos esperanzas* (“we shelter hope”). The qualitative researcher nurtures the hope for intersubjectivity, inter-humanity and bettering the quality of life for some people rather than imposing the conviction (authoritarianism?) of objectivity. Such a position may include social criticism on a micro- or macro-level in my view (see again Cicourel, 1981; Collins, 1981; Habermas, 1981, all in Knorr-Cetina and Cicourel, 1981). It would include the Popperian notion of minimising pain. Critical theory and humanity play a role even in dissertations and theses. Preferably such a consciousness should apply to the community in practice (Read: *praxis*) within and outside the ivory tower. In linking the narrative and qualitative research in a community setting, Velaquez points out the appearance of transformative research (Velaquez, 1998: 65).

The metaphor of tracking allows for a **re**-search understanding that allows for transformation. In this respect Velaquez rightly argues a relevant point: “Transformative research is not a methodology. It is an orientation toward research that is defined by its intended outcome: producing a more just and equitable society”. For her this entails process, critical reflection and (creating or accepting) change rather than testing theory (Velaquez, 1998: 65). In my analogy; tracking as a choice rather than mere tracing.

Fourthly, a related consequence, which is not new, nor particularly radical or controversial, and to which I have already alluded to, is that research may improve the quality of life and our (social) environment. Such commitment plays a pertinent role and the reader will discover that it is one of the “golden threads” in the study. In this regard, I restate the point that Meehan, a policy analyst, makes: *The fundamental human purpose to be achieved through systematic thinking is always and everywhere to maintain and improve the conditions of life of some human population* (Meehan, 1988: 8).

There are of course countless examples of systematic thinking where the essential human purpose (regardless of citizens or social groups) was **not** to “maintain and improve the conditions of the life of humans”. In some cases, systematic thinking analyses society “objectively” without attempting to suggest steps towards improvement. This is frequently found in quantitative research approaches. In the absence of concrete steps to be taken in order to better some part of human society, such research approaches and outcomes are frequently camouflaged with terms such as “objective”, “rational”, “factual” and “neutral”. Part of the above may relate to the researcher perceiving him- or herself as an entity outside the world in which the research is conducted – a researcher alienated from social processes and concrete human conditions in search of (or even believing in the attainment of) objectivity. Garrat, following Palmer, argues that historical man cannot stand above history and procure objectively valid knowledge. “Subjects cannot be seen from the vantage point of eternity” (Garrat, 2003: 116). What is the choice then? Rather than, for me, *intersubjectivity*, through being involved as bodily-being in the social process and participating with human beings in the social setting, is to be investigated.

The dangers of science masqueraded as objective valid knowledge are relevant here. Well known are numerous instances where science was/is used as a tool to legitimise authority, or worse, domination over scarce resources (for a particular group), and where people or groups who found themselves outside the ruling group and/or elite are systematically deprived of scarce resources – even their lives. Such a belief in an “objective view” of the world leads to the systematic suffering of the subject persons – apartheid and the Israeli occupation of Palestinian territories being two examples (see Rock, 1997). In such a case *the objective rationality* frequently serves as the handmaiden or serf to domination and repression. See for example Watson on how the proto-ideologies of the Protestant ethics and privateering/private enterprise became a determinist ideology imposing a “new global order” despite evidence and active human agency in opposite (Watson, 2003).⁴²

In such systems, science is masqueraded and becomes a tool of domination and exploitation. One finds here an ideology which benefits only a privileged minority at the cost of the majority. In these instances, systematic thinking is clearly not deployed as a tool for the betterment of society. Two quotations will suffice: “To analyse the ideological aspects of

⁴² Watson was not the first to observe this. Several scholars point toward the links between rationality, domination, exclusion in modern society/late industrial capitalism (Held, 1980: 43–45, 53–55; 65–69, 251–252, 253 ff, 260 ff; Howard, 1977: 7–9, 119 ff, 123 ff, 185; McLellan, 1979: 260–267, Miliband, 1980: 71–73, 165 ff, 204 ff).

symbolic orders ... is to examine how structures of signification are mobilized to legitimate the sectional interests of hegemonic groups” (Giddens, 1979: 188).

Feuer goes further in referring to ideology (which may be expertly camouflaged as “rational” or “scientific” or “objective”): “When ideas are used (and remember these ideas may be *systematically arranged* – my insertion) as weapons they are finally evaluated for their fire-power in psychological warfare, not for their truth ... An idea (or a *systematic set of ideas* – my insertion) gains in fire-power to the extent that it can arouse aggression, envy, hatred, resentment. (Such) ‘truth’ as weaponry finally leads every ideology to anti-intellectualism and insists on the irrationalisation of political life” (Feuer, 1975: 109–191). Clearly, it may also imply the destruction of humanity and the dignity of people.⁴³ It is for *this* reason that I chose to track (read into) the processes under study rather than to trace and produce another objective study in the field. Ontology and epistemology, I argued, are two sides to the coin. I chose not to load the dice.

Finally, in pursuing the ideal to maintain and improve the conditions of life of some human population in contrast to a “science” that does not aim at betterment of society and social problem-solving (Meehan, 1988: 8), I was guided by the sub-text of *involved research* (Afrikaans: *betrokke navorsing*) as identified by Mouton and Marais (1990: 17). I attempted to achieve a high level of contextual empathy – in this case CMR and truth and reconciliation attempts – in South Africa and its implications for other societies leads the argument here. A methodological dimension of “involvement” or “involvedness”, entered the research process. This was facilitated, if not “enforced”, by my participation in South African politics and evolving civil-military issues. Having said this, the implication is also, where possible, to provide

⁴³ South Africans will remember how critics of the apartheid system, which was rationally planned and executed, were frequently reminded that *dit nie nou die tyd is om sag te word nie* (Translation to English: It is not the time now to grow weak or to become soft). The generation of young men that lived through conscription may remember how the South African Defence Force was portrayed as a highly disciplined and rational institution. At the same time the public was informed that new and highly technological arms were produced (known as procurement at the time) and a well planned policy of political reform was in place. Instead internal violence escalated, the sophisticated arms obtained through procurement and acquisition (acquired through deals that circumvented the arms embargo) and systemic repression were deployed against South African citizens and in the Southern African region through an unspoken foreign policy of destabilisation – even if some did not realise it or deny it to till this day [On destabilisation see Grundy (1987) and Leonard (1983).]

some pointers that may be helpful (arrived at through attempted *intersubjectivity*)⁴⁴ in solving problems in CMR; or at least assist in minimising them.

Coins have two sides: Epistemology

Related to ontology is *epistemology*, a theory of knowledge referring to a stance on what should be taken as acceptable knowledge in sociology, study areas such as military sociology, or any other discipline or study area. Particularly important in this context is the issue of whether we can (and should) be studying the social world according to the same main beliefs, procedures, and tradition as the natural sciences, associated with what is known as *positivism* (Bryman, 2004: 11).

“Positivism is an epistemological position that advocates the application of the methods of the natural sciences to the study of social reality and beyond. But the term stretches beyond this principle, though the constituent elements vary between authors” (Bryman, 2004: 11–12). My epistemological stand is that one could achieve insight and understanding of the TRC and CMR as far as humanly possible. I did this by employing qualitative, unstructured, and flexible methods to capture, describe and appreciate the rich experiences of those who were involved with this social experiment and related phenomena – and more challenging, to interpret what this may mean for South Africa in the future and others on a similar pathway. In contrast to positivism, I identify with *interpretivism*, a view on the subject matter of the social sciences, people and their institutions essentially different from that of the natural sciences. I have empathy for Max Weber’s *Verstehen* approach: “... the interpretive understanding of social action in order to arrive at a causal explanation of its course and effects” (Weber, 1947: 88); *phenomenology*, a philosophy concerned with how individuals make sense of the world around them (see, for example, Lijpman, 41ff, 197ff, 201ff; Peperzak, 1977 – various sections; Schutz, 1962; Muller, 1986: 6–8, 10ff) and *symbolic interactionism*, coined by Blumer (1962) as a tradition postulating “... that interaction takes place in such a way that the individual is continually interpreting the symbolic meaning of his or her environment (which includes the actions of others) and acts on the basis of this imputed meaning” (Bryman, 2004: 14).

⁴⁴ Afrikaans: *Intersubjektiviteit*.

Regarding a general theoretical perspective, or *digm*, the study has a multi-perspective outlook. (Case studies tend to invoke multi-perspectives or what I will call *angular optics* – see Ragin, 1992; Platt in Ragin & Becker, 1992; and Abbot in the same work.)

The interactionist approach provides valuable real-life angular optics, and at the same time clearly provides some “bread in the basket” in terms of application rather than the full “seven yards” of knowledge⁴⁵. In addition, there are other concerns that impinge on designing and conducting social research. One of these is the issue of ethics.

2.3. Research ethics: To hear or not to hear, to report or not to report, to protect or to expose, to assist or not to assist ...

“Ethical issues are the concerns and dilemmas that arise over the proper way to execute research, more specifically not to create harmful conditions for the subjects of inquiry, humans, in the research process” (Bryman, 2004: 509 ff; Neuman, 2000: 89 ff, 412–413 Schurink, 2005: 43). Neuman (1997) correctly points out that ethical issues involve trade-offs between competing values and are typically situational; that is, they depend on the research subject or topic and research participants.

⁴⁵ A term well known to pilots in WW II. “Nine yards” and “seven yards” (of ammunition) were used interchangeably. Using all one’s ammunition can make the pilot return safely from a mission or depending on other variables – not. Frequently, however, saving a yard for the return to base is wise.

Ethically responsible research depends on the integrity of the individual researcher and, more particularly, his or her values. “Ethics begins and ends with you, the researcher. A researcher’s personal moral code is the strongest defence against unethical behaviour. Before, during, and after conducting a study, a researcher has opportunities to, and should, reflect on research actions and consult his or her conscience ... Ethical behaviour arises from sensitivity to ethical concerns that researchers internalise during their professional training, from a professional role, and from personal contact with other researchers. Moreover, the norms of the scientific community reinforce ethical behaviour with an emphasis on honesty and openness. Researchers orientated towards a professional role that are committed to the scientific ethos, and who interact regularly with other researchers, are likely to act ethically” (Neuman, 1997: 443). It is unlikely that there will ever be one clear answer to the issue of ethical research, but to act ethically (being an onto-ethical being) remains of importance.

Schurink (2005: 44), for example, advises researchers to follow a practical approach in which they ask questions and push themselves consistently to find answers: “The researcher needs to be honest about the purpose of his or her research. The study is likely to include not only the advancement of knowledge or understanding of some aspect of the social world, but also factors involving personal gain such as the achievement of a personal qualification, of a promotion, of some standing in a discipline (among colleagues, friends, rivals, relatives, etc.), and/or research funding”. Research and human interaction are about understanding.

I abided by the ethical prescriptions and norms as laid down by social science research communities generally and regarding ethics and local codes. At least the following main areas are important in a discussion of ethical principles: not causing harm to one’s research participants, obtaining informed consent, not invading privacy and not misleading research participants (see Diener & Crandall, 1978; Bryman, 2004: 509ff; Neuman, 2000: 482ff; Preston-Whyte, 1990: 239ff). For this reason I opted from the beginning to gather data overtly, not covertly. I made a point of letting people know about the research I was interested in. In cases of formal and informal contact people knew about my interest even if we disagreed. After interaction I returned to reflection (read: a personal double check) on what is to be related to the reader within the limitations of the research ethics generally recognised, but also measured against one’s own code of conduct. The latter was important, as in matters of conviction not all interactions – especially informal ones – are amicable. Even altercations or deep personal differences had to be filtered through reflected-upon codes of ethical conduct.

I conducted the research overtly. Thirdly, I provided all prospective research participants with information about the study, the implications of their participation, and obtained their consent.⁴⁶ To the best of my ability I took care that all data sources were confidential. In some cases, where certain personal (and possibly incriminating) information was shared by an interviewee or informant, I chose not to report on such observations, and opted for the right to privacy of the research participant rather than the reader's right to know (see, for example, Schaefer, 2005: 42–43).

2.4. Subjectivity and reflexivity: the RE-searching “I” and the somatic being in social context

Since the researcher is epistemologically – particularly from a constructionist position – considered but a research instrument, his or her presence in the lives of those studied is real (see, for example, Marshall & Rossman, 1999). Experiences during the research process are of similar importance. Managing one's personal values or dealing with one's subjectivity is an obvious consideration and has, not surprisingly, receiving quite extensive attention from qualitative scholars, resulting in substantial literature. This follows in the wake of an era in which many academics have traditionally seen and enacted academic research as impersonal. In advocating, if not prescribing, such an approach we were taught that research rigour demands a stance of distance (DIS-stance) and non-involvement.⁴⁷ In short, subjectivity was seen as contamination of so-called “pure” or “objective” research (Etherington, 2006: 24). Against such a prescriptive “God's eye view” qualitative researchers increasingly advocated and practised an approach where the reader or the audience for which the narrative was meant could develop some “feeling” for the author and the socio-political setting. Steier, on research within society, rhetorically asks: “Why do research for which you must deny responsibility

⁴⁶ See *Confidentiality Agreement* in **Appendix 3** (page 473).

⁴⁷ This was particularly true for South Africa. At Afrikaans universities and some liberal universities historians and political scientists and some sociologists (to be honest about the discipline I work in) called for objectivity and neutrality while they as educated scholars knew that apartheid repression was ever present and more frankly, they knew the results of such repression. Some of them knew that colleagues were working for state security agencies. An example: In the case of one department of political science in South Africa one professor did work for military intelligence, one lecturer that was “imported” from another Afrikaans university was the chairperson of Youth for SA (Jeugkrag, SA) that was partially funded by government sources to counter left-wing politics. Another one ostensibly involved in left-wing politics submitted testimony at the SATRC of being a paid agent of the Security Police. At the same time academics involved in countering repression (shall we call then *practodemics* for the moment) were killed by the apartheid state inside or outside the country, e.g. Richard Turner, Neil Aggett, David Webster and Ruth First. Others were exiled or ostracised/excommunicated from the communities in which they worked. In the latter case the list is nearly endless.

for what you have found?” (Steier, 1991: 10). “Personal views and beliefs do guide our choices between paradigms and methods, as well as our topic of research and what we intend as our purpose” (Etherington, 2006: 24). I cannot agree more, despite criticism against this approach.

“Different to quantitative researchers when we study social reality qualitatively, we do not believe that we can be detached from our research in an attempt to limit, if not avoid, bias. We are convinced that we need to become immersed in people, social situations, and any social reality we study. Amongst others, we assume varying interactive social roles when we observe, interview and interact with people in order to collect and capture data, interpret them, and finally validate our reconstructions of social worlds. In our interaction with our research participants we put the main emphasis on the necessity of a skilled and properly prepared person in contrast to some instrument like a questionnaire. But how do we deal with our own experiences and viewpoints? We explicate them as far as possible, *inter alia*, in memoirs, project diaries or natural histories or audits trials, and/or auto-ethnographic notes. In short, we strive towards what Erickson (1973) and Mason (1996) respectively term disciplined subjectivity and reflexivity, requiring a critical self-examination of our roles as researchers throughout the entire research process” (McMillan & Shumacher, 2001; see also Schurink, 2005 – emphasis in the original).

Reflexivity, among others defined as *the capacity of researchers to acknowledge how their own experiences and context (which are fluid and changing) interplay in the processes and findings (the destination) of the enquiry* (Etherington, 2006: 31–32). Reflexivity has become an increasingly noticeable approach and, like all new approaches, open to debate and contestation. One type of criticism levelled against it is that of potential bias. The reflexive researcher needs to recognise this element inherent in auto-ethnography as a moral dilemma and should share this with the reader/audience. I was acutely aware of my potential bias during the study, and without consciously planning to, opted to resolve this by reflecting and intermittently sharing and discussing my thoughts with colleagues and people that lived through similar experiences.

Reflection is used to “... refer to a reflectiveness among social researchers about the *implications* for the knowledge of the social world they generate of their methods, values, biases, decisions, and mere presence in the very situations they investigate” (Bryman, 2004: 543 – emphasis mine). Using colleagues and friends and selected individuals to reflect with – which has been described as *peer debriefing* – played an important role. (For the importance of reflection on ethics see Daymon & Holloway, 2002; Etherington, 2006: 32.) The re-

searching body, the re-flexive I should be able to show tracks of choices and real life. Past socialisation illuminated and recognised where necessary the way one or more views matters and how choices and actions contributed to changes and developments in one's identity (compare Etherington, 2006: 15). In my case this is true and will be illuminated.

Reflexive research is using "our selves" in research and stating "my own pathway". It represents how we track our lives in a social context, the choices made by a human animal with the insight garnered through experience, be it failure or success, and includes the hearts and minds of the researcher and other individuals or historic agents (important or less so) in evolving experience (compare again Etherington, 2006: 16).

Criticism against reflexive research includes the possibility of self-indulgence, solipsism and/or narcissistic tendencies. Just as in a work of literature, in writing an article as a journalist, presenting a sermon to people in a parish, giving a lecture, writing a tutorial letter, or training soldiers or guerrillas, the person communicating (the I) needs to be conscious of this possible shortfall. Etherington (2006: 141) points out that the main criticisms against the auto-ethnographic approach have been addressed and largely refuted. She points out, for example, the credible disputations of among others Mykhalovskiy (1997) and Picart (2002). I would add Sparkes (2002) and Schurink (2004). What critics of auto-ethnography frequently forget is that in reflexive research, the research path is shared with others and could provide clues for other researchers and practitioners.

The reflexive researcher knows that subjectivity is not an end in itself and that the researcher is also a filter, a heuristic tool (Etherington, 2006: 125). She/he is aware that the intentions and choices in the research process involve the being (and becoming) of others. This should be shared with the reader or audience and thus provide a measure of transparency. The issue of ethics plays a salient role and needs to be measured against what is necessary to share with the audience in providing the fullest collage possible in the setting. The same applies to sharing of the researcher's intimate experiences or emotions.

When reflexive social inquiry into the military and the interface with civil society is at stake, two arguments have relevance. Firstly, Charles Moskos argues that "good" research into the military does not need to be only institutional analysis, strategic studies or quantitative studies, or managerial approaches, and that qualitative approaches are not only relevant but much needed to make up for the shortcomings of other approaches. *My research methodology*

is basically that of participant observation ... I always prefer a solid anecdote over a slippery statistic (Moskos, 2007: 15).⁴⁸

In recent contributions the issue of reflexivity, the act of going beyond participant observer approaches that marked modernist qualitative approaches in dealing with the military, is addressed. *Knowledge is produced in specific social circumstances that shape it in some way, and acknowledgement of this social process offers greater potential for transparency and, ultimately accountability in the research process* (Higate and Cameron, 2006: 220). One of these authors' latest contributions to military sociology explores this issue further with regard to people in and outside the military. The study includes elements of casing, i.e. individual case descriptions, reflections on such descriptions and in comparison/contrast the lived experiences of the "outsider" to the military (Higate & Cameron, 2006).

Deployment of a self

As a qualitative researcher one has to consider how intensely one would take part in the activities of the research participants, disclose the study, devote directed attention to the research and the amount of time spent with the research participants, and, finally, the "directive-ness" of the research questions (Patton, 1990; Marshall & Rossman, 1999). From a slightly different perspective: How should one deploy the self to maximise data-collection opportunities?

I realised the value of the auto-ethnographic approach when a close friend and methodologist (who incidentally, has never been involved in this area), pointed out the advantages of my participant and "insider position", my own socialisation and life choices. And how obvious it was, but I did not notice this before! He pointed out the value of my knowledge of this social world and its value from a qualitative research perspective. Strange, I thought afterwards, that I did not realise it myself, as I have been apart from the above, also as researcher/academic (at some stage a consultant) involved in various previous projects of a qualitative research nature, some on national level. As frequently happens in life, one needs someone to point out the obvious.

As in all real-life research, the literature used in the study stood on the shoulders of other people's experience and exposure/involvement (the reader will discover that the literature

⁴⁸ See Moskos, "Socializing with Soldiers", *Contexts*, Vol. 6(2): 78. The rest of Moskos's remark should best not be put in an epigraph for sensitive readers. It reads: "The graffiti in portable potties (toilets) offer insights that surveys can never reveal" (Newsletter, ISA RC01, 2007: 15).

overview that is dealt with in Chapter 3 has already started in Chapter 1 and evolves here). More so, the “I” of research has been co-formed by previous personal experiences, such as military experience and later exposure to activists and MK members in the 1980s and returned guerrillas following the first accords between the ruling government and the unbanned liberation movements.

Various previous experiences and exposure to other societies facilitated gaining information and data from a number of colleagues, friends, scholars and practitioners – also journalists and parliamentarians – and added to an enriched picture on issues such as democratisation, truth and reconciliation, views on international tribunals, security and civil society debates and civil-military issues. My involvement with the Centre for Intergroup Studies, IDASA and conscious exposure to materials on conflict and democratisation since then and during my tenure at the HSRC between 1991 and 1999 played a role. Exposure to other societies and literature on relevant fields was facilitated by among others a research visit to The Netherlands in 1988, and even more so a further visit I made in 1996 to the Afrika Studiecentrum in Leiden. Exposure to African states and South African politics in the 1980s and onwards also played a role in providing a robust background. Interaction with politicians and practitioners during visits to countries such as Angola, Botswana, Burkina Faso, Ghana, Namibia, Senegal, Swaziland and Zimbabwe may have played a role. I was fortunate enough to have visited the then Soviet Union (now Russia) since 1990 and Cuba since 2000 several times, as well as Spain, Portugal, Turkey and Hungary.

Through my friendship with Rocky Williams and members of our circle I met and interacted with some senior-ranking officers and civil-military scholars from countries such as Zambia, Zimbabwe and Nigeria, and some prolific scholars from the United Kingdom, the Netherlands, Portugal and Spain who made Africa their speciality⁴⁹. Acting as host for Prof. Dani Nabudere (African Studies Centre, Mbale, Uganda) played a role. My interaction via Prof. Vladimir Shubin (whom I met in 1990) and others such as Viacheslav Tetekin, Prof. Apollon Davidson, Andrei Pritvorov, Veronika Usyachova and Gennadin Shubin, enabled me to exchange views and information with former Soviet, and current Russian, scholars, especially via the Institute for African Studies. This enriched my knowledge greatly. Russian academics take great pride in paying close attention to historical data and political nuances in the African context. I could not but benefit from such exposure.

⁴⁹ The reader will be able to track various names in the source list.

My “coming of age” in the South African Defence Force (SADF) as conscript officer played a role: observing and experiencing political anomalies (if not outright contradictions) and my choice (at the time as a junior officer) to object to further military service in 1987/1988. Involvement with student politics in the National Union for South African Students and as chair of the Action for Social Justice played a role. So did participation in the United Democratic Front’s (UDF’s) One Million Signatures Campaign. In many ways it was experiences lived through (Afrikaans: *deurleefde ervaring*) that played an ever salient role. This is why the choice of this study was in many ways dictated by personal experience and hence facilitated a qualitative approach and a personal narrative.

What also became clearer was that “I” – as researcher – had to consider my role when gathering data all the more carefully and that you as the “I” do not always write a script but a script also write you. Such a statement contains NOTHING NEW. Writing a script implies that the “you” forms part of the “I” and is encapsulated in the social context in which one grew up and is still growing into.

2.5. Research collaboration, embeddedness, process

Writing on the extent to which (qualitative) researchers (read: *somatic beings*) may collaborate in gathering evidence, Potter (1996, 109) identifies three options: (1) sharing of analysis among researchers, or *horizontal collaboration*; (2) collaboration of researchers with research participants, or *vertical collaboration*, and (3) collaboration among researchers, each of whom arrives at his or her conclusions independently in a situation where those conclusions are presented together but unsynthesised among researchers, namely *compartmentalised collaboration*.

In my view a fourth level should be added; the same levels of collaboration or rather living with in empathy (and in some cases existential solidarity) apply to practitioners, those of a non-academic background but who themselves lived through their own experiences. *I deployed – even if not initially intended – these four categories in garnering data and experience in this study.*

In reflection:

Firstly, the link between conceptual and methodological analyses on the one hand, and science and research on the other, is evident in the study. As I hinted, the project reflected

various elements of the above. Social research is “about finding out”, and this starts with some question or another (Buchler & Puttergil, 1997: 139). While this topic was “selected because a researcher is personally interested in it” (Buchler & Puttergil, 1997 quoting Bell, 1993), there were other reasons for choosing the topic too. These include, among others, the practical applicability of the research and the longer-term (theoretical) contributions it offered. The study strove to reach both these aims. As indicated by Bailey (1982: 20), a chosen study should have *practical applicability* and make some relevant *theoretical contribution*.

At a bare minimum, the study’s aim was to answer the research question and in doing so contribute to practical suggestions. A theoretical contribution is implied, since reflecting on elements of both qualitative and comparative research forms part of the narrative casing (Neuman, 1997: 384). The study has the potential to develop scientific building blocks by employing simple typologies and (auto-) ethnography.⁵⁰

Problem-solving highlighted by various theorists (Anderson, 2000; Parsons, 1995; Friedrich, 1970) formed part of the research approach.⁵¹ At times, I ventured into a more critical approach with the emphasis on empowering people (civil society) and government to enhance human-rights protection through better CMR (see Neuman, 1997: 330; Ramphela, 1990; Buchler & Puttergill, 1997: 133). Describing and analysing social settings can gain from critical social approaches, I argue. If necessary I criticise policy initiated or neglected by the South African government or others or for example where oversights in a TRC took place. This corresponds with my belief that social science research needs to address social problems and inequalities – especially with reference to enabling civil oversight over the military to the benefit of the citizenry in emerging or young democracies. Through exploratory “interpretive tracking”, my aim is to contribute to problem solving and/or enhancing the policy interface in the area of CMR after having immersed myself in the data-gathering process.

At the same time, in a context where civil politics is undermined, the military is not necessarily the demon. Social circumstances, whether economic or political, rarely (need to) dictate, but may at times favour military intervention. And more frequently than expected civilians and/or politicians invite/provoke/invoke/instigate the military into politics. As in the case of South Africa, even if somebody is a professional soldier (seeing him/herself as a

⁵⁰ As argued by Neuman (1997: 42–43), “like ideal types, typologies are extremely useful complex and abstract concepts ... a typology is a classification. Sometimes these typologies and/or classifications are referred to as constructs (Walizer & Wiener, 1978: 414–415; Buchler & Puttergill, 1997: 115).

⁵¹ See Chapter 1.

constitutional soldier), he/she is offered the opportunity to engage in politics by the camouflaged and fogged jargon and spin-doctoring of politicians or frustrations of a civil society neglected by political leaders. I believe that the professional soldier in the South African apartheid context should have objected on moral grounds to being called to uphold the regime, but personal circumstances differed and so the moral interpretation of what was to be done in the immediate context differed depending on socialisation or (imposed) loyalties.

At the same time it cannot be denied that a rather large percentage of ex-South African permanent force members were racist and many that left the service remain so to this day, which complicates the South African setting.

The same obligations face current members of the military, more so since the South African population as a self-chosen nation of citizens has committed itself to a constitution born out of strife and transition through negotiation. Should a situation arise where a government oversteps the imperatives of our declared constitution as the historical contract of a civil community, professional soldiers in our context, as elsewhere in the world, may face such moral choices again.

Notwithstanding my personal feelings or emotions, the study is not intended to perform an activist role, while a questioning role or evocative element is not excluded.⁵²

Liebenberg's (1990) valuable distinction in introducing *tracking* as a metaphor for science is again relevant. Several forms of tracking inform our lives, conduct and choices: *direct tracking* (or simple tracking); *systematic tracking* (a more thorough step-by-step process); and *interpretive tracking*, where the tracker cannot (merely) "read the tracks *in* the sand", but, being faced with difficult or challenging tracks, one has to "read *into* the sand". The last-mentioned, in more complex cases, may have to be followed by *speculative tracking*. The reader may perhaps see an analogy with what is referred to as a hermeneutical exercise or the researcher as a heuristic tool. The same applies to understanding or coming to understand

⁵² The findings of the study may lead someone into political activism because political activism sometimes confronts research or theory. The question about the relationship between meaning and action and related debates cannot be entertained here in detail. In contemporary South Africa, compared to the apartheid society and domination through reform stages (1983 – 1989), the situation is qualitatively different. Chapter 11 of the new Constitution, read together with the Bill of Rights, sets the parameters of what military obligations in our context mean. Simultaneously it prescribes the implied relations for civil oversight over the military as a coercive arm of the South African state, though it lacks detail.

one's choices in an oppressive or militarised society, such as South Africa was at the time and the subsequent transition to an emergent democracy.

The study did not entail evaluation or “doing an audit” of the SATRC or other comparable ones, but points towards challenges, oversights and problem-solving and aims at practical value. This relates to the assumption that, having received very little attention from scholars, the possible impact and outcomes (or non-outcomes) of the SATRC in terms of civilian control over the military and facilitating workable CMR has to receive focussed attention. Instead of doing a “snapshot” (or a series of snapshots over time) through the prism of quantitative or positivist empirical mechanics, I attend to angular optics of human experiences and the outcomes thereof and reflect thereupon. The interface human rights and civil control (or at least monitoring) and oversight of the state's military/security institutions and hence the enhancement of sound CMR should be a major focus of theoretical work with a view to practical outcomes. If the qualitative researcher himself is but one of the research tools the tool will have added value if it can improve the human situation in some way or other.

The study is/was not a solitary project. “Research problems emerge as part of ongoing work (or consideration of the area under study – my insertion). One research project (or question – my insertion) may easily lead to another because it raises issues that were not previously considered” (Giddens, 2001: 642). Again, no person comes to reflection, praxis, life attitudes or a life philosophy apart from society and outside other beings.

A point Giddens differentiates, which holds true for this study, is that “a sociologist may discover puzzles by reading the work of other researchers in books and professional journals or by being aware of specific trends in society” (Giddens, 2001: 642). I would add the concepts of socialisation and interaction here. Giddens's statement could be interpreted as arriving at *involved research*. Involved research frequently has as wellspring personal experience.

Aware of one's ability to confront problems, but restrained by the socio-political context and the knowledge that a society (or an individual) sometimes survives by muddling through (even when one aims at survival by excellence), I suggest that many research projects, including this one, are by nature exploratory.

2.6. The dam and the river: fluidity in methodology

In designing quantitative and qualitative research approaches or orientations, various traditions are at the researcher's disposal. Existing theoretical and methodological traditions within a particular discipline and study area have a bearing on the decision to use a chosen methodological approach. This is the case in various disciplines and study areas where quantitative approaches have dominated for some time and where qualitative research has only risen in stature in recent years (see Denzin & Lincoln, 2000; Hesse-Biber & Leavy, 2006: xi-x; xxi, xxv; 2-3).⁵³

I argue that too little work appeared on the directed interface between the SATRC and CMR and the (potential) of a TRC on future civil control of the military. The former is one reason why I opted for a qualitative methodology: "Qualitative research, because of its exploratory nature, is demonstrably most useful when there has been less written about the topic area" (Daymon & Holloway, 2002: 39). Many qualitative studies are descriptive and exploratory. As such rich descriptions of complex circumstances that are unexplored in the literature are built (Marshall & Rossman, 1999: 33). In addressing such questions personal experience plays a role. "Often a person's own biography will be an influence in defining the thrust of his or her work ... particular topics, settings or people are of interest because they have touched the researcher's life in some important way" (Bogdan & Biklen, 2003: 51). Writers (should) connect their academic work better with their personal lives. I agree with Suchan (2004:1) about this when it comes to the subject of my research path.

In this project the phenomenon of an implied intent of qualitative researchers to promote a subjective research paradigm is a given (Scholz & Tietje, 2002: 45). Add to this Velázquez's notion of the dialectic between practice and experience and improving social life through moments of being part of society (Velázquez, 1998: 65 compare also DeMarais, 1998: 65ff). As DeMarais and Velázquez imply, a bold conjecture would be to accept that *transformative research* (such as achieving a better quality of life for people/persons within a given context – my insertion) relates more closely to a process of life quality improvement and *intersubjectivity* than a mechanistic methodology. Human agency is one of the assumptions made in this study where the interface between truth and reconciliation processes and civil control over the military is under the spotlight.

"In short it (such research/involvement) begins with a problem-posing phase characterised by a process of critical reflection ... research that is defined as its intended outcome: producing a

⁵³ Especially relevant for this study is Hesse-Biber and Leavy's arguments on "Listening as Method" and "Friendship as Method" (Hesse-Biber & Leavy, 2006: xxiv-xxvi).

more just and equitable (*principled equality* – my insertion) world (Velázquez in deMarrais, 1998: 65). Given the nature of the TRC process and interface between the civilian population and the elected representatives and the TRC-civil-military interface in South Africa, the stage is set for colourful and rich immersion in the topic.

A theorist argues that the SATRC is “undoubtedly the most widely discussed TRC process in the world ... and to many accounts ... among the most effective any country has yet produced” (Gibson, 2006: 409ff). If his assumption is correct, the relationship and/or influence of the SATRC and others that follow the approach regarding civil control over the military by a citizenry of a self-chosen democracy is important.

The above is one reason for this research, not necessarily because the SATRC is the most widely discussed and most effective TRC on the globe (this observation by the above theorist is questionable)⁵⁴, but because TRCs could (should) have an influence on CMR if foresight enters into the picture. In this study, what is meant by methodology?

“The” or “a” meaning of qualitative methodology?

Qualitative methodology and more so auto-ethnography evolve during tracking. Social-political changes over many decades influenced exponents of qualitative research (see Denzin & Lincoln, 1994 & 2000; Schurink, 2003). A number of broad “moments” or phases in the development of this research style have been distinguished (Denzin & Lincoln, 1994 & 2000). I do not intend describing the various qualitative research development phases (or the “moments”) here yet; suffice it to say that the one applied in the study relates to an extent to a late *modernist tradition*⁵⁵ rather than post-modernism. However, I add some qualifications, as the reader will discover.

Schurink states that qualitative researchers went through various phases. Sometimes a phase valued social realism, naturalism and slice-of-life ethnographies, but also represented

⁵⁴ Gibson fails to quantify how he and other co-researchers came to the conclusion that the SATRC is the “most widely discussed in the world” and how it has become “among the most effective any country has yet produced”. He may have come to other conclusions if he had immersed himself deeply in the SATRC process or the processes of countries in a post-authoritarian rule phase that chose not to have TRCs.

⁵⁵ Should any elements of pre-modernism, late modernism or critical theoretical approaches be perceived in this work, they should not be regarded as an attempt at post-modernism. Note the warning sounded by Martin Albrow (1996: 184–185; 188–189) who points out that a perceived decline in the modernist project and epochal change does not necessarily translate into the need for a post-modernist paradigm (or worse, post-modernism as an ideology).

moments of scholarly and political *creative ferment*. In the post-war years, into the 1970s and the mid-1980s – even today – various texts by qualitative scholars provided “*formalised*” methods; a phase marked by the interpretation of reality by means of formalised qualitative methods and the undertaking of rigorous data analysis, such as analytical induction and grounded theory (Schurink, 2006: 4).

Examples include symbolic interactionism (SI). This phase saw a generation of students from various human disciplines who were drawn to qualitative research practice believing that it would allow them to give a voice to society’s less privileged and underclass citizens, and who in their perception saw post-positivism developed as a useable paradigm, with many researchers attempting to apply Campbell and Stanley’s (1963) internal-external validity model to “interactionist and constructionist conceptions of research act.”

SI was fairly well established in mid-twentieth-century methodological discourse. Among others, it has striven to make qualitative research as rigorous as quantitative research (Denzin & Lincoln, 2003). Causal narratives have been central to this research that has been combining open-ended and quasi-structured interviews with participant observation and the careful analysis of the collected materials in uniform, numerical form. Structured interviews and focus group discussions along a planned schedule also played a role as part of the approach. I now focus on the use of theory within qualitative research and also discuss its use in this study.

2.7. The “use of theory”: Praxis, *theory* and Being

Applying theoretical concepts in qualitative research, even if only in reviewing literature, led to much debate. This debate is not new. It has evolved in qualitative circles for some time.⁵⁶

⁵⁶ The talk about this is much older and well known to theorists and academics, as well as the person in the street or hunter-gatherer. One finds it in the questioning life of a philosopher soldier like Socrates in contrast to the idealistic view (academia) of Plato. One finds it in Schleiermacher’s adherence to interpretation, in Dilthey and others. Or one may find it in Gadamer tracking linkages between being, experience and language as a human cave/prison. Trying to reconcile clashing paradigms is not new (Bleicher, 1980; Ricoeur, 1982. Consult Collins & Makowsky, 2005 on attempts in Sociology to deal with this). Let us reflect on Heidegger for example, negotiating a place for philosophy under a Nazi regime. The fusion of horizons is no easy challenge. Heidegger as someone who did not take up existential resistance to the human extreme spoke in contrast to the angular optics of Marcuse, Habermas and Adorno as radical social critics. I developed an affinity for these theorists (see Garrat [2003: 10ff] for the value of critical theory in qualitative research). Clashing angular optics – in a broader view – paradigms do not reconcile easily. Even if by intent one operates within *digms* rather than paradigms, the achievement of *intersubjectivity* is still no easy challenge, a somewhat daunting track to follow and simultaneously interpret. But then, no social tracking is by divine insight; it is finding a way between clashes of interpretation and aims at minimising conflict through “action

Jennifer Mason struck a chord with me in her definition of qualitative research as a method grounded in a philosophical position that is broadly interpretivist and dealing with a social world and processes that are manifested in a complex – multi-layered – social world. It frequently strives to put emphasis on a “holistic” form of analysis (Mason referenced in Schurink, 2004: 3).

Qualitative research (like positivism) represents but one of many paradigms in social science. As such, it may find itself in conflict with other research approaches or at times complementary to a search for understanding in combination with other approaches. A holistic understanding of science as being and a being in human science could indeed be complementary in the working world of those interested in societal dynamics. Human animals, it seems, by nature track as heuristic tools. Tracking invokes other abilities as well. Unlike non-human animals, humans lack some skills and frequently have only their mind/rationality as one of a few skills. But the human animal can transform this weakness into a workable tool – as human animals have done for millennia.

As with tracking in nature (for example the photographer or hunter), such an approach (inculcated skill) is not strictly empirical, as it involves sense perception and human imagination and an awareness of clashing/contending angular optics, as well as what C. Wright Mills calls the *sociological imagination*. The metaphor for this project is a metaphor born out of personal experience and observation, with somewhat less space for (pre-determined and imposed) beliefs.⁵⁷ It involves speculative tracking and sociological and political imagination on a qualitative track – an exploration into life experiences.

The narrative or metaphor in a broad sense relates to the deeply intertwined role of reality as lived, reality as perceived, and what this study (re)presents. In this project, first order

reflected upon” to better the life of some people in some practical way. See also Douglas Ezzy on symbolic interactionism and hermeneutics (Ezzy, 1998: 239ff). Before Foucault reminded us about sharing a smile with a cat in the park, the human animal experienced, according to a Zulu proverb, that ‘the bone of a dog smiles together with the bone of a human being’ (Mutwa quoted in Roos, Liebenberg & Van der Westhuizen, 2005: 125). And all of this we find in a world to be interpreted and made sense of by human animals.

⁵⁷ Thomas Kuhn’s *The Structure of Scientific Revolutions* (1962) and Paul Feyerabend’s *Against Method* (1978) appeal to me. In the same vein Thomas Hanna’s *Bodies in Revolt* (1970) can be mentioned. Their work offer valuable insights and powerful tools for social science research. In choosing the metaphor of tracking within a qualitative research ambit, despite my admiration for these imaginative intellects, I follow a more personal track for the purposes of this study, one reason being ironically enough that such tools, especially in the case of Kuhn, potentially impose a meta-framework that may undermine the value of a qualitative approach. The positive counter-side of Kuhn’s work invites dialogues to achieve intersubjectivity.

constructs (or what one would call “simple tracking”) frequently lead to second order constructs (interpretation).

By using the metaphor of tracking one may also “read into” this study that the use of the research pathway will lead from the concrete to the abstract, from first-order constructs to second-order concepts in analogy with direct tracking and interpretive tracking to speculative tracking.

Direct tracking ► Systematic tracking ► Interpretive tracking ► Speculative tracking
Spectrum: Reading *in* the sand ↔ Reading *into* the sand
Concrete ≤ Abstract ≥ Concrete

Theory and methodology in this context are exploratory. Rather than just reading “in the sand”, it “reads into the sand” (to interpret, illuminate through experience). I track the issue of TRCs and CMR in this study by investigating/tracking the relevant questions posed earlier. I deploy not only direct and systematic tracking – two concepts a step further than or distinct from tracing. I also venture into interpretive and speculative tracking informed by “the individual-in-the-socio-political-world” experience.

In this case the researcher deploys theory (as a fluid qualitative concept – *it evolves during/in tracking*) by reading social signs, by anticipating developments, by systemic and speculative “tracking”, moving from the concrete to the less visible/the abstract.

Direct and systemic tracking involves a cautious approach. In turn, interpretive and speculative tracking requires a bold approach where the tracker anticipates the animal’s movements (or in analogy the social process). In the first approach mentioned, the chance of losing the track is smaller, in the latter, bigger. Arguably, the latter approach may yield more insights. “In principle there is a fundamental difference between systemic and speculative tracking. In practice they are complementary and a tracker may apply both at the same time ... the tracker may however tend to be more systemic at times and more speculative in his approach at other times” (Liebenberg, 1990: 107). The above seemed to me to be very apt in an exploratory study such as this.

2.8. The evolving research design

“(The) research design is a plan or blueprint of how you intend conducting the research. Researchers often confuse ‘research design’ and ‘research methodology’, but these are two different aspects of a research project” (Mouton, 2001: 55). Even if they “dovetail” or are “collapsed” into each other, these distinctions have to be kept in mind in traditional approaches. The “blueprint” in qualitative work is ever evolving, adding new elements, leaving behind some and amalgamating some. It leaves behind tracing and enters the realm of the various stages of tracking. Taking this into account I discuss some of the tracks that merge in this study.

Building Block 1: The case study

While a number of research methods in qualitative methodology (Bryman, 2004; Creswell, 2003; Babbie & Mouton, 1998) generate a comprehensive description of a particular social reality, the so-called *case study strategy* is relevant here.

Case studies have become one of the most common ways to do qualitative inquiry, but they are neither new nor essentially qualitative (Stake, 2000: 435). Case studies, or “strategies” have been used for decades in many social-science disciplines (Yin, 1981). Such disciplines include sociology, anthropology, psychology, criminology and related study areas such as organisational, industrial and health studies.⁵⁸

No wonder that a large volume of case-study literature is available today. Contemporary scholars have addressed many dimensions of this method, for example, its definition, its use, its execution, its relationship to theory, challenges posed and how it shapes up against standards such as reliability, validity and generalisation. The following represents some prominent definitions and views of case studies, or *casing*, as contemporary qualitative scholars refer to it:

- “Case study research consists of a detailed investigation, often with data collected over an (*extended* – own emphasis) period of time, of one or more organizations, or groups (within organizations), with a view to providing an analysis of the context and

⁵⁸ Case study research in other disciplines is not new. In South Africa case studies in political science were and are still exploited. These were/are mostly undertaken in a quantitative way or in analysing historical-institutional pathways or in apartheid times clashing ideological organisations. In political science in South Africa much of this was infused by South African academics’ isolation from the 1960s onwards and South African political scientists having a USA-bound gaze. At the time the modernisation paradigm dominated.

processes involved in the phenomenon under study. The phenomenon is not isolated from its context but is interesting precisely because it is in relation to its context” (Hartley, 1994: 208–209). International literature on case studies include Sutherland (1937), Thomas and Znaniecki (1958), Shaw (1966), Horton and Hunt (1984) and Bogdan (1974).

- “A case study is an examination, using multiple sources of evidence (which may be qualitative, quantitative or both), of a single entity which is bounded by time and place. Usually it is associated with a location. The ‘case’ may be an organization, a set of people such as a social or work group, a community, an event, a process, an issue or a campaign” (Dayman & Holloway, 2002: 105).
- “Studies focusing on society and culture, whether a group, a program, or an organization, typically espouse some form of *case study* as an overall strategy; this entails immersion in the setting and rests on the researcher’s and the participants’ worldviews ... A case study ... may entail multiple methods—interviews, observations, document analysis, even surveys ...” (Marshall & Rossman, 1999: 61 – emphasis in the original.)

What are the key features of a case-study strategy, and what are the most important steps in its execution? “What is a case study? The basic idea is that one case (or perhaps a small number of cases) will be studied in detail, using whatever methods seem appropriate. While there may be a variety of specific purposes and research questions, the general objective is to develop as full an understanding of that case as possible. “We may be interested only in this case, or we may have in mind not just this case we are studying”” (Punch, 1998: 150). In this study, the latter is applicable. The reader will observe that the broadened case study is of relevance here as comparative elements are added in the approach. The analogy of the spectra tracing → tracking → various forms of tracking espoused above has to be noted at this point.⁵⁹

Building Block 2: Context

Context is part of a case-study design portraying many aspects or dimensions. These cannot be managed adequately by quantitative methods such as social surveys. Within the tracking metaphor, quantitative research provides useful tools for tracing and perhaps, just perhaps, for

⁵⁹ I will discuss the issue of other cases that entered the scene in the course of this study in the next chapter.

basic or simple tracking, but lacks immersion in the rich collage of real-life processes and interactions. For added value the tracker (researcher) has to embark on the more cumbersome, and therefore more tiring, exercise of systematic and interpretive and speculative tracking. Note the argument by Jennifer Mason that “qualitative research is grounded in a philosophical tradition that is ‘broadly interpretist’” (Mason, 1996: 4). Of course the foregoing statement does not imply that quantitative methods have no role to play in casing [see Ragin, Bert-Schlosser & de Meur in Goodwin *et al.* (1998: 749ff); Rueschemeyer (1991: 9ff); Manheim & Rich, 1981: 230ff]. Various qualitative and/or quantitative methods may be used in a case study (Kritzer, 1990: 3. See again Manheim & Rich, 1981). However, as Hartley (1994: 209) correctly points out: “... the emphasis is generally more on qualitative methods because of the kinds of questions which are best addressed through the case study method.” Qualitative methods that have been used successfully thus far include participant observation, where the researcher became actively involved in an assembly line (Burawoy, 1979), participant observation, where the researcher played a non-active role (Hartley, 1989), and interviews (ranging from semi-structured to relatively unstructured) with informants in the reality being studied (Edwards & Scullion, 1982).

In pursuing the delicate interactions and processes that are inherent in social reality, case-study researchers often use multiple methods because such phenomena are best investigated by using several methods. This also applies to the triangulation of their data (read: transferability of the study) as far as possible.

Building Block 3: On method(s)

A case study has to be approached from its theoretical orientation. In Hartley’s (1994: 210) words, “case study methods ... are likely to be better able to adapt and probe areas of original but also emergent theory. Although case studies may begin with (in some cases) only rudimentary theory or a primitive framework, they (need to) develop theoretical frameworks by the end (which) inform and enrich the data and provide not only a sense of uniqueness of the case but also what is of more general relevance and interest ... Without a theoretical framework, a case study may produce fascinating details ... without any wider significance. Indeed, a case study without the discipline of theory can easily degenerate into a ‘story’” (Here, the critical reader may retort that stories in themselves are valuable social data). In this study I assume theory has a role to play apart from the intrinsic value of the (personal) narrative.

The difference between simple or systematic tracking in contrast to interpretive (and speculative) tracking enters the equation here.

There may be a great deal of description and a blow-by-blow account of activities, conflicts, and decisions (the description following simple tracking) but these are of little interest to those outside the action if the detail does not convey ideas about fundamental social or organisational processes (the added value of interpretive tracking). In a case study, there are unique features due to organizational characteristics and the personalities and roles of individuals in society or the institutions they live in. These can give a case study a richness, immediacy and graphic quality which engages the mind and the imagination of the reader in a way that is often more difficult than concepts as operationalised in a questionnaire. Without a theoretical framework, even if dogmatic, the researcher is in danger of providing description without wider meaning. It is at this point that evolving research pathways become important for this study and where the case being tracked links up with cases being tracked.

Building Block 4: Cases and cases

A number of case study types have been distinguished (see Yin, 1984; Stake, 2000; Punch, 1998; Bryman, 2004). In order to reach my aim of describing a particular effect of TRCs, I chose among others the *instrumental case* (Stake, 2004) or *exemplifying case* (Bryman, 2004).

“Cases are often chosen not because they are extreme or unusual⁶⁰ in some way but because they will provide a suitable context for certain research questions to be answered. As such, they allow the researcher to examine key social processes. Thus, for example, a researcher may seek access to an organization because it is known to have implemented a new technology and wants to know what the impact of that new technology has been. The researcher may have been influenced by various theories about the relationship between technology and work and by considerable research literature on the topic, and as a result seeks to examine the implications of some of these theoretical and empirical deliberations in a particular research site” (Bryman, 2004: 51). One of the case study’s major strengths, which originated from its qualitative roots, lies in its capacity to explore social processes as they develop and unfold. This point in particular is relevant in this study and its chosen strategy.

⁶⁰ In South Africa students such as I, frequently grew up with the notion that South Africa was a unique case. The “uniqueness” of a case should be handled with care. No social experience/process stems from an island uniquely and is entirely distinct from others.

Building Block 5: Use of case studies

Case studies prove useful when it is required to understand social processes in their environmental context. For example, particular activities and meanings may only be fully appreciated in the context of wider forces operating within the institution, regardless of whether they are historical or contemporary.⁶¹ The same applies to failure to act, dislike of involvement, non-activities or choices made by actors not to decide on a course of action within a certain context. It is worthwhile to note that exposure to critical theory and for example what Plummer calls a *humanistic way in science* or even critical humanism may find its way into the narrative (Plummer, 1–2; 14 ff).

Case studies are particularly appropriate to explore perceived new processes or activities, or those that are not understood. “In this case, case studies have an important function in *generating* hypotheses and *building* theory. They have a high likelihood of generating new theory, and furthermore, the emergent theory is likely to be testable with constructs that can be measured and hypotheses that can be falsified ... because the theory building has largely been inductive. This is not to suggest that researchers go into the case study with no theory at all – they would quickly become overwhelmed with data – but the key point is that the initial identification of research questions and theoretical framework will work best where it is tentative – with recognition that the issues and theory may shift as the framework and concepts are repeatedly examined against the data which are systematically collected” – emphasis in the original (Schurink, 2004b: 3, 5–8, 23; see also Haralambos & Holborn, 1995: 833; Scholz & Tietje, 2002: 311, 346). Needless to say that individual experience, that is reflected upon over time confirms the arguments of these theorists.

Building Block 6: The (or “a”?) case in broader perspective

Comprehensive case studies may prove to be essential in cross-national comparative research, where an intimate understanding of the meaning of concepts to people, the meanings they attach to particular behaviours and the way in which sets of behaviour relate to one another, is essential.

In using various theorists and appropriating their insights, i.e. Buroway (1979), Edwards and Scullian (1982) and Hartley (1989; 1994), elements of the current work could be seen as an

⁶¹ I touch on this later with particular reference to CMR in South Africa in Chapter 3 and 4.

exploratory-descriptive study. The descriptive study is discussed at length in Mouton and Marais (1990). They classify the case study as but an element of “descriptive research” (46–47; 53).

A study such as this is clearly not solely descriptive. It aims to provide answers that could facilitate hypotheses, which in turn, could be tested by future researchers in the field (see Bouma, 1996: 90). This study describes behaviour, meanings and processes and is thus exploratory, but invokes tentative hypotheses.

Building Block 6-and a half: A case is a case but comparisons help

The SATRC developed within a specific context and was not devoid of external influences and a broader (read: *international*) discourse. Elements of what has been termed “the comparison”, enters the collage (see Bouma, 1996: 96). *Comparative approaches* have yielded important insights that complemented other research approaches. In qualitative research the latter is frequently encapsulated by the term broader casing, which is also the case here.

Particularly important in this regard is Manheim and Rich’s argument, namely that there are definite limitations to an exclusive focus on one case only. Should one wish to improve the ability to explain (and perhaps even predict/suggest steps to facilitate problem-solving – my insertion), one possibility is to apply a comparative approach (Manheim & Rich, 1981: 230). For more detail on the potential shortcomings of a case-study approach, consult Bouma (1996: 96ff); Manheim and Rich (1981: 230–233) and Mouton (2001: 154–155). “The best sociological research begins with problems that are also puzzles ... Puzzles (represent) not just lack of information but a gap in your understanding” (Giddens, 2001: 641). For the moment one could say that solving human puzzles does need building blocks even if these are to be replaced by others, as archaeology teaches us. Alternative forms of qualitative writing attend to puzzles and frequently trigger research and alternative approaches rather than orthodox pathways (Neumann, 1996: 195). Auto-ethnography plays a role in this approach.

The point of departure in the study is that the TRC process in South Africa, while it may have achieved various of the set objectives and aims, did not adequately solve the puzzle of how CMR should be (re)structured – inclusive of mechanisms and processes – to ensure that civilian oversight over security institutions is structured/institutionalised/ facilitated so that human rights will be guaranteed in a sustainable South African democracy. Nor does

scrutinising the local body of TRC-related publications solve the nagging question of why the TRC process and the DRP appear to be two different processes in the same country at the same time when one would rather have expected them to interface, dovetail and interact much more. In addition, much of the research on the SATRC does not have a “personal feel” to it.

I incorporated elements of what has been termed *qualitative historical-comparative research*, which is useful since it enables researchers to focus on one or more cases at a time and/or on society or nation at a particular point in time. Esterberg (2002) explains that researchers using this type of research compare cases across a number of dimensions by using primary and secondary materials such as newspaper articles, legislative documents, published memoirs, minutes of meetings and accounts of historians.

Esterberg is not the only one to point this out. Becker (1998), Ruschemeyer (1991), Smith (1991) and Griffen *et al.* (1991: 110ff) did likewise. Wieviorka rightly points out that the comparison between, and analysis of, cases can assist in “deconstruction of preconceptions”; and at the same time it “may construct a unity of what seemed to be broken up (rather mechanically – my insertion) into practical categories” (Wieviorka, 1992: 170). In fact, in recent years qualitative comparative analysis has become a sub-discipline in qualitative sociology [Becker, 1998: 213. See also Wieviorka in Ragin & Becker (1992: 159ff)]. What might be seen as different approaches can enrich and yield complementary insights while simultaneously serving as a critical tool to review chosen cases.

This study focussing on the SATRC serves as both a trigger and platform for obtaining data that shed light on the TRC in relation to local CMR. The SATRC could have far-reaching implications. Various other countries started modelling their truth and reconciliation experiments on South Africa’s attempt. Just as the SATRC modelled itself on the Chilean TRC, others now looked towards the South African experiment for replication. I decided not to limit the present study to the local case since one could benefit from looking at similar experiments in other countries. Furthermore, one can attend to the question of whether the SATRC is a model for uncritical replication. At the same time it would be nearly impossible to deal with all these attempts up till now.

A comparative element in addition to the case study is important as far as researching CMR on the African continent is concerned. “CMR are clearly not a mere relationship between the military, structures of state and society, but a rather complex dimension of all these institutions, and between components of the institutions and the military, as well as within

sections of the military itself ... an eclectic approach in analysing CMR on the African continent is probably the best methodological approach to take in view of the various factors that have influenced the continent and CMR over time” (Ngoma, 2004: 13). In this case I view Ngoma’s statement as relevant for combining casing with comparative insights.⁶² Ngoma’s observation about the possible value of eclectic theoretical approaches in terms of CMR has wider implications and is worth reflecting upon. One may expand his observation to C. Wright Mills’s plea “to image all the range of alternatives that exist” (in methodology, application and policy – my insertion) [C. Wright Mills quoted by Albrow, 1996: 1 ff].

A similar argument by Rocky Williams stated that a more open-ended philosophical and intellectual approach (drawing on the diversity and plurality of intellectual currents being generated in the late twentieth century) needs to be adopted (Williams, 1998: 38).⁶³

In qualitative research and in casing it is practice to outline the setting where the study takes place. This is required for two reasons: In the first place, to contextualise the research and secondly, to sketch the *boundaries* of the study, including the *particular dimensions* that will be studied. Ipso facto, by sketching the boundaries and illuminating the dimensions of the study, one also speaks on the limitations of the study. Building blocks suppose a social setting and human contexts. Let us reflect on this.

2.9. The research setting(s)

The SATRC followed a negotiated transition and was perceived as a viable choice, given an era of systematic human rights abuses and the status quo of no victor nor vanquished after decades of civil strife. To a large extent, the SATRC was modelled on the Chilean TRC experience, yet intended to be more far-reaching. South Africa made the transition from authoritarian rule and praetorianism of a special type to a constitutional democracy. Debate grew about dealing with a past of apartheid human rights abuses. In the SATRC the choice for a TRC is argued as follows: “There were those who believed that we should follow the post World War II example of putting those guilty of gross violations of human rights on trial as the allies did at Nuremberg. In South Africa where we had a military stalemate the victor-

⁶² See *Comparative Sociology and the Sociological Imagination* (Albrow, 1996: 1 ff). Note Albrow’s comments on narrative and science in the same work (184ff). A close friend, the late Ruhr Martin, first alerted me to the work of Albrow. On the potential value of what I would call supportive eclectic philosophies and analysis, see Thomas Hanna mentioned earlier.

⁶³ Williams advanced the need for a post-modern approach in the analysis of CMR in South African states and possibly other African states in subsequent debates (personal discussions between the author and Rocky Williams, 1998 onwards).

vanquished option was not viable. Even if a military stalemate did not enter the scenario, civil discontent and popular mobilisation (call it civil disobedience on a large scale) brought about a real need for another way to look at the impasse at the end of the tunnel of oppression. Neither side in the struggle (the state and the liberation movements) had defeated each other and hence nobody was in a position to enforce so-called victor's justice" (SATRCR, 1998, Vol. 1: 5).⁶⁴

Apart from the above the SATRCR implied that in view of the influence of the ex-military an attempt to punish the previous incumbents could be problematic – if not dangerous. TRC advocates further argued that resources could be better spent in a society “now reaping the benefits of a stable and democratic dispensation” (SATRCR, 1998, Vol. 1: 5). The SATRC was seen as the most viable “transitional option” by advocates of the TRC (SATRCR, 1998, Vol. 1: 5).

Following the negotiated transition, Parliament instituted the TRC process, while a DRP was instituted with regard to future CMR. The DRP was initiated to enable the public to give their input regarding future force structures, the role of the new defence force, its values, core functions, missions and objectives. This study, as part of a military sociology enterprise, is situated in such settings. It takes a closer look at the people involved as part of the research setting.

Various church and civil-society leaders opted to propagate the SATRC as instrument, rather than adopting a forgive-and-forget approach or instituting criminal proceedings against the former old-guard politicians and military leaders who transgressed human rights. Following various media debates and conferences, the idea was concretised in the Promotion of National Unity and Reconciliation Act 34 of 1995, which opened up a systematic and drawn-out process to come to terms with the past. By 1998 the five-volume SATRCR was released and became available to be scrutinised, reflected and debated on. The mission of the SATRC was to allow the victims to be heard, information of human-rights abuses to be made publicly known and to hear the testimony of perpetrators. One of the core missions of a TRC, including ours, is/was to allow as much justice as possible and to effect, where possible, societal reconciliation. It was hoped that this would be followed by some measure of restoration, if not compensation, for victims.

⁶⁴ The so-called “military stalemate” that certainly would have arrived at some stage in the future was not yet a particular threat, or the primary reason for the need to negotiate. Rather internal fears and mass mobilisation brought about a political impasse, or what Hein Marais (2003) refers to as *an organic crisis* that necessitated a negotiated transition.

At the same time, the newly integrated SANDF started its first steps towards transformation following the new White Paper on Defence and the DRP. At the same time the SANDF was involved in a simultaneous process of rationalisation, the honing of the integration process of previous guerrillas, the “homeland armies” and the old SADF. Among its new core functions to be considered was the growing need for future deployment as a peace-keeping force on the African continent. The impact and management of affirmative action also deserved attention.

The core mission of the White Paper on Defence and the DRP was based on the ethos of an increased level of public participation in a democratic state. Thus, it was linked to an attempt to democratise state and society. The negotiated Constitution and civic participation in the White Paper and related processes invited a measure of input into the process, thus invoking, by implication, civil oversight into the scenario. This exercise was an important step for a young democracy.

While the SATRC attempted to unburden the past and allow perpetrators to speak out, its underlying objective was to prevent similar excesses in the future, in short, to enhance, secure and sustain human rights in the future South Africa. In turn, the White Paper and the DRP had as objective a widening of citizen input through public participation in order to re-model (and by implication re-professionalise) the new defence force. Furthermore, it strove to enhance the civil-military dialogue in order to assist in improving CMR. This was to be done while managing levels of demobilisation, rationalisation and reconstituting the new SANDF with its role spelled out in the new Constitution of 1996 (Clause 11).

The Defence White Paper, entitled *Defence in a Democracy*, played an important role. The White Paper was to re-align the South African military with democratic values and respect for a democracy. The instituting of a civilian Defence Secretariat was based on the democratic values of civic participation and civil control over the military, thus largely the ethos of the *Rechtstaat* or Constitutional State. In terms of this the military would abide by constitutional principles and accept civil authority and civilian leaders (politicians) in turn, enter a social contract not to invite the military into partisan politics, as had happened under apartheid rule.

Both processes aimed at adding value to a new democracy, but for the observer, they seemed to be separate processes where the role players had minimal contact with one another. Both were processes that sought to deepen democracy and could potentially have far-reaching consequences. One should question why the processes did not eventually complement each

other much more, even in the phase of conceptualising and designing, if not in the implementation stage.

The SATRC worked through various structures that were put into place after the Act was passed. Commissioners were appointed through a public process. Sub-structures were formed. Its statutory committees were the Amnesty Committee, the Human Rights Violations Committee and the Reparation and Rehabilitation Committee (SATRCR, 1998.Vol. 1: 267–287).

Because the transition was a negotiated transfer of power, the ruling and outgoing National Party and the contenders (the would-be incumbents) were the major role players from 1990 to 1995. Obviously, church leaders, religious societies, business and political parties (the previous incumbents, the new governing party and the opposition) also had a stake in it. Other core role players in the TRC were the victims (for it was their stories that had to be heard); perpetrators (who applied for amnesty) to state their case publicly, the initiators of the process and the commissioners, such as Bishop Desmond Tutu, Dr Alex Boraine, Dumisa Ntsebeza, Mary Burton, Bongani Finca and others. Needless to add that commissioners and workers on the project on regional level also played an important role (for understandable reasons the process had decentralised its work to cover all regions of South Africa). Regional offices were opened in Cape Town, Durban, East London and Johannesburg (SATRCR, 1998, Vol. 1).

In the DRP and the White Paper, the core role players were the new civilian government, the parliamentary committees and civil society participants from widely differing backgrounds and convictions. Simplistically, some referred to the civil-community participants in the DRP as representing different values, namely those of militarism (“the militarists”) and those that had a more pacifist orientation (“the anti-militarists”). The latter were sometimes referred to in pejorative language as the “peaceniks”. Owing to their technical expertise, and because the DRP was exactly about the role of the military, they became crucial role players.

The media also played a role. Parsons (1995: 106) argues that in any society the media play an important role in identifying real or perceived problems, the setting and/or altering agendas and raising or lowering interest in an issue.⁶⁵ The power of the media to change agendas, to highlight certain issues or ignore others is a general phenomenon in all societies (Freedman &

⁶⁵ Note also the need to “reverse an overheated media” which could raise tension in a national or international environment identified by McLuhan (1995: 33ff). See also Freedman and Freedman (1975: 117ff).

Freedman, 1975: 115 ff). The media are in “the business of ‘manufacturing’ news” (Parsons, 1995: 107), and thus co-construct images of social problems (Parsons, 1995: 108). Parsons, in following Downs, argues that in a democratic society the media, rightly or wrongly, raise issues to high levels of interest, ignore other issues, or dump some issues in favour of others. This cycle is referred to as the issue attention cycle (Parsons, 1995: 115).

With regard to the SATRC and the DRP, issues were raised and dumped – sometimes in quick succession and without providing a broader context. This resulted in what I would call fragmented images or fast-screening kaleidoscoping. These fluid, and at times contradictory, images had to be kept in mind during the research process, like the micro-agendas of individuals and groups in both processes, and their clashing personalities.

The TRC released its five-volume report after three years in 1998, behind the original schedule. The report was not unanimous, and a minority report was released. The process was applauded by many, and strongly criticized by others, especially the work of the amnesty committee, which, given the complexity of the cases involved, ran behind schedule and received close public scrutiny and media attention.

Since the DRP was completed, two pertinent developments have taken place. Firstly, the SANDF (now drastically rationalised) was called upon to contribute to peace missions in Africa. This added a new dimension to the tasks of the South African military as well as ushering in some new core values, i.e. preparing to maintain or enforce peace according to the UN Charter, rather than acting in national defence or, in a worst-case scenario, embarking on aggression. The “worst case scenario” during the DRP was not entertained. The SANDF, it was argued, operated and was likely to do so in future under a “non-threat” scenario and the secondary role rather than its primary role (national defence) became pertinent, hence a re-evaluation of the role, posture and mission became important.

Secondly, the reported allegations of corruption in the arms deal complicated the issue. If the allegations were to be proven correct, the process of arms procurement as executed pointed to some weaknesses in civil oversight. The allegations and resultant commissions of inquiry and court cases brought about antagonism and public debates that focused on and questioned the role of some politicians and Defence Secretariat members who were allegedly implicated in corruption. Some serving members of the Defence Secretariat, because of the incident, eventually left the service of the Secretariat (i.e. Chippy Schaik). Other spin-offs resulted in the conviction of Schabir Schaik and the dismissal of the deputy president, Jacob Zuma. This

left deep cleavages in the ruling party. As a result of the Heath Special Investigative Unit and the controversy about that, the Scorpions Unit – established to fight crime and corruption – became part of public contestation about its future role and deployment. Since then the British and Swedish government have also embarked on enquiries into allegations about corruption in the course of the arms deal.

It was reasonable to expect this state of affairs to have an influence on various levels in future. I therefore had to remain aware of these developments and their possible consequences throughout this study. Such developments, including public contestations, form part of my continuously “evolving data”.

However, the research setting is broader. The SATRC and the relationship with CMR deserve attention. I alluded to the interplay between the case-study approaches complemented by a comparative element. In this regard, Latin American case studies and African case studies are discussed. In terms of the case studies perused and analysed, I used not only literature but also unsolicited material. I conducted an interview with a knowledgeable person from Argentina (an exiled activist) and one from an African state, namely Rwanda. The rest of the interviews were conducted with various experts and practitioners in South African society. Some of these were from an ex-SADF background and some from an MK background.

I was fortunate enough to receive ample unsolicited material, such as submissions from different political parties at the TRC. Material from peer-debriefers proved useful. One example of unsolicited material that I received provided not only lengthy feedback on an e-mail from a West African theorist, but very useful unsolicited material published by the person.

2.10. Obtaining access: A crucial nexus

In qualitative research, obtaining entrée and reaching agreement with people involved in the research setting represent crucial decisions (Hesse-Biber & Leavy, 2006: xxv; Holliday, 2007: 116; Liamputtong & Ezzy, 2005). In gaining access, in some cases access being bestowed without a direct request or attempt to source entrée plays a role. In some cases, I gained access without consciously deciding to do so.

How did I obtain access? Owing to my involvement much earlier in student politics – among others in organisations related to the UDF from 1983 onwards – and my work in IDASA,⁶⁶ which I joined in November 1986, I had ample opportunity to witness (and participate in) the activities of anti-apartheid civic-action groups. Later on, I retained contact with the Justice and Transition Project and especially publications issued by it (the Justice and Transition Project initiated by Alex Boraine, one of the previous directors of IDASA, played an important role in advocating a TRC for South Africa). Shortly afterwards, I moved to Pretoria to take up a position at the HSRC’s Unit for Political Studies headed by Dr Daan van Vuuren. Daan, an admirable future-orientated academic, acted as a soundboard for my ideas and also allowed me to further my interest in the South African liberation struggle and issues concerning forgiveness, the nation-building debate in South Africa and my growing interest in post-apartheid ways to deal with the past. We started a journal, *South Africa in the 90s*, in September 1991 (first edition October 1991) that among others addressed issues of dealing with the past.⁶⁷

I started and continued my research on TRCs while I was involved in other projects. This brought me into contact with theorists, past victims and practitioners who had experience in the area. It was during this time that I met various comrades from the UDF (later to become the Mass Democratic Movement), such as Rocky Williams, Solly Molo, Tyrone and Bernie Richards, André van Wyk and many others. At the HSRC colleagues such as Anthony Minnaar, Charl Schutte, Marie Wentzel, Dirkie Offringa, Deneys Coombe, Laura Best, Moira Machonachie and Johan Olivier also worked on aspects of violence in South Africa.

These interactions resulted, among others, in initiating a conference on covert operations that sought to understand community violence and so-called black-on-black violence, which we believed was not the only reason (or perhaps not the reason at all) for continued post-1990 violence. The conference took place in 1993 at Espada Ranch near Pretoria. As a result of the conference, organised with funding from IDASA, the Danish government and the Friedrich

⁶⁶ It later became the Institute for Democracy in South Africa.

⁶⁷ The journal, meant to be accessible reading, featuring short punchy articles aimed at practitioners and political observers, was unfortunately terminated after the HSRC lived through one of its restructuring, re-alignment and strategic re-positioning exercises, which by then had become a management habit. The Unit for Political Studies (UPS) became the Centre for Constitutional Analysis (CCA) and started advocating federalism as a solution for South Africa. Following the retirement of Daan van Vuuren and the scrapping of the UPS, the CCA was headed by a “verligte” National Party member with previous Broederbond/Ruiterwag connotations [Ruiterwag: The youth wing of the secretive Afrikaner Broederbond (AB)]. The CCA in turn was terminated a few years later during yet another restructuring exercise.

Naumann-Stiftung, I also had the opportunity to come into contact with ex-SADF senior officers and officers of the new SANDF.⁶⁸

Constant interaction with research groups and security think-tanks, such as the then Military Research Group (MRG) and the then Institute for Defence Policy (IDP), today the Institute for Security Studies (ISS), were important. An invitation to the DRP as a participant member of civil society also greatly facilitated access to data. My interaction then and now was at all times overt. In fact, one of the changes in the evolving political situation in South Africa was that covert access was not necessary, nor was it contemplated at any stage during study. Data-gathering through access to the social setting in the case of this particular study falls in the realm of what Bryman calls overt ethnography (Bryman, 2004: 294).

My contact with fellow workers Mandla Seleokane, Jabu Sindane and William Dichaba and discussions with them on various aspects of South African socio-political issues played a role. Especially fruitful were conversations with Mandla.

I deal quite extensively with these and other interactions/exchanges in the analytical chapter [Chapter 6]. For now I briefly state my previous involvement and exposure in South African society, including exposure that forms part of the socialisation of the person. Some involvement and experience(s) in the field also facilitated access to data – even after years:

- Growing up in a provincial environment in the Northern Cape⁶⁹ in an increasingly militarised society taking part in the cadet system⁷⁰ and the Voortrekkers⁷¹ and developing an intense interest in the history of war.
- Involvement with the military, both SADF and MK, over many years.⁷² SADF: since 1974 as school cadet and as commando member (1977–1978) and junior officer (1979–1983). Contact with MK members since 1986.

⁶⁸ Many of the ex-MK and SADF correspondents of necessity need to remain anonymous.

⁶⁹ Today it is called the Northern Cape Province. At the time, in colloquial reference, it was North Western Cape (more specifically in our area people referred to Gordonia district – the name derived from an earlier colonial official, Sir Gordon Sprigg).

⁷⁰ A system by which all high school boys (Grade 8) and upwards were introduced to military training as preparation for conscription by the Christian national government. On a voluntary level school girls also took part.

⁷¹ A youth movement started in the 1930s to advocate Christian Nationalism and *Afrikaner Volks*-values.

⁷² I was never a member of MK, but had contact with some of its members since 1986 and especially 1987 onwards.

- Involvement as an activist since the 1983 One Million Signatures Campaign initiated by the UDF. Among others being a member of the End Conscription Campaign (ECC) and being elected to the steering committee to launch a branch of the Nusas at Stellenbosch played a role. At the time a few fellow students and I also initiated the Aksie Sosiale Geregtigheid (Action for Social Justice) at Stellenbosch. Added to this, within the society for political philosophy, the Socratic Society, we embarked on much more social activist conduct than before. Joining IDASA followed.
- Involvement with the TRC debate (as author of several articles, being present at TRC hearings and making a submission to the TRC on conscripts).
- Participating in a joint HSRC/ISS survey on public attitudes regarding the newly created SANDF and analysis of the data together with Charl Schutte, Lindy Heineken, Jakkie Cilliers and others.
- Coordinating a study for the ISS funded by the European Union (EU) on demobilised soldiers in South Africa during 1999/2000. As part of this qualitative study interviews were conducted with 300 demobilised guerrillas and ex-SADF personnel.
- Exposure as a result of being a civil society participant in the DRP.
- Gaining access to various groups and individuals for formal and informal purposes between 1983 and 2007. These persons included participants (activists and militants), politicians, observers, theorists, security experts, civilians and practitioners.

It would be difficult to argue that all of these interactions were planned; they evolved as a flow of life, an individual making judgements to the best of his abilities followed by choices for action. The same applies to my choice of subject for this study. In fact I did not know during the early/middle 1990s that I would choose on this specific topic for my thesis, although I was at the time interested in the TRC and published articles on it. It was only in 1999 that I made the decision to study the interface between the SATRC and CMR. I also made some tentative decisions on which other persons or actors (know as “informants” in

qualitative research) could perhaps play a role⁷³ or that I needed to involve or establish access to. Earlier experiences greatly facilitated this.

2.11. Data have many faces: selecting, sourcing and data collection

Is there anyone in the world, Meletus, who believes in human activities and not in human beings? (Socrates in Plato's apology, quoted in Albrow, 1996). Human beings are important, perhaps sometimes the *being* more than the *activity* in qualitative research.

I conducted face-to-face interviews with a number of identified participants in the TRC process in South Africa. These include participants in other fields relevant to the applied side (military, intelligence and Defence Secretariat staff) on national and regional level. Having been so close to some key people and the process generally, I was in a fortunate position (partly as an insider) to assess the various options to attain relevant data to approach people and select sources. Since I describe how documents and other literature were selected in the scholarly review (Chapter 3) and the analytical chapter [Chapter 6], I do not outline this process here.

The role of the researcher as participant-observer is crucial to this study. Prominent qualitative researchers, Lofland and Lofland (1984: 12), argue that "field observation", "qualitative observation", "direct observation", or "participant observation" refers to the processes in which a researcher establishes and sustains a many-sided and relatively long-term relationship with a human association in its natural setting for the purpose of developing a scientific understanding of it (compare also Moscos, 2007).

"Participant observation is undoubtedly the principal method used in field research, and ... requires some involvement by the researcher in the lives of the people studied. Essentially, participant observation can be described as a method whereby the researcher personally, to a greater or lesser extent, becomes part of the everyday eventualities of the subjects and can gain an understanding of their life world by observing, asking questions, listening and capturing information. In short, the process of participant observation with the researcher entering into the flow of a group of people's social behaviour in an attempt to reconstruct their reality, entails a number of important steps and decisions" (Schurink 1992: 80). I link the

⁷³ The notion of informants used in qualitative research should not be confused with informers (on other people) that are paid by the security services of a country (in South African jargon such informers were known as *impimpis* and were viewed as traitors to the political cause).

above statement with that of Sparkes "... since the researcher is an active participant in the research process, it is important to understand the researcher's location of the self in the process ... (as such) fieldwork in a social setting, inhabited by embodied, emotional physical selves ... (helps) to shape, reproduce, maintain, reconstruct, and represent our selves and the selves of others" (Sparkes, 2002: 17–18). Hesse-Biber and Leavy (2006: xix ff), in describing emergent methods in social research, go even further. They refer to the body (as physical, fleshy, corporeal reality), the centrality of the body and integration of body and mind in the research process that lead to "knowledge (that) in a very real sense (is) constructed at the junction of body and mind". Their view closely resembles Thomas Hanna's conjecture of the human as a somatic being ("me the bodily being") that "livingly" interprets the world and enacts choices (Hanna, 1970: Introduction). Hesse-Biber and Leavy's conjecture struck resonance with me, as it reflects by implication part of my beliefs about research. Their views and Hanna's strongly imply the individual attempt to go beyond tracing but to embark on the process of direct tracking, systematic tracking and speculative tracking referred to earlier in Chapter 1 and this chapter.

This approach allowed me to access data on various levels. I now briefly turn to this and distinguish between different forms of data. Being a body and mind in conjunction, participant-observer and observer-participant enabled me, in the metaphor used previously, to "track down" information accessed through a spread of data. Having done this, I found that the information allowed for and facilitated systematic and interpretive "tracking".

Assuming that the researcher is also a research tool (and hence intrinsically linked to data), one's own experience is, so to speak, part of the broader story. Compare, for example, the rather new approach by Ellis and Bocher (2000) and Plummer (2001). Ellis and Bocher (2000) describe auto-ethnography as an autobiographical writing style and research-conducting displaying many levels of consciousness, which connect personal to ethnic or cultural aspects. Plummer (2001: 34–35) writes: "Recently ('auto/ethnography') has been developed to capture the breakdown in distance (and the complex relationship) between ethnographer, biographer, and subjects – bringing the accounts together. (The) term 'auto/ethnography' has come to have a double sense: referring either to the ethnography of one's own group or autobiographical writing that has an ethnographic interest. Thus either a self (auto) ethnography or an autobiographical (auto) ethnography can be signalled by 'auto ethnography' ... Sometimes, these 'auto ethnographies' are short essays that bring out a different style and sensitivity for doing social science ... Whilst only a relatively small amount of social science is taking this personal, narrative path, there are nevertheless signs

here of a shift. The ‘auto ethnography’ brings the author firmly into the text, with a heightened self-consciousness of textual production; once this happens it may be only a small step away to the ‘fictional autobiographical ethnography’, where the distinction of forms becomes completely ‘blurred’.”

The positioning of the qualitative researcher, the narrator of a scientific tale in terms of exposure, can be seen in the following figure from Bryman (2004: 301). The involved reader will notice the link between feeling and interpretation (compare the figure earlier in the chapter (page 76) on tracking).

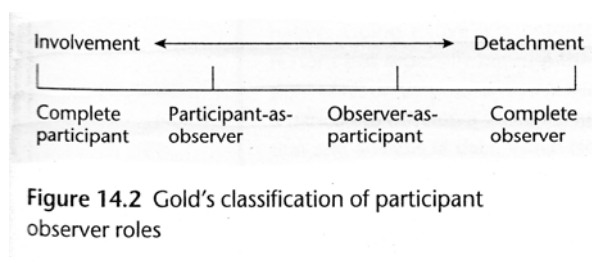


Figure from Bryman, 2004: 301.

Formal interaction (i.e. a scheduled interview or participating in a panel discussion or chairing a panel discussion/seminar and later reflecting on it or analysing it) or informal/ natural interaction through discussions or exchanging views frequently leads to data being obtained through unsolicited or solicited material. Documents are typically used by qualitative researchers. They provide first-hand accounts of the social experiences from the participants’ point of view or world-view. However, one should be aware that documents may be misleading and/or one-sided. Documents are frequently one’s basic resources and could be a primary resource. In other cases they can be used complementary to others sources. In using documents as I did in this study, I needed to be aware of this. Unsolicited and solicited documentation (e-mail and otherwise) complemented each other. Bryman makes an interesting point that is applicable here: garnering of solicited documents occurs in two ways: during interviews or by casual questioning during conversations. Important to note is that Bryman suggests that in solid qualitative discussion the boundary between interview and conversation is by no means clear-cut and after spontaneous or ‘natural’/informal interaction, solicited accounts are a necessary way forward (Bryman, 2004: 300).

I accessed various documents. These included academic documents, submissions to official bodies, official documentation and communiqués issued by governmental bodies. Some of

these documents can be described as internal documents, such as memorandums or submissions to organisations or official bodies. Others were external communications produced by organisations (i.e. the SATRC or the Department of Defence or Defence Secretariat) for public consumption. Bogdan and Biklen (2003) make a relevant distinction between internal and external documentation, which I found useful. I also requested e-mail feedback from expert practitioners and used other relevant e-mail correspondence, some received as late as May 2007 (research evolves while tracking). Bogdan and Biklen (2003) argue a somewhat controversial point. While photos and research have been linked for many years, some argue that photos may be misleading. Personally I saw the value of both arguments. Hence, to a limited extent I made use of photographic material for illustrative purposes – and sometimes just to provide a reader’s break amidst what could be seen as a lengthy text.

There are different categories of interviews, ranging from the informal conversation-type, or in-depth interviews, or unstructured interviews using schedules to open-ended interviews (Haralambos & Holborn, 1995: 839ff; Neuman, 2000: 370; Schurink, 1992: 80ff).

Understandably, these categories overlap. In the case of this study, less by design and perhaps by circumstance, my interaction with individuals and selected participants reflected informal conversation-type interviews (though given the time involved, these bordered on in-depth interviews). For the “formal” interviews that I had with selected persons, I made use of schedule pre-prepared and piloted interviews and conducted them face to face. Obviously, informal exchanges and accidental communication were (highly) informative and led to unexpected information and in cases new insights. Some of these interactions assisted in reflecting and correcting previously incomplete or even incorrect ideas that I held.

A list of themes or topics was used in conducting these interviews – or focused interviews, as they are more commonly referred to. The main topics in the schedule were identified during sustained interaction with practitioners and theorists and then piloted in an interview with a prominent Ugandan academic and transitional Minister of Justice after the fall of Idi Amin. Refinement took place after soliciting comments from peers and persons versed in military and civil affairs.

The chief aim of the qualitative element in this exploratory-descriptive study was to generate data on the TRC as well as to reach an understanding of the TRC’s role in CMR in South Africa. In addition, these focused interviews facilitated access to information that can simply

not be adequately obtained through the study of literature alone. The qualitative approach here is particularly valuable following the release of the TRC report and its relevancy to this study.⁷⁴ Apart from making use of the extensive published material in the areas of TRCs and CMR in new or emerging democracies, literature on democratisation and transition to democracy in the aftermath of authoritarian or oppressive rule, other methods were applied.

An interview schedule derived from consulting research materials for a variety of wide-ranging discussions with theorists, practitioners and colleagues was compiled. Thus, semi-structured interviews played an important part in the chosen methodology. Face-to-face interviews were generally conducted.

During the course of the study, I realised that additional e-mail schedules sent out to peers and practitioners added value. Firstly, it allowed for a measure of peer review and, hence, internal validation. Secondly, it partly constituted a measure of triangulation or rather transferability. It provided a soundboard for reflection on the main themes of the study and the research steps taken. What I thought initially would at best add additional data, turned out to be of importance for the research project. The peers and practitioners that I approached came from various countries, i.e. Nigeria, South Africa, Zimbabwe, The Netherlands, Turkey, Portugal, Italy and Angola. In all cases I ensured that the persons who were approached had exposure to or knowledge of the problems of countries that had experienced a transition from authoritarian rule to democracy. I contacted participants or informants by telephone, fax or e-mail. If they agreed to respond, schedules were sent by e-mail to be filled out and returned. Clarifying was done telephonically, where necessary. In a few cases participants requested the schedule to be relayed to them by post or fax and I received their feedback in the same way.

The analysis of the data relied on the literature review and accumulated knowledge obtained through the interviews and ad hoc exposure and consultations over an extended period. The eyes of people in a living process and what Eurocentrics would call “oral tradition”, form part of the research body.

2.12. Data capturing, safeguarding and retrieving

Since one wants to capture as completely as possible the experiences and viewpoints of research participants, I had to ensure that I secured these. I did this by recording field-notes

⁷⁴ For the interview schedule, see **Appendix 3** (page 473).

after interviews and observation sessions and reading/studying unsolicited documents (minutes of meetings, official documents). In one case, I tape-recorded a panel discussion with the permission of the participants, in which the issues of TRC processes, civil-military issues and internal conflict were discussed, to be used for reflection and further analysis. The tape-recorded interviews were secured as well as possible for later use. The same applied to the panel-discussion recording. Because of lack of funding some interviews were transcribed while others were carefully summarised from the recordings. Transcriptions were held for safe-keeping.

Since 1983, I have kept files of newspaper cuttings,⁷⁵ news bulletins, newsletters, anti-apartheid (grassroots) newspapers, as well as publications and pamphlets by anti- and pro-apartheid groups, which I obtained through my access due to previous involvement with various research institutions and civic/activist bodies. Twenty years down the line such materials constituted valuable archival resources. [Many of these publications were occasional, ad hoc and written during the struggle “deemed to be ‘subversive’ at the time”) and hence cannot be found in archives today]. I took part in a workshop on violence between the police and the community in the Western Cape, as well as the debates on the Don Foster report (October 1985), and this provided access to more data on apartheid human-rights transgressions. Participation in newspaper debates against National Party loyalists on the Forster “torture” report, which was described by some pro-state academics as “politics under the pretence of science” played a role in honing one’s own convictions (Diko van Zyl in *Die Burger*, 27 October 1985).⁷⁶ A project undertaken for the Centre for Intergroup Studies on media representation of conflict in South Africa and an earlier project on the role of the media (circa 1983) also played a role.⁷⁷

⁷⁵ One file was labelled “Van Marteling tot Moord” (From Torture to Murder). Looking at it today, it recalls the sad history of racial oppression and the callousness of Christian National politicians.

⁷⁶ Because of its uncritical pro-National Party stance, the newspaper was frequently referred to by people critical of government policies at the time as *Die Buiger* – in other words “bending the truth”. *Die Burger*’s sister newspaper, *Beeld*, also owned by the pro-government Nasionale Pers, was likewise referred to as *Skewe Beeld*, meaning to present a skewed picture of political realities in South Africa.

⁷⁷ Some of the colleagues who came out in defence of the Don Forster report that alleged widespread torture in detention during the state of emergency in South Africa were Amanda Gouws (Department of Political Science, Stellenbosch), Johan Graaff (Department of Sociology, University of Cape Town), Susan Roothman (Stellenbosch) and Kobus Sadie, a friend studying engineering (then University of Stellenbosch). Various academics from UCT and other universities also took part in heated public contestations related to the report. Their public stance stood in sharp contrast to academics loyal to the National Party, who in an apparatchik way defended government and its treatment of detainees by security forces.

While in the service of IDASA, I kept a copy of each of IDASA's publications, such as *Democracy in Action*, an IDASA bulletin and IDASA Occasional Papers. Again, these would prove to be valuable archival sources. After the start of the TRC debates circa 1992/1993, I did the same by archiving newspaper cuttings and other publications. Likewise, these would prove to be invaluable as background material.

The fact that I retained a large volume of notes and impressions filed with articles and newspaper cuttings prior to 2000 (and subsequently), as well as notes on various lectures, also proved of great value. The capturing of the data is discussed in more detail in the chapter on scholarly material and the analytical chapter related to interviews and other qualitative information sourcing.

2.13. Data analysis

The following is relevant: "The language of qualitative research is one of interpretation ... (qualitative researchers) discuss cases in their social context that emphasise tracing the process and sequence of events in specific settings" (Neuman, 2000: 144). "A qualitative researcher begins with a research question and little else. Theory develops through the data collection process. This more inductive method means that theory is built from data or grounded in data ... A qualitative researcher builds theory by making comparisons" Neuman, 2000: 145 146). For this reason Neuman suggests that context is critical and qualitative researchers are natural bricoleurs. They learn to be adept at doing many things, drawing on a variety of sources and making do with whatever is at hand (Neuman, 2000: 146–147. See also Schwandt, 1997: 10–11).

I applied a mixture of inductive and deductive reasoning tactics, which are part and parcel of modernistic qualitative methodology. More specifically, insights gained from participants and my own experience, as well as social science concepts (used in military sociology and related fields) played a role in illuminating the data. To return to the tracking metaphor: I proceeded from basic and systematic tracking to interpretive tracking, aware that speculative tracking can provide insights on personal growth as well as social processes in the chosen field, though it should be used with care.

In systematizing the data, there are various informal and formal methods qualitative researchers use. I selected and ordered the collected materials (my personal archive) and

marked them clearly. In many cases, I read an article and made short notes on it, identifying main themes or arguments. Thus it is possible to review them – even if months or years later.

I made “field notes” by recording my impressions, my own approach, that of the respondent, and comments on the interview setting immediately after an interview. Thus, the interview and field notes were secured on one recording, marked and safely stored. In some cases, I took a note or two during a discussion, especially on terminology or arguments that I did not know, and in the minority of cases I also wrote brief field notes in addition to the notes that I recorded. [Consult Bryman (2004: 308–309) for types of field notes.] These notes were sometimes detailed and in other cases rather cryptic.⁷⁸ Later on, I worked through them on my own, where needed consulting closely with peers such as Willem Schurink (later to become my promoter) and Rialize Ferreira, a colleague. Two further peer debriefers were selected in consultation with the promoter and co-promoter and kindly contributed their criticisms and insights. They were General Solly Mollo (ex-MK, now senior military staff member) and Colonel Louis du Plessis, previous director of the Centre for Military Studies (CEMIS) at the Military Academy in Saldanha.

In most cases where I attended seminars, conferences or talks I made notes and/or got hold of the papers and, in quite a few cases, solicited additional material from the speaker or respondents on the panel. I made use of a systematic approach when possible, backed up by an informal approach. I applied some elements of grounded theory and analytic induction.⁷⁹ From my own experience in this study and previous ones I have found that the combination works well. I have to admit that in some cases my experience was that persons share much more of their insights informally once they know what one is interested in than when approached formally– in which case the classic interview bias between interviewee and interviewer encroaches. In formal interviews this frequently applies to both interviewee and interviewer. This explains why I limited interviews and made use of the informal approach when it seemed more fruitful, which it proved to be in the case of this study.

What Becker (1998: 207) calls a “not so rigorous analytic induction” (Becker 1998: 207ff), was used. I did the recording of data manually and did not make use of any computer-assisted qualitative software.

⁷⁸ Mental notes and notes jotted down as tools of the trade are relevant here (Bryman, 2004: 308).

⁷⁹ Incorporating various elements of the former position, Bryman (2004: 400) writes: “Analytic induction is an approach to the analysis of data in which the researcher seeks *universal explanations of phenomena* by pursuing the collection of data until no cases that are inconsistent with a hypothetical explanation (deviant or negative cases) of a phenomenon are found.” (Emphasis added.)

2.14. The research narrative ⁸⁰

The human tale or narrative forms an intrinsic part of the life and history of the human animal. Talking narrative, tale, story or fact is a qualifyable human trait.

Schurink (2004: 14) argues that there seems to be few, if any, agreed-upon canons or heuristics for evaluating new forms of qualitative research. It is generally accepted that readers should judge the credibility of research as described in research reports. Part of the evaluation, separate from the issues discussed earlier, is to provide a “trial” of execution (some may prefer to call this an audit-trial); simplistically put, to tell the story of the steps taken in the course of doing the study. To use an earlier metaphor: it aims to provide the reader with some “tips” to track the tracks of the researcher – to confirm or double-check the tracker’s tracking.

Though the qualitative researcher should provide information on the procedures used in the research, this does not imply a complete exposition of all these steps. *Ipsa facto*, a complete exposé of decisions taken during the execution of the project is not required. In contemporary qualitative research it is accepted that the problem of establishing credibility can be solved by providing what Becker (1970) originally called *the natural history* of a research project.

In the remainder of the work, I present an account of how the study was executed, the building blocks brought together. This narrative, or in Becker’s (1970) term “natural history”, represents a “story” of the various steps I took in executing this project. At this point I offer some key steps. I refer to tentative results of the research and provide information to assist the reader in establishing the study’s credibility (Athens, 1984; Schurink 1989; Silverman, 2000) and through analysis of data and acquired materials conclude with some pointers for future civil-military research and research in the field.

Overall, I deploy an auto-ethnographic style, telling the story of the SATRC and selected other TRC-type cases as much as I tell about my personal experiences before and during the study. However, here I restrict myself to some brief, and perhaps cryptic, comments in this regard. The reader will be able to infer much of the “story” in the subsequent chapters.

⁸⁰ I chose the term “The Research Narrative” rather than the formal term ‘Executing the Study’. The latter reminds me about formalism and a technical exercise, a sort of imposed research technocracy.

My experiences as an advocate of democracy and activist led me to an interest in democratisation studies, which was eclipsed (or complemented, rather) by my interest in the SATRC and comparable experiences. But CMR entered the picture, as abuse of power relates to security governance. By 1999, I had decided (in broad outline) to link these three areas.

In 2000 I enrolled at Unisa in the Department of Sociology, where I was appointed in a contract position. It was at that point that, in terms of time frames, the past, present and future research choices merged. My past experience, exposure in various academic and non-academic environments, collection of materials over an extended period and continuous fruitful contact with others active in the area (firstly practitioners; secondly observers and thirdly theorists)⁸¹ were relevant to the topic.

The study progressed slowly, although I wrote a few articles in related fields that were published in accredited journals. Vladimir Shubin suggested that I deliver chapters on a monthly basis. I had a first – rather thin – draft of five chapters ready by the end of 2002 (My then first promoter played a low key role). Vladimir provided detailed feedback and critical remarks on each chapter within a short time. Mostly I ran behind in incorporating his comments and he would “chase” me for further work. This draft I expanded during 2003, but it was a slow process with intermittent disruptions (the fact that I took on trade union responsibilities and publishing projects did not assist either in constant progress). During 2003, I also started conducting the face-to-face interviews according to a considered schedule. This was after the pilot interview had been done. The unstructured in-depth interviews and informal exchanges go back more than a few years.

In the latter part of September and the first part of October 2004, I took recess leave and “receded” to a farm, named Rooigat in the Bushveld (Limpopo Province) – kindly offered for use by Tienie and Hettie du Plessis and Louis van Wyk, where I could work without interruption – or relatively so (I lectured once a week at a university in Johannesburg and had to travel from the Northern Province/Limpopo to Johannesburg – approximately three hours, thus a minimum of six hours to and fro. Occasionally I would stay over for a night in Pretoria on return from lectures to fit in a karate class and see Mariaan and the children).

⁸¹ During, for example, visits to Portugal, Spain and The Netherlands between 1996 and 1998, I was fortunate to meet people from countries that I was considering as part of the comparative component of the study. Contact with, for instance, Rui Perreira, Nuno Rigeiro (Portugal) and Raphael Banon (Spain) proved useful.

The relative distance from the everyday work and humdrum resulted in some progress. By then, peer reviews and peer debriefing had become part of the process, as well as feedback from especially my co-supervisor, who had extensive knowledge of South African politics.

An important milestone came in October 2005 when I was able, amid a rather hectic programme, to take 23 days' recess leave (weekends included, this allowed for some 30 days). Given the continuous feedback by means of peer debriefing from Willem Schurink, later to become my first promoter, and Rialize Ferreira, which contributed to the research process, and the added value of (re-)analysing the interviews, the study benefited. In the meantime, I also received valuable feedback from a theorist-practitioner, Prof Deon Fourie. He made comments on my research approach and provided quite a few substantial points of criticism on various aspects that needed reflection.

Early in 2005, in discussion with a colleague, I decided to add a request for information, partly along the lines of the interview schedule, from learned colleagues, about half of them living and working outside South Africa. They were experienced people in the case study or comparative countries that I selected. I approached them by e-mail, except in cases where there was no e-mail contact. In such cases I did it in writing, with surprising results. I received a variety of unsolicited materials, apart from feedback from these persons. As I was able to make new contacts, such as with the ISA RC 01 group (the military sociology research committee) during an ISA Congress in Durban in 2006, I succeeded in receiving more e-mail feedback as late as May 2007.

The past three and a half years was, in some respects, not amicable on a personal level. Two close friends, Rocky Williams and Elize Botha, died and my father passed away. In late 2006 I lost another close colleague and friend, Ruhr Martin, in unnatural circumstances. These experiences were strenuous and painful. A publication on the Anglo-Boer War experienced several delays, and sapped energy. Yet, in many respects, I found the completion of this thesis, despite setbacks, more satisfying than was the case with my master's dissertations (one at Stellenbosch and one at the University of the Western Cape.) This was mostly due to the support and friendship of colleagues, good friends, my life partner, children and a relatively amicable living environment.⁸²

⁸² When my life partner asked my son what he was doing, playing around in his room, he commented: "Ek werk aan my D!" If I-Ben was "working on his D", Marian before my departure to Cuba for a conference reminded me: "Pappa moet nie van jou D vergeet nie!"

The final part of the process confronted me with a familiar consternation: when should one conclude an article, or a book, or a thesis ... Looming deadlines, your daily work, current or new projects, family involvement and matters of mere “life administration” assisted in enforcing the decision to keep writing and finally to stop writing – the latter sometimes a grave challenge, as new sources and ideas keep cropping up.

ROLLING STONES, DISTANT TALES AND MAKING BOOKS: Your story is my story, my story is your story and theirs ...

In the work *A Hero of Our Time*, by Mikhail Lermontov the reader finds an interesting rupture in telling a story. Halfway into the novel Lermontov informs us that a certain Pechorin died. We are informed that this freed the narrator in this novel because he could now publish excerpts and notes from the writing of this man that somehow came into his possession. The novel continues and the reader has to assume – if we can believe Lermontov – that we are now reading Pechorin’s journal. It remains unclear to the reader up till the end whether it is the experience of the narrator himself being written, or a tale taken from a dead man.⁸³ “Kafka’s world does not resemble any known reality; it is an extreme and unrealized possibility” (Kundera, 1988: 43). This brings us to allegories and a tale such as this:

“Sometimes one stumbles on half-written narratives. If not for a dustbin that was blown over in a strong wind, I would never have found this one:

The human tale covers wide territory. It could be descriptive, enquiring, confessional or evocative. It more or less only excludes inert passivity. It implies in cases scepticism about concepts such as *Neutrality* or the greater *Objectivity* that earmarks *Regimental Science*. It also invokes the problematic distinction between scientific narrative, experience, emotion and human interpretation. It frequently involves the ontological-ethical being, the thinking, feeling human animal.

The human animal has inherited the heuristic possibility to share experiences – in this case say for example a narrative lifted from a dustbin, similar to the journal that Lermontov’s character stumbled upon ...

In a narrator’s voice: A student/candidate submitted a manuscript to a university. Two examiners, including presumably her/his then supervisor, came to the judgement that it was not acceptable and had to be revised. Two examiners found it “solid academic work” with the proviso that changes be made. As a result the work was referred back to the author. A referral of a thesis/dissertation can be compared with one’s first article submitted to an academic journal being shot down in flames or coldly rejected out of hand, or worse, a manuscript deemed worthwhile being declined by a publisher, or after training for years, failing one’s black belt examination in karate, or discovering that despite all the money one has put into one’s pension or an insurance policy for years, one will only get 42 percent of the amount one has contributed – and that *before* tax is deducted! And so it can go on ...

Food for thought: One should not abandon one’s ship, camel or chosen horse. In the terminology of the seafarer, do not jump ship (nor underestimate the value of the ship’s *kombuis* [gallery]). The author as one of many voices in the narration did not do this. Roasting an acceptable leg of lamb or warthog, stirring the right soup and constructing a worthwhile book share similarities ... all ask for involvement in the undertaking; being “there” is an imperative. Just as in making a good dish, the research narrative needs spices, preferably from distant lands, real living material and human touch ... and people.

⁸³ The same can be said about some works by Milan Kundera. Kundera frequently deploys the same technique; telling a story to the reader through other voices. “The novel is not the author’s confession; it is an investigation of human life ...” Kundera explains thus: “If I locate myself outside the novel ... it does not mean that I wish to deprive my characters of an interior life ... it means that there are other enigmas, other questions to pursue” (Kundera, 1988: 27). A recent South African novel by Andrew Brown (2005), *Coldsleep Lullaby*, richly weaves the university town of Stellenbosch and its apartheid/post-apartheid realities into a socio-historical and somewhat psychological novel disguised as a detective narrative that deconstructs the racism of the past and present. All the time different voices speak, deploying an interesting discursive or structural trick (I have to thank Bernadette Richards for bringing this novel to my attention).

In making good food, people are integral. It is the same in passages into the world of **RE-Search**. Research collaboration works on at least four levels. Cooperation with supervisors, peers and colleagues the narrator recalls is important to the recipe. It also and by necessity if not as primary value, involves the non-academic community as one of the strongest pillars in reliable narratives. And as in theories of stratification, one finds the concepts vertical and horizontal and grassroots strapped into the equation.

Let's say the failed student (re-)engaged with the study with a new first promoter and the tried and tested second promoter who had been there from the beginning. Things change.

The second promoter from the early beginnings of his appointment was always there, giving feedback, criticism, advice and in cases acting as devil's advocate – much needed in qualitative research. But not only this; through his interaction he frequently opened new vistas for the student/candidate via his critical approach. Needless to say she/he (the candidate) appreciated this dearly and continued to work with the second promoter or supervisor.

The new first promoter of the candidate (whom he had known for years and with whom he had cooperated in qualitative research projects for a decade or more before), was passionate about his work and interaction with students. More so, he was passionate in sharing experiences on successes and failures – even if personal. What a difference ...

The first promoter immediately engaged with the second one, to which the candidate stuck because there was trust – and the additional element of a human relationship (maybe both the candidate and his second promoter were part activist, part academic interested in application and social change). The first promoter, in realising this, honed the tri-lateral communication between candidate and supervisors that did not exist before. (Here was another promoter with a feeling for contexts, different voices, and possessing a unique inherent emotional intelligence. A most suitable mix between the human and professional being, one may argue ...)

The first promoter made time to meet with the second promoter and candidate even when faced with limited time. The second promoter, despite a distance of several thousand kilometres, made time to meet with the first promoter and the failed candidate face-to-face – a tradition that the second promoter established earlier in his relationship with the student (the student likewise, when money permitted, did the same). Despite globalisation and the so-called information society few interactions are as valuable as extended personal interaction ...

Also helpful were the regular workshops that the first promoter arranged for his Master's and PhD students to discuss qualitative research methodologies, (auto-) ethnography and logistical problems on the research path. It also brought students together that could share their experiences, difficulties and successes and most of all, information and laughter.

Blowing winds are interesting things ...”

2.15. Conclusion

The study parts ways with other studies that try to analyse and validate the SATRC (or any other for that matter) or ones that advocate the SATRC and others in a moral or political sense.⁸⁴ Also, it differs from studies attempting to reflect, or focus exclusively on a history of

⁸⁴ Examples in this *genre* include Asmal (1994), Asmal *et al.* (1996), Boraine, Levy and Scheffer (1994), Boraine (2000), Van Roermund (1997), and implicitly, Shriver (1995).

violence (and counter-violence) and its possible consequences for a philosophical and historical-moral debate or historian's debate.⁸⁵

Instead, the study aimed at the practical by taking a case study, namely the SATRC, to enhance a specific demarcated area, namely CMR and civilian oversight over security agencies in sustaining a human-rights culture and expand/deepen democracy in South Africa. In the process of casing, the value of similar cases that were completed or still running was considered. I made the choice here to look at completed cases as well as cases still in process for an obvious reason: The completed cases and the "lessons learnt" could inform current cases and cases that may follow in the future. These cases, being ones completed, currently running or still to come, share two things: Firstly they are meant to benefit the post-oppressive, post-conflict society and secondly they share a conviction or at least the hope that future recurrences will be prevented. The past ones share a third communality, namely lack of foresight to address the future role of and control over the military by civil institutions as part of the set mandate.

Using a case-study approach, complemented by comparative data and involved research, and using documentary research and qualitative approaches, the aim was **not** to provide *moral pointers*, **but to provide rich description of a social context and finally practical recommendations** including meta- and meso-policy (policy design, formulation and implementation) to the benefit of human dignity and human rights in a new democracy within a civil-military context. The study aimed to do this without losing the flavour, or the experience, of recalling a rich socio-historical collage and political dynamics.

Experience and the individualised narrative of "society in process" following authoritarian rule comes into play – not in DIS-Stance but through Being as part of a collective.

In planning and executing the study, practical considerations played their part and in cases played a part with me as author. Studies can also dictate at stages ... after all, the researcher is but a tool in a much larger social process.

⁸⁵ Examples in this *genre* include Buur (2001), Cherry (2000), Duvenage (1994, 1998), Verwoerd (2005), Goosen (1999), Liebenberg and Duvenage (1995), Norval (1999), Magubane (1998) and Liebenberg (1999).

CHAPTER 3

THE SCHOLARLY REVIEW: WHAT YOU READ AND WHAT READS YOU

There are the author's position (including his views on using constructs and existing research results) and the positions of researchers and research participants ... and providing new and innovative forms of display which have impacted across the whole field regardless of the epistemological tradition or the research approach chosen – Gribich, 2007: 12.

One acquires the right to a story through 'going out there' ... i.e. the empirical experimental paradigm ... I could not have confined myself to my room when researching ... There would have to be a field ... and journeys ... the rights of passage into communities ...
– Chaim Noy, 2003: 3.

3.1. Introduction

Qualitative research is certainly about going *out there* and *rites* and or *rights of passage*. It is also a journey or journeys – in this case journeys into state of the art publications on the topic.

“A literature review is a description, critical analysis and evaluation of relevant texts – both current and seminal – that relate to your research topic. On the basis of the literature review you develop an ... argument for your own research. *The literature review in qualitative research is not completed at any early stage but continues to be upgraded through the entire period of your data collection, analysis and writing up the final document*” – my italics (Daymond & Holloway, 2002: 35).⁸⁶

Literature is a living entity and so, I believe, should the scholarly review be. If a living being reads a text the text is not only “out there”, i.e. a cold/distant discourse between neutral observers, or a research subject to be objectified. It is also up close and personal. Therefore, before proceeding some reflections are in order.

⁸⁶ The reader will notice that as far as the literature review goes, it already started in Chapter 1 and continued in Chapter 2. It follows in subsequent chapters as the qualitative/scientific narrative evolves while tracking.

Reading literature alive – history, being and social contexts: As a rational being, one needs to be aware of the interplay of fact, reality and the interpreting subject, the “I” of research. It was important for me to remind myself that one could easily “impute ‘reality’ to certain things” (Gouldner in Boalt, 1969: Introduction: xix. See also Hookway & Pettit, 1978: 17ff, 43ff, 107ff, 127ff and 145ff; and Joubert, 1979). This is true for the sociologist, as for any other human being. Through vertical and horizontal interaction with research participants, peers, peer debriefers, the promoters and the voices uttered in the literature, the goal of transparent intersubjectivity could be kept in mind. (On transparency and reflexive research, see Higate & Cameron, 2006: 219ff; Kvale, 1995; Lincoln & Guba, 2002: 205; Holliday, 2007: 135. Consult Golden-Biddle & Locke, 2007: 27, 29–31 on the value of literature.⁸⁷)

Micro and macro: An intellectual awareness of a Weberian *ideal type* distinction of *micro*- and *macro*-sociology is relevant for my discussion. What is referred to as the micro-context and the macro-context is much more closely intertwined (“messy”, if you like) than we would sometimes prefer it to be (see Cicourel, 1981: 51ff). For that reason, one should be careful to make concrete distinctions uncritically as it can obfuscate (or at least camouflage) some helpful insights in the course of one’s research. Ideal-type distinctions are problematic in the literature and should perhaps be treated as a nuisance variable that manifests its presence throughout a/this study.⁸⁸ Even in this review the distinctions made are haunted by close linkages and in some cases their “messiness”. We may – and I did – distinguish them by headings or topics such as here or in the attached appendix on key concepts. But as in social life or the world of sociology, these topics or headings complement one another at times. These topics may even infringe on or devour one another. This forms part of the world of research – making sense from different voices.

Definitions and “us”: Definitions shape us as much as the data we confront. That is part of the sociology of research. Gouldner argues: “I suggest that it is not only theories or facts, but anything that the sociologist defines as ‘real’ that will shape his work importantly. For

⁸⁷ Qualitative research, especially ethnography and auto-ethnography, and works of literature share two potential entrapments. In writing these reflections I was reminded of a statement by Kundera: “Something essential has the right to exist (but can be) too “weighed down by technique, by conventions that do the author’s work for him”. In such a case one way ahead is to rid the work of the automatism that detracts. Secondly, one does have no hope of “encompassing the complexity of existence in the modern world in one book” (Kundera, 1988: 72–73). However ethnography and especially auto-ethnography share an important liberatory possibility with works of literature; that is what Kundera calls *polyphony* – the simultaneous presentation of two or more voices that are bound together and yet keep their relative independence (Kundera, 1988: 74).

⁸⁸ For more detail consult Harré in Knorr-Cetina and Cicourel 1981, as well as contributions to this edited work (1981).

simplicity's sake I will suggest that there are two kinds of things that are imputed to have reality by any sociologist. One consists of 'facts' yielded by previous researches, whether conducted by themselves or others. The second however consists of what I will 'call' the personal 'real'. These are aspects of the social world to which sociologists will, like those who are not sociologists, impute reality because of their personal experiences; because of what they have seen, heard, been told, or read and which are distinct from the 'facts' that they have systematically gathered and evaluated" (Gouldner in Boalt, 1969: Introduction: xx). Gouldner argues that many elements in the "personal" reality have been developed long before the sociologist was professionally trained or intellectually mature (Gouldner, in Boalt, 1969: Introduction, xx).⁸⁹

I agree. After all, the research that we do, stand on a much older tradition and is underwritten by a larger stream of life. Our contributions are always measured against a much larger canvass and as such should install a much needed humility in us. But it also tells us a lot about human potential, freedom and agency and infuses us with energy (on agency and action see Barry Barnes, 2000). Again in qualitative research the involvement and inter-linkages of written text, discourse and the researcher play an informative and crucial role.

In a similar vein it is argued that "the values of researchers can never be eradicated from their work and no amount of methodological technique or declarations of bias can strip them of their theoretical presuppositions" (Higate & Cameron, 2006: 220). Higate and Cameron, it is worth noting, work on military-related issues. The social conditions of research refracted through the researcher as human "tool" cannot be separated from the researcher's work (Higate & Cameron, 2006: 221). In view of this Higate and Cameron suggest that in redressing the previous imbalances caused by an excessive focus on empiricism in military sociology, there is now a need for researchers that write themselves into research through reflection. Janowitz and Kurtz point out that in the past applied scientific approaches deferred much needed reflexive approaches (Higate & Cameron, 2006: 221). This also applies in dealing with literature (Holliday, 2007: 114 ff, 123 ff).

⁸⁹ This does not by definition invoke only values. The social action/practical action element can cause a fusion of describing circumstances and description of events. Reflexivity – derived from Garfinkel – enters the picture (Cuff & Payne, 1980: 129–130). Sociologists of all orientations, also reflexive ones, still have to struggle with the notes of caution offered by Cicourel that common-sense knowledge can be used in unexamined ways. Being resourceful sociologists, for Cicourel, should more frequently complicate their resources. In criticising orthodox sociological methods, Cicourel opened an avenue for alternative approaches, which is relevant here.

“Venturing in”: Awareness of the above, my immersion in others’ experiences and subjective qualitative data linked with a long-time developing interest in the area under study, surrounded my first steps venturing into an array of literature collected since the early and mid-1980s. These materials and others garnered up till 2007 complement the narrative tracked, the exploration undertaken.

The examination guidelines provided by institutions of higher learning imply that one of the “rites of passage” into Academia is one’s ability to trace scholarly work related to one’s study subject, critically working through these sources and providing quotations or references from those regarded by scholars as accredited. At risk of a hyperbolic statement, the candidate needs to “imperitvise” the orthodoxy of repetition and so procure the researcher’s/candidate’s academic union card. In terms of tradition I trace the selected literature in this chapter.

Before exploring the state of the art I refer to (1) some prominent matters and (2) constraints and challenges in the writing of the review.

Matters that matter

By tracing existing literature I step progressively into tracking a narrative of society and that of an individual and its implications within a broader setting.

Secondly, the “literature review”, which Mouton (2000: 86) chooses to call a “review of existing scholarship”, the choice of design and methodology, subsequent fieldwork and collection of data, analysis, reflection and reporting of the findings, are important building blocks in traditional research (Bouma, 1996; Giddens, 2001; Manheim & Rich, 1981; Mouton, 2001: 86ff).

In qualitative research, the process may lead to changing the emphasis on one issue (a matter that matters), rather than another as the project is executed or “evolves in the process of tracking”. The qualitative student immerses himself/herself in the human elements of the area being studied, their environments or “settings”, and the life world of subjects. Reading complements the setting and the process of study; it assists in bringing the human side of the story to life. The review of literature, in turn, provides some “natural history” or “audit trail” of materials consulted.

A good example of such work where a qualitative angle is combined with the reading of relevant documentation, is that of the acclaimed author Tina Rosenberg. Her work *The Haunted Land: Facing Europe's Ghosts after Communism* (1995) is an impressive qualitative journey, a narrative by the author. The narrative in itself comprises multiple stories of victims and oppressors such as Stasi agents (or perceived Stasi agents) that in themselves became victims through their suggested collaboration with security networks. Her qualitative journey written in an ethnographic style and allowing simultaneously different – often contradictory – voices to speak to the reader, includes a selected bibliography and frequent references to archival and unsolicited materials. Rosenberg does not claim objectivity in this work. She makes it clear that she dislikes authoritarianism and totalitarianism. Her discomfort with communism is blatantly clear. She is candid about her subjectiveness as observer. Her work does not present observer-participant elements, as she did not form part of the oppressive society, the resistance or the “cleansing” process following thereafter. Yet she colourfully describes and “imagines” the roles of participants, be they the oppressor’s agent or the victim or both. The agents or actors speak in their voices through their experiences to the reader. Rosenberg becomes a tool in communicating voices of experience.

In her earlier work on Latin America, *Children of Cain: Violence and the Violent in Latin America* (1991), she followed the same pattern, combining her observer’s role with literature, differing deeply from the Latin American upper classes, well aware of their role in subjecting the poor to exclusion and consistent oppression. This includes the authoritarian rulers and their torturers as well as inhuman action taken by guerrilla movements or their leaders. She mingled with the military, torturers, human rights transgressors, high-flying upper class elite mimicking USA lifestyles, “bang-bang” journalists, guerrillas, victims and persons innocently caught up in the cross-fire of a violent society. All this time she was collecting materials and writing down these experiences, the narrative of a society unable to loosen the Gordian knot of cycle upon cycle of violence. In her exploration she shares her emotions with the reader. Yet the bibliography of this work sports an impressive array of literature on the subject. She relates a disconcerting narrative in classic auto-ethnographic style, using the “I” of an intense observer (Rosenberg, 1991).⁹⁰

Thirdly, one challenge in the review of literature in a chosen field is not to be side-tracked too much and too often. However, not to be side-tracked is not truly human! In the metaphor of

⁹⁰ The work of David Goodman, *Fault Lines: Journeys into the new South Africa*, falls in the same genre: “The story that I tell in the following pages is about people. Real people ...” (Goodman, 1999: ix).

tracking: side-tracking could be accommodated if it will add value to a study and assist in attaining the set objectives. Of course we know there are more often than not unintended consequences: One can lose valuable time on a side-track. But there is also the positive side. Sometimes, when one is led on a side-track, one may stumble on some valuable data and/or insights. Examples from the hard sciences are offered by among others Jardine (1978: 122–124), Kuhn (1969: xi, 3, 11, 59–60), Watson (2003) and Feyerabend (1984).

Fourthly, when reviewing literature one needs to know when to stop. It is contrary to our intention to be serious and interested simply to cut off and walk away. However, in the case of a thesis one needs to do so. Looking back, I often had to remind myself about this. My success in this was varied: the looming deadline resulted in having to stay within bound parameters – while it simultaneously dampened the fear that I could miss out on insights gained from literature. This is typical of social science research, particularly qualitative research.

Bouma argues that “research is a disciplined way of coming to know something about ourselves and the world” (Bouma, 1996: 5). Perhaps more important: “... If the results of the research are clear, the researcher will be able *to settle the questions* (my paraphrasing), not by appeal to authority, but by appeal to the evidence they have collected and can show to others” (Bouma, 1996: 5).⁹¹ It is here that the literature review is important. Such a review, I contend, is a matter of (i) becoming “educated” by reading relevant literature, and (ii) literature in turn is filtered through one’s experience and the society in which one lives and (iii) the rites of passage bestowed on us as living interpreters. With reference to this study it is reasonable to argue that an acute awareness of political developments within the South African body politic and social systems and countries sharing comparable experiences added value. Consultation of a wide range of material over an extensive period together with personal experiences facilitated the formulation of the study’s research question. When discussing the literature study as interaction between oneself and literature, (you) as the reader, our society and social context in flux, including the impact of the review of consulted materials, had to be kept in mind.

Fifthly, while qualitative research is certainly hard-won knowledge, it does not imply mere knowledge for the sake of knowledge; rather it is value-laden knowledge that contains elements of involvement to improve society or a part thereof. This also applies to knowledge

⁹¹ Bouma says nothing about **un**-settling questions or that “matters that matter” change consistently, sometimes unexpectedly outside the realm of prediction. His silence on this is a point for reflection.

gained by auto-ethnography. “Becoming experienced” or “educated” denotes agency rather than a static warehouse of “knowledge out there” (see among others Anfara & Mertz, 2006: 189; Barnes, 2000: 17ff, 82ff.).⁹²

It is important to bear in mind that undertaking qualitative research need not be approached from a post-modernist perspective. Post-modernist research, among others, for me holds that individual agency may become so subsumed by a gaze of “coming to understand” so “uniquely” that it excludes social involvement aiming at the betterment of society (*praxis*). Praxis forms an important part of this thesis – if not the backbone.⁹³ Social processes and humans (individual or as a collective) are intrinsically connected. One can’t escape the human obligation that to assist is to enhance the life of others through the rites of passage gained to communities and social processes. Here Noy makes an interesting point: “The metaphor of the journey, at times (backward looking – a propos nature) and at times modern (a propos science), means that the experience of becoming a scholar is that of the individual arriving at new destinations or colonies of knowledge, previously unknown” (Noy, 2003: 1). He adds that this is one metaphor of modern science, i.e. its progression into *terra incognita* (quoting Josselson & Lieblich, 2002; Green, 1993; Boorstin, 1983). Noy’s metaphor of being on a journey is analogous with my use of tracking as a metaphor. Like Noy, I harbour some skepticism about post-structuralism/post-modernism in deploying auto-ethnography with its qualitative roots. I agree with Noy (2003) that improvisation, intuition, candidness and personal as well as social and cultural sensitivities are sought and valued by the qualitative researcher.⁹⁴ Again this applies to what is selected for the review of literature.

The different rites of passage endow the scholar taking this approach with avenues that affect the researcher’s moral code when compared with his or her positivist-orientated counterpart: “One more conservative, and one more liberal, one more serious and the other one more playful, one more abstract, the other more embodied. Neutrality is exchanged for involvement, passivity for agency” (Noy, 2003: 5). However, because studying a concrete setting, as in this thesis, is anything but “playful” as Noy (2003) suggests, I prefer “fluidity”.

⁹² See also Bunge, M. 1996. *Finding Philosophy in Social Science*. New Haven: Yale University Press. On remarks related to the “public making” of the research process, or bringing the research in the “open sphere” consult Anfara, Brown & Mangione (2002: 28–38).

⁹³ See the Noy epigraph at the beginning of the chapter. For a useful – albeit general – definition of *praxis* consult Schwandt, T. A. 2001. *Dictionary of Qualitative Inquiry*. New Dehli: Sage Publications.

⁹⁴ When facing persons committed to positivism in a debate/dialogue – or for that matter conservative politicians and economists – one may find that “are sought and valued” may have to be replaced by “could be sought and valued”, “should be sought and valued” or “progressively defended” or “needs to be advocated”.

The study and the literature (i) involve human beings, human pain, human difficulties and mistakes and their lasting consequences; human aggression and excesses that we as (collective) beings can apparently not overcome, but also (ii) implies possible successes in the application of research findings to the betterment of society. Literature on “lessons learnt”, be it from a failure or a success, is relevant here.

Human experience and agency in the social world are not apart from society, but written into it. I took care to situate the individual in context and process. In this narrative, I could do nothing else. It also applies to my review of literature.

Constraints as challenges

The key challenges I faced in reviewing the situation were the following:

Language Constraints: My inability to read French, Portuguese and Spanish resulted in my inability to study literature published on Argentina, Chile, Portugal and Lusophonic countries or Spain, except for works published in English. The same applies to French for use in African case studies. Not being able to read these languages resulted in many academic, official and/or popular sources being excluded. Access to sources in these languages would have been helpful when it comes to Latin American cases or African states like Rwanda, the DRC and others in the Great Lakes region. This lack of ability makes for a study poorer in content. I cannot escape this fact as auto-ethnographer.

Limited budget. Accessing unsolicited materials such as personal memoirs, official documents, eye-witness accounts (i.e. affidavits), unpublished reports, personal correspondence or unpublished individual notes would have added value to this study, or on a more mundane level, yet of crucial importance, to interact with people in their own environment, i.e. staying over with a family, meeting a victim, visiting a military institution or hospital. Despite “globalisation” and the “information society” the physical visit means gaining real life rites of passage into other communities, which in the case of this study were outside my physical location. Site visits are both important and valuable in a qualitative study (see Rosenberg’s works mentioned earlier as example).

During my first year of study, the National Research Foundation approved a grant of R50 000.00 for the study over the next four years. An amount of R8 000.00 was released for the first year. When I inquired the following year about the next instalment, I was informed

that, in future, one should apply on an annual basis owing to a change in regulations, but I had missed the deadline. At a next inquiry, I was told that it was too late to apply. At the same time I became aware of other students that seemingly did not have to re-apply. Rather than find my way through such a confusing array of stipulations I did not reapply (such an experience reminds one again of Weber's view of bureaucracies having a "rationality" of their own). On my income and keeping financial obligations to (the extended) family in mind, taking out a bank loan to subsidise studies would likewise not be a wise step. This resulted in limited funding and ruled out regular site visits. It constitutes a definite limitation in this thesis.

3.2. Talking about assumption(s) in reading selected literature

I suggest that an apolitical military is not possible. The idea that there is a neutral or apolitical military for me is an uncritical – if not dangerous – assumption. It is a not-too-frequently discussed issue in literature by theorists in "highly developed states" or Western industrial democracies when referring to their own societies. However, in referring to and analysing "other" societies it is frequently mentioned. It seems in much of such literature – if not blatantly implied – that only the militaries of "developing" or "underdeveloped" states are politically inclined and interventionist or tend to covertly/overtly act as praetorians. It also seems that, with the exception of C. Wright Mills, John Kenneth Galbraith and Noam Chomsky, it is too seldom said that politicians in "developed democracies" (read: *advanced* or "mature" democracies) are also inclined to depend on their military and invite them into politics, if need be in civilian suits. In this area a need clearly exists for military sociologists in Western democracies to study and follow through on earlier critical reflections by Wright Mills [1977 (1959)], Galbraith (1969) and others.

I make the assumption that no military, present or past, anywhere on the globe or in history in any society, is a-political. The military and related security agencies represent the (potential) coercive arms of the state and no state is neutral. The challenge in any society claiming democracy is to provide within the structures (and inculcate attitudes) in the new democracy for levels of civilian oversight and a veto of military intervention in internal politics and to control a military that becomes so influential that it undermines civil society and its representatives, to the detriment of that society, i.e. subvert human rights, instigate human rights transgressions or in their outward projection of power, lead a democratic society to war. In the latter case the potential of the military taking the lead together (or invited by) hawk-like politicians remains in every society, including so-called Western democracies such as the

USA. On the other hand militaries, the proverbial man on horseback, that end up in oppressive politics are not always the only party to blame. A counter-balance can be provided by the professional soldier through a moral praxis that restrains hawkish politicians when they open avenues for the use of the coercive arms of the state against its own people or in unjustified and continued aggression (militarist force projection) outside the borders of such a country, large or small. As a mirror image politicians should be aware that the security arms of the state, including the professional soldier, should not be invoked or manipulated (“invited”) into partisan internal politics (Ravnborg, 1998: 117 ff). In South Africa this happened with sad consequences and remains as a blotch to clear, a lesson learnt – to prevent similar occurrences under our current and future governments. I selected or rather exposed myself to literature covering an extended period.

3.3. Selection and scope of the literature

I will not address literature on qualitative research – more specifically the auto-ethnographic approach – and the scientific narrative here. They have been dealt with before and will crop up frequently as the exploration unfolds.

The range of literature I selected covers areas related to the subject of study, that is political sociology, including political reconciliation and military sociology. Regarding military sociology I address CMR, civil control over the military, democratisation, (re-) democratisation and demilitarisation following oppressive rule. I do not provide any comprehensive discussion of concepts found in these areas but refer the interested reader to **Appendix 2** (page 436) where I outline their key characteristics and features.

Literature on states that made a transition from oppressive/authoritarian rule to democracy and subsequently followed TRC-like processes I reviewed was informative. Contrasted with literature on selected countries that opted for TRC-like processes, I consulted research on states that chose **not** to use TRCs but other options.⁹⁵

Reading about, reflecting on, and contrasting these different approaches allow for the research question to be addressed in its setting. Necessarily, I had to balance the reading on the case study, South Africa, and the added value of comparative perspectives – as I had to do with the interviewing, impromptu exchanges, gathering of solicited and unsolicited materials and

⁹⁵ See the earlier typology in Chapter 1.

incorporation of my lived experiences. My insights were necessarily filtered through the “I” of the researcher (me as a subject or *somatic being* embedded in a broader social context).

I perused literature on CMR and issues pertaining to civil control of the military. In the thesis I touch on issues such as “reform of the military”, “civilianising or democratising the military”, and the sometimes contested term “(re)professionalising the military”. In a study such as this, a variety of concepts inform one another, link up with other concepts themselves interlinked, and illuminate or clarify relevant focal questions or themes.

I need to emphasise that I opt for a case study, but at the same time bear the necessity of socio-historical comparisons in mind. I take heed of the fact that the TRC concept is not entirely new. Neither is it unique to South Africa. This assumption enabled me to deal with TRCs in different contexts, in different time periods and to a degree comparable, but different subjective circumstances addressing similar issues. In addition to this, depending on given conditions, not all countries – and arguably with good reasons – having transitioned from oppressive, dictatorial or authoritarian rule, opted for a TRC-like process.

The cases that come under scrutiny here – or rather initially triggered my interest, at the outset of the study – represent examples of options introduced in countries in Latin America, Southern Europe and Southern African countries. In the early phases of the project, I restricted the sources that I read to Argentina, Chile and South Africa as examples of TRC cases, while I limited non-TRC cases to Spain, Zimbabwe and Namibia. I do make brief references when applicable/illustrative to other cases in this exploration (i.e. Portugal and Uruguay). Naturally, in order to comprehend a particular TRC-like process requires some knowledge about others. Reading about one case frequently calls to mind others. With regard to broader casing I selected Nigeria and Rwanda. I chose not to investigate TRC-like processes in Eastern societies, for reasons such as a different religious setting, different socio-cultural histories, values and traditions, may differ substantially from societies that nominally subscribe to the Christian paradigm.⁹⁶

⁹⁶ One of the main feeding sources of truth and reconciliation exercises stems from the Christian tradition, where it is believed that wrongs committed can be forgiven through confession, while those being wronged also receive the opportunity to witness and share their pain. In theory it also allows for perpetrators to confess their “wrongs” (read: “sins”) and ask for forgiveness – which may be forthcoming or not. Interpretations of truth and reconciliation by Western theorists work within such a framework and carry this text on a meta-level. See, for example, an informative work that deals with issues such as guilt, remembrance, time and forgiveness as the grammar of reconciliation (Christodoulidis & Veitch, 2001). One example of the many thoughtful chapters in this work is the work of Bert van Roermund on the grammar of reconciliation and reconciliation as a political process (Van Roermund, 2001: 175–190).

I also exclude the more recent case of East Timor because in a study such as this I had to limit the number of cases; I had to have a cut-off point.

I excluded Eastern Europe despite advocacy for TRCs in the region as I had to limit the selected cases for study. I would suggest a further argument for exclusion here. The fusion of politics, civil society, the nature of the political systems and the role of the state security arms present qualitatively different cases in Eastern Europe. The role of the coercive/security arms of the state were mainly secret police and “self-censorship”, rather than *per se* the military’s involvement. When others subdued “subversion” the military in these countries stuck to their constitutionally prescribed role and did not interfere in politics in most cases, which stands in stark contrast to what happened in Latin America, Rwanda, Zimbabwe and South Africa. The secret police (including their willing informers) and social self-censorship did the subduing, not the military.

Siding with Van Roermund who states that “reconciliation is a different process in different contexts” (Van Roermund, 2001: 175), I argue that reconciliation as a given relation of opposition versus oppression is deeply influenced by the cultural grammar. This holds true particularly in the case of Eastern European countries with integrated socialist systems. I exclude these cases because countries in this region and their relationships with civil authority have over many years developed qualitatively differently.

On a more mundane level I had to limit the cases being studied, as many attempts at TRCs exist – too many to deal with in one work. More are currently under consideration or debated and this thesis, like any other project, has a cut-off point. I also do not deal with all the cases of TRC-like attempts in Latin America to deal with past oppressors.⁹⁷ Argentina and Paraguay put previous rulers on trial, Argentina sentencing some to life imprisonment. The UN instigated a TRC-like process for El Salvador after the civil war. The cases in only a Latin American context are simply too numerous to deal with in detail for every example.⁹⁸ Before discussing a case as distinct from other cases, I address the subject field here.

⁹⁷Latin American attempts at unearthing the truth share similar backgrounds, such as authoritarian military rule and a social context with a Christian/Catholic background. The military and military leadership stand central to the process of oppression that evolved or where reversion to military rule through a coup d’ etat took place. In a generic sense the social conditions were similar – even if the concrete outcomes and/or success of such attempted processes differ. South Africa in this respect shares a similar background and experience (70 percent of the South African population nominally subscribe to Christian beliefs, whether Protestant, Catholic, Apostolic or independent indigenous churches such as the Zionist Church).

⁹⁸ In an earlier article (1996) in the *Journal of Public Law* I focused on among others Uruguay and Paraguay, which I skirt in this thesis.

3.4. Military Sociology: social sciences eyeing the soldier

Military Sociology (MS) is a sub-discipline of Sociology. While CMR form part of MS, the area of CMR is not restricted to sociology but also encompasses political science, social psychology, (military) history, interdisciplinary studies, even political economy (compare Ball, 1981). At the same time the concept of CMR is younger than MS. I will discuss MS here before I move on to CMR later in the chapter.

Before the development of the discipline of sociology by its founders, such as Auguste Comte,⁹⁹ Harriet Martineau, Herbert Spencer, Karl Marx, Emile Durkheim and Max Weber, people described and interpreted the military, which the founding fathers seldom did.¹⁰⁰ Various examples can be named. Some of these are Sun Tzu's work *The Art of War*, written in 500 B.C. and several references to the role and conduct of the military in Lao Tzu's *Tao Teh Ching* (Tzu was the founder of Taoism and his work was also written circa 500 B.C.).

Nietzsche, Hobbes and Machiavelli found it important to refer to the phenomenon of the state, security and the military – in the case of Nietzsche quite scathing in his references to Prussian militarism and the militarised nation-state.¹⁰¹ Saint Simon (1760–1825) accredited with the founding of socialism, found it necessary to criticize the militarism of Napoleon and authoritarian practices of the fathers of the French revolution stringently (Collins & Makowsky, 2005: 18; Van den Aardweg, 1971: 74). In Africa someone like Naguib Mahfouz in the 1930s, through his novel *Thebes at War*, illuminated the links between warring parties, nations and the society touched by it [Mahfouz, 2003 (first edition 1944)].

Through narrative, history writing, social criticism and social philosophy the military in society became a point of debate and reflection before sociology as a formal discipline was established and in CMR as sub-sub-discipline set its sights on the theme. In the case of Mahfouz it was articulated outside the parameters of social science and manifested itself as a narrative on human society at war.

⁹⁹ A protégé of Saint-Simon before a series of quarrels split them apart – see “The Prophets of Paris” in Collins and Makowsky (2005: 15 ff, 21).

¹⁰⁰ I would include Rosa Luxemborg here, but it is a contestable argument for later discussions.

¹⁰¹ Nietzsche's criticism of the state, politics – even the media – can be found in among others *Thus Spoke Zarathustra* (Penguin Translation, Foreword by Hollingdale, 1982: 75–78); *A Nietzsche Reader* (foreword Hollingdale), 1981: 220; Collins & Makowsky, 2005: 66ff).

In South Africa, before MS became an established practice, political actors pointed out the dangers of a military used in subduing people of the land in the 1800s. Edward Roux recalls an interesting incident from South Africa's colonial history, namely the 1818 "Kaffir War" in the Eastern Cape. After the surrender (by his own decision) of Chief Makana, one of Makana's headmen in discussion with the English Commander Willshire remarked: "(This) war, British Chief, is an unjust one. You are trying to extirpate a people which you forced to take up arms. When our fathers and the fathers of the Boers first settled in the *Suurveld* (an area west of the Fish River in the Eastern Cape) they dwelt together in peace. Their flocks grazed on the same hills, their herdsmen smoked together out of the same pipes; they were brothers ... We wish for peace but your troops cover the plains and swarm in the thickets, where they cannot distinguish man from woman and shoot all" (Roux, 1964: 14–15). Sadly, things were to turn progressively worse. The rulers of the land were to use their military might in years to come. The last so-called "Kaffir War" (Frontier War) ended in 1878 and the Xhosa people came under the British heel. The Sotho people were defeated in 1854 at Berea by the British and the rest in the Sotho-Boer War of 1858. In 1879 the Zulu kingdom fell and the Bapedi people were subdued by military force by the British in 1877 and 1879 after holding the Transvaal Boers at bay in skirmishes in 1852, 1867 and 1869. After its defeat by Boer forces in 1898, Vendaland finally fell under British authority (Pampallis, 1991: 6, 12–13). Chief Albert Luthuli, leader of the ANC, whose precursor was established in 1912, pointed out the dangers of the apartheid state using its military and security forces such as the South African Police (SAP) and the SADF, previously the Union Defence Force, against its own population (Luthuli, 1962).¹⁰² Similarly members of the then Liberal Party (LP) in South Africa objected to against the use of security forces against disenfranchised South Africans (Van der Westhuizen in Liebenberg *et al*, 1994: 87–88).

¹⁰² In a country that still reflected the antagonisms of the Anglo-Boer Wars, the Rebellion, the WW I and WW II, the acronym for the South African military forces after 1948 reflected an interesting difference in their translation (South Africa had two official languages at the time, namely Afrikaans and English). In the English translation it was the South African Defence Force (SADF) derived from the Union Defence Force. In Afrikaans the new elite, among others Erasmus, the first Minister of Defence when the Malan government came to power on the apartheid dictum (1948), chose the *Suid-Afrikaanse Weermag* (SAW) It may be that the Dutch translation "weermacht" played a role here as Afrikaans had Dutch as feeding source. It happened to be a poorly chosen term. The word *Weermag* for many seemed to be a direct translation from *Wehrmacht*, associated with Nazi rule under Adolf Hitler (Hitler in coming to power changed the Weimar Republic's defence forces' name from *Reichswehr* to *Wehrmacht*). WW II that ended three years before was still fresh in the international collective memory. Apartheid with laws passed on separate living areas, separate "amenities", homelands and resettlements, influx control, prohibition of mixed marriages and the 1960 state of emergency did not endear it to observers from the outside – or for that matter South Africans living on the receiving end of the racist policies. The SADF became associated with a partisan minority state; not a good starting point for optimal CMR.

In Namibia, then German West Africa, before the outbreak of the Herero War, Chief Samuel Maharero complained about the German use of security forces against his people. His appeal fell on deaf ears. The German – Herero War (also known as the 1904–1907 War of Resistance) broke out. This war would eventually lead to the Herero genocide that started in October 1904 under Gen von Trotha after the defeat of the Hereros at Hamakari (Katjivivi, 1988: 9). Von Trotha bluntly stated, “I believe the Herero must be destroyed as a nation” (Katjivivi, 1988: 10). By the end of 1905 between 75 percent and 80 percent of the Herero population had been exterminated and 14 000 of the 16 000 survivors were in German concentration camps. Roughly 45 percent of the Nama population was destroyed (Katjivivi, 1988: 10).¹⁰³ Following the Treaty of Versailles the Union of South Africa became the mandate holder of Namibia as directed by the League of Nations. Again the military (including the newly created air force of South Africa) was deployed against Namibians i.e. the Bondelswarts people in 1922 (Maxwell & Smith, 1970: 29). Maharero’s earlier protestations about military force clearly made little impact. CMR meant unequivocally the military acting when and if deemed necessary against civilians that resisted state policies in *Suidwes*. Two months before, the same point was made at home when the newly established South African Air Force played its first role in active deployment, defeating what big business and government perceived to be socialist-orientated white mine workers in South Africa on the Transvaal mines in a strike. CMR, as in the Bondelswarts rebellion, meant subduing those that militated against government policies. South Africa’s treatment of its own citizens, the illegal occupation of Namibia and forays into Angola up to the end of the 1980s followed in this tradition.

In sociology the issue of the military received little attention for some years. One theorist laments that “The problem of the influence of military organization of society has on the whole failed to attract the attention of social sciences” (Andrezejewski, 1954: 1).¹⁰⁴ For Lang one area of omission remained “the place of the military in society” (Lang quoted in Van Aardweg, 1971: 93). Things were to change. At the University of Leiden (Rijksuniversiteit Leiden) J.A.A. van Doorn set out to write on the military in his work *Sociologie van de organisatie* (1956). In 1959 C. Wright Mills remarked critically on the military establishment, big corporations (i.e. advertising agencies) and government departments as belonging to the

¹⁰³ During the Anglo-Boer War or South African War (1899–1901) 28 000 Boer women and children died in British concentration camps. Black South Africans that died in concentration camps accounted for 16 000, with the possibility that not all cases were recorded. Compared to this, the South Africans came off better under the British scorched earth policy under Kitchener than the Herero and Nama people as a result of German action taken by Gen. Von Trotha.

¹⁰⁴ Stanislaw Andrezejewski’s book was entitled *Military Organisation and Society*. London: Routledge & Kegan Paul Ltd. (1954).

realm of “non-democratic areas of society” (C. Wright Mills, 1959: 114–115). In the same year Janowitz and Little published *Sociology and the Military Establishment*, which saw several reprints over the following years.

During the 1960s and 1970s the number of publications increased sharply. Huntington released *Political Order in Changing Societies* (1968), offering the realisation that “political order is a goal not a reality” (Huntington, 1968: vii). The book was thoroughly anchored in the Eurocentric paradigm of *political modernisation*. At the time it was ranked as the most important book in the field in the USA. Despite the fact that that it was later criticised by some South African scholars, it was widely prescribed to South African political science students. At the risk of overstatement, my experience as a student was that it became a virtual handbook of “how things are to be done” when it comes to political modernisation – also with regard to South Africa where the order aspect received a lot of attention. Finer’s seminal work on the role of the military appeared somewhat earlier, in 1962. For many it became a standard book of reference. This happened because this work investigated various issues, i.e. political intervention by the military, but also motives that inhibit the military from intervention. It addressed weaknesses of the military (institution), modes and levels of intervention and the results of intervention in the past and insightful ideas about the future of the man on horseback. Finer’s work pointed to the creation of (ideal?) societal conditions where there is no case for intervention, nor a disposition towards intervention or possible socio-economic and political conditions that invite intervention; in short a context where “The military does not need its ‘own government’ and government does not need its ‘own military’” (Finer, 1988 (1962): 306). This at best is a tall order and points to the complexities of CMR.

Several works looking at the military as institution, the military in society, and civil control over the military – with the term CMR not yet in vogue – appeared subsequently. Janowitz published *Military Institution and Coercion in the Developing Nations* (1964, republished in an expanded edition in 1977), again written in the modernisation paradigm. His contribution among others places emphasis on the education of the military elite and intervention and the economic factors that influence intervention, as well as notes on regime consolidation (Janowitz, 1977: 44 ff, 84ff, 125ff; 151ff). *Military Sociology: A Study of American Military Institutions and Military Life* by Coates and Pellegrin should be mentioned (Coates & Pellegrin, 1965). The work, after introducing the notion of MS, addressed several aspects of the military in society, such as the traditional role of the military (cultural and social settings coupled with dominant values), social change and institutions, formal hierarchies and informal relationships and military professionalism. Particularly important – and innovative –

was the analysis of “scientific management” as a concept, human relations and the “sociology of management” (Coates & Pellegrin, 1965: 177 ff, 245 ff). Likewise Coates and Pellegrin addressed the well-known sociological construct of social stratification. They reserved some space for critical remarks on the future of the military profession and problems concerning minority groups and racial integration (Coates & Pellegrin, 1965: 337 ff, 411 ff). This was quite bold of them because the USA was reserved about social integration at the time. It is to the credit of Pellegrin and Coates that they ventured into the debate on a non-racial military society. The book, however, was orientated to the American audience, with few generic or comparative elements being addressed.

Mosen produced *Eine Militarsoziologie* in 1967. Van Doorn delivered *Armed Forces and Society: Sociological Essays*, an edited work, in 1968. In the same year the 12th edition of the *Kölner Zeitschrift für Soziologie und Sozialpsychologie* published “Beiträge zur Militarsoziologie” with co-workers such as Rene König, Klaus Roghmann, Wolfgang Sodeur and Rolf Ziegler. In 1969 Galbraith published *How to Control the Military*. The book became controversial for its criticism of militarism and the growing influence of the military-industrial complex in the USA.¹⁰⁵ I found Galbraith’s work particularly informative and stimulating.

The Working Group on Armed Forces and Society associated with the International Sociological Association started publishing its regular *Sociaal Wetenschappelijk Bulletin* in this era (see for example, *Militairen en Maatschappij*, No. 4 of this bulletin)¹⁰⁶. Van Gils edited *The Perceived Role of the Military* in 1971. An example of research dissertations at this time (in this case Germany) is Linnenkamp’s *Gesellschaft und Militärorganisation organisationssoziologie aspekte der Streitkräfte*, defended in 1971 at the Rheinischen Friedrich-Wilhelms-Universität in Bonn. This contribution was aimed at the military as organisation and internal mechanisms for communication and control. In my field of focus it was interesting but not relevant to the chosen field of study.

Other theorists need mentioning: Abrahamsson followed with *Military Professionalization and Political Power* (foreword by Janowitz) in 1972. His work is remembered for among others introducing references to *transformation* in the military and more specifically the notions of *professionalisation* of the military and what he calls “corporateness”. He also

¹⁰⁵ If Kenneth Galbraith’s warnings about the growing military industrial complex and militarisation of American society were then relevant, it is more so today with the blatant international external force projection of President Bush Jr. and his associates.

¹⁰⁶ At the time the working group was based in the Netherlands.

became one of a new generation of authors that used the term civil control over the military (Abrahamsson, 1972: 12 ff, 21ff, 59–70, 151ff). Van Doorn returned in 1975 with *The Soldier and Social Change*. Shortly thereafter *World Perspectives in the Sociology of the Military*, edited by George Kourvetaris and Betty Dobratz, was to make yet another contribution (1977). Again comparative angles played a role. Claude Welch wrote *Soldier and State in Africa* (1970). This was to be followed by *Military and Military Rule* (with Arthur Smith) in 1974. In this work they developed a typology of CMR through a five-country case study (Welch, 1992: 3).

Nordlinger embarked on a work in the 1970s that built on an earlier paper (1968–1969). What interested him was the phenomenon of *praetorianism* (soldiers influencing the political leadership of the state). His main interest was the states in Latin America, Asia, Africa and the Middle East (more than half of all states in these regions) that succumbed to various levels of military intervention since the end of World War 2. In his analysis of explanatory factors for intervention (or *praetorian trends*) he dealt with what he called the “internal features of the military” and what he perceived as “environmental variables”. Nordlinger pointed out three models of civilian control. The first is the traditional model where the political elite seldom interferes with the military; civilian supremacy characterises this model (Nordlinger, 1977: 11–12). The second is the Liberal model that presupposes a military that accepts the rule of a perceived more skilled civilian elite, soldiers and officers that reflect a *civilian ethic* (not to disobey the civilian control and “attitudinally disposed ... to retain a neutral de-politicised stance even when in difference with the ruling government”). The liberal model also assumes that civilians will have due regard for the military and will not interfere in professional military affairs or “interject political considerations into the armed forces”, such as appointing party political (partisan) officers (Nordlinger, 1977: 13). Clearly a civil “stand-off” between the civilian ruler and the military is the intention here. He warns, however, that civil control is “not as firm a foundation as might appear at first glance”. The relationship can be corrupted from either side. Thirdly Nordlinger identifies the penetration model, where the civilian rulers penetrate the military with political ideas and thus secure their loyalty – a system that can function well in homogeneous societies. However, Nordlinger is at pains to point out that any of these models can develop fault lines and bring the military overtly into politics (Nordlinger, 1977: 18). In South Africa, applying Nordlinger’s models (there lies their weakness), would be problematic. The military could ostensibly fit into the traditional role, the liberal model or a penetration model. However, the military forces were the coercive arms of a minority state, a segregated state that operated on domination from above. Yet they believed in constitutionalism and the government of the day. They did not seek active

political influence or take over government. In earlier works I referred to this as “praetorianism of a special type”. This notion is open to qualification, I would argue today. In a certain sense the apartheid state (including the “reformist” apartheid state between 1983 and 1988) co-opted the military into a systematic regime of oppression mixed with “sham” reforms. Tanzania under Julius Nyerere and the mobilising slogan of *Ujamaa* may fit the penetration model that Nordlinger speaks about.

When the military elite, owing to their skills, political orientation or bureaucratic interest, enter politics Nordlinger imagines different typologies of ruling officers, one typology being an officer corps as *moderators*, where the military does not take control of the civilian government but has a virtual veto over government policies. “Civilians govern, but their power is checked by the military” (Nordlinger, 1977: 22). In the following category of his typology we find the *guardians*. They overthrow a government to prevent large-scale social change and to retain the political *status quo*. Lastly there is what he calls *praetorian rulers*. In this typology the military takes control of government with total domination as intent. They “not only control the government but dominate the regime ... sometimes attempting to control large slices of political, economic and social life through structures of mobilisation” (Nordlinger, 1977: 26). Using Nordlinger’s typology one could argue (with qualifications) that many military regimes in Latin America acted as guardians and then proceeded to become praetorian regimes. An example of a praetorian regime in Africa could then be Burkina Faso under the rule of Thomas Sankara in the 1980s. For various reasons military regimes may be subverted or succumb again to civil political control. In some cases (e.g. Nigeria, which I deal with as a case study later on as a prime example) the military also re-enter politics, leave politics (back to barracks, military withdrawal from politics) and return again to politics. This cycle, whether predicted or unpredicted, complicates civil-military analysis in such cases.

An African scholar, Ododa (1977) developed a refined categorisation of military regimes. He discussed case studies where the military had some influence (in various degrees – not necessarily praetorian) such as Ghana under Nkrumah and the regime of President Leopold Senghor, as well as Gowon in Nigeria. He then proceeded to provide a refined categorisation of military regimes, namely (1) progressive military regimes, (2) retrogressive military regimes, (3) restorative progressive military regimes, (4) restorative retrogressive military regimes, (5) consolidative progressive military regimes and (6) consolidative retrogressive military regimes. Unfortunately his innovative categorisation is not described in more detail and fully overshadowed by his views on Pan-Africanism as a final goal. It is clear that with

some qualification Ododa has empathy with military rule. He critically concludes, nonetheless, that “military regimes in Africa have tended to dampen rather than promote Pan-Africanism. Some of these reasons stem from the nature of the military as an institution; however others arise from the specific instance (read: context) of the African military” (Ododa: 1977: 260).

Perlmutter and Bennetts’ *The Political Influence of the Military: A Comparative Reader*, published in 1980, is worth mentioning. Influential authors contributed perspectives to the work, among them Parsons, Morris-Jones, Mosca, Perlmutter, Luckham, Paxton, Stepan, Deutcher, Nassar, Cohen and Huntington. Comparative studies were subsequently to become an increasingly more important feature of MS. Sam Sarkesian’s *Beyond the Battlefield: The New Military Professionalism* (1981) is viewed as a mostly empirical work. It contrasted scholarly viewpoints and analysed the dimensions of military professionalism. Perhaps more important is that Sarkesian furthered the comparative genre in this work (Sarkesian, 1981: 19, 41ff, 59ff). Janowitz edited a comparative study entitled *CMR: Regional Perspectives* in 1981. It dealt with CMR in “advanced democracies”, “modernizing societies” and developing states, in Asia, the Middle East, Eastern Europe and Africa (in the last case Nigeria and Ethiopia). This work not only furthered legitimised comparative studies but also demonstrated the wide range of cases that can be dealt with in an international context. Janowitz’s work also popularised the terminology CMR further. Janowitz in no uncertain terms dismisses standard approaches dealing with comparative studies: “THERE IS LITTLE POINT in endlessly debating the most appropriate strategy to be utilized in the comparative analysis of CMR. It is clear to me, that the study of armed forces and society requires alternative approaches if the role of the military in political affairs is to remain a vital subject of scholarly investigation” – emphasis in the original (Janowitz, 1981: 9). Welch returned in 1987 with *No Farewell to Arms? Disengagement from Politics in Africa and Latin America* (Boulder: Westview Press). Welch’s works are characterised by his use of case studies (Welch, 1992: 3). Welch also points out the important role of comparative studies (Welch, 1992: 5). For Welch one fruitful example of work from a comparative angle is that of the Bangladeshi scholar Maniruzzaman, who investigated more than 70 cases of military disengagement from politics (Welch, 1992: 5).

In 1988 Finer’s *The Man on Horseback: The Role of the Military in Politics* re-appeared in a third enlarged and revised edition (the previous editions were published in 1962 by Pall Mall Press and in 1976 by Peregrine Books). Finer’s work for me, despite criticism, remains an

important one and a pace-setter for its time. It includes many generic insights that still hold relevance today.

The term postmodern military, in an admittedly rather wide interpretive paradigm, entered the scene. An important example is *The Post Modern Military: Armed Forces after the Cold War*, edited by Moscos, Williams and Segal (2000). South African scholars also contributed to this work. Of particular interest to me was the contribution by Cilliers and Heinecken on South Africa emerging from “a time warp” in terms of CMR following internal civil strife and international isolation when faced with reprofessionalising the military and honing new conceptions of CMR/civilian control over the military after 1993 (Cilliers & Heinecken in Moscos *et al.*, 2000: 242–264).

As seen from the above, various works addressed the role of the military in developing states. Most of these were unfortunately published within the modernisation paradigm (i.e. Huntington, 1968, Janowitz, 1977; Nordlinger, 1977; Welch, 1970, 1974, 1987). I will give my criticism of these authors and the modernisation paradigm in this chapter.

These works had a major influence on thinking about the military in a social context, its roles, nature of the organisation and outcomes in politics. In turn they would spawn more literature and lay a foundation for future scholarly work. An academic tradition within the sub-discipline of sociology (and political science) was founded that would serve as a wellspring for future reflections, both quantitative and qualitative in nature. At the same time, since some of these works were embedded in a European/Northern context and others explicitly in the modernisation paradigm, new research opportunities beckoned. This would come from among others African-based scholars critically reflecting on the arguments put forward by earlier scholars. Academic and social critique, among others “home-grown” African voices, became a new angular optic in scrutinising the military ...

I will mention other publications in this field, especially those by critics of previous approaches during the 1980s and 1990s, later in this chapter. I will also address works by African scholars in more detail at that point.

3.5. The literature and the research question

One question I set out to answer is whether the SATRC and previous TRCs had the foresight to address the need for sustainable and working CMR and civilian control over the military. If

not, why did this not happen? If the SATRCR had addressed the issue of CMR, it could have had an influence, or provided outcomes, that would lead to viable policy priorities and choices, formulation of policy, and policy implementation that benefited the objective and aims of civil control mentioned above. I am also interested in whether weaknesses and/or fault-lines in the unfolding of the SATRC can be identified (among others critical reflection on the mandates of the SATRC and other TRCs). If these are identified, the next question is how to address these shortcomings/fault-lines in order to solve some current problems/tension/challenges regarding CMR that may occur in the South African polity. In answering these questions, I aim to provide some generic cues for other countries in similar situations.

If the SATRC did not contribute to outcomes that benefited future CMR, does such a process have any value for civil control over the military elsewhere? The counterside of the coin is then important to me: If the SATRC process did not contribute to better CMR or civil control over the military, did other countries – that did not make use of a TRC exercise – come off worse or better, or the same? I assume here that perusing literature to complement experience will add value to the exploration.

In the following sections I will discuss TRC-related literature first and then continue with civil-military literature. I will then discuss and graphically illustrate the tortuous background to the SATRC and the transitional arrangements in South Africa that set the stage for the SATRC. I will refer throughout to relevant literature in this regard.

Comparison with literature on TRCs outside South Africa

There are reasons why I chose a comparative element or broader casing for this study. The SATRC developed in a specific context that was not devoid of external influences and a broader (read: *international*) discourse.

In this research design other cases receive attention. I will exploit what Bouma calls “the comparison” (Bouma, 1996: 96). Manheim and Rich argue that there are limitations to “the exclusive focus on one nation” and, should one wish to improve the ability to explain (and perhaps even predict/suggest steps to facilitate problem-solving), then possibly “one way is to

take a comparative approach” (Manheim & Rich, 1981: 230).¹⁰⁷ Comparative approaches *have proved to yield important insights that may complement other research approaches*. Neuman (1997: 384) argues convincingly for the combination of case studies and comparative research elements underpinned by a qualitative approach.

“We reconsider what we know about the problem and what other scholars studying it have learned. A systematic review of the literature will unearth different answers, conflicting results (and) multiple opinions” (Manheim & Rich, 1981: 191). I concur with the authors. In qualitative research the perceived weak point (conflicting views through human experience) is a strength. Conflicting opinions, different voices speaking, provide valuable insights for one case or a case among cases (generic insights also have value here). For this reason, reading the comparative literature or broader casing was both challenging and imperative in this study.

Various publications appeared on TRCs outside South Africa. Works by Agüero (1993), Bronkhorst (1995), Brysk (1994); Ensalaco (1994), Hayner (1994; 1996), Skaar (1994) and Fraser and Weissbrodt (1992) need mentioning. While some of these sources discussed only TRCs, others attempted to compare TRCs from various countries (Skaar, 1994; Hayner, 1994, 1996; Fraser & Weissbrodt, 1992).

Additional selected material dealt with TRCs, but distinguished TRC processes from ICTs or government-sponsored commissions of enquiry (Sverrisson, 2006; Rakate, 1999; Robertson, 1999). Such works proved to be informative in relation to the research problem. Consulting a fairly wide range of materials on similar cases added value. It provided for a broad historical collage that enabled me to continue basic and systematic tracking. In addition, it opened pointers for the act of interpretive tracking so urgently needed to answer the research question and sub-questions.

The materials mentioned above were highly informative. They provided descriptive elements and important historical background. Sociology without historical insight would be so much poorer! The comparison (broader setting) is now widely accepted in sociology. Comparative elements in works produced by Bronkhorst (1995), Skaar (1994) and Hayner (1994, 1996) contributed to a larger living collage on the topic. These contributed positively among others to my interest in embarking on comparative work. I found the work by Bronkhorst of

¹⁰⁷ On the shortcomings of a case-study approach, consult Bouma, (1996: 96ff), Manheim & Rich (1981: 230–233); Mouton (2001: 154–155).

Amnesty International (complemented by a long unplanned discussion in 1996) of value. The work by Skaar and later telephonic conversations, for example, triggered the tentative typology that I explicated in Chapter 1.

Literature on CMR in new or emerging democracies

I mentioned that CMR as a sub-discipline of MS is a relatively young genre in sociology. Earlier works referred to the military bureaucracy and policymaking (Janowitz, 1977; Linnekamp, 1971; LaPalombara, 1971), soldiers in politics or *coups* or guerrilla armies when the so-called “Third World” was discussed (Greene, 1974, Nordlinger, 1977). Works in this genre were written within the broad ambit of *modernisation politics* or the analysis of so-called developing societies. Examples include Samuel Huntington’s *Political Order in Changing Societies* (1968), Eric Nordlinger’s *Soldiers in Politics: Military coups and governments* (1977) and Thomas Greene’s *Comparative Revolutionary Movements* (1974). These works dealt with security and modernisation/development issues from a paradigm widely different from that of contemporary works on CMR¹⁰⁸. The military withdrawal from politics or “disengaging from politics” played an important role in many works (Welch, 1992: 3–5). General conditions that favour withdrawal from politics would include among others the will and/or realisation by the military leadership to withdraw from politics, military support for (any/the) new government and confidence in the emerging new political leadership (Welch, 1992: 4). Sundhaussen goes further in these generic requirements: “All groupings within the military capable of independent action must favour a retreat from action” (Welch, 1992: 4). In short, the before presents the challenge. The military in *toto* in a particular country should wish to exit politics/go back to barracks and put their wish into action by accepting the new political leadership (would-be incumbents).

The so-called Third Wave of Democratisation played a role here. Various commentators observed that attempts to establish multi-party democracy started sweeping across Africa (Van Hanen, 1992: 15; Decalo, 1992: 132ff; Napier, 2000).¹⁰⁹ This happened to coincide with the “fall of communism” equated with the dissolution of the USSR and with the increasing reliance on a discourse on a New World Order and later globalisation.

¹⁰⁸ Huntington in his article “Reforming CMR in the *Journal for Democracy* (1995: 1 ff) continues writing in the sub-text of a modernisation paradigm, the Northern interpretation of “developing” countries in contrast to “developed (read: mature) democracies” (Incidentally, Huntington starts his article by writing in the first person.)

¹⁰⁹ Decalo (1992) links up to the, by now standard, argument that the “fall of communism” caused democratisation in Africa or the renewal of the democracy debate in Africa. The argument is rather simplistic and deserves further debate, which cannot be entertained here.

CMR seen in the context of coups or the military in politics – especially in Africa and Latin America (Huntington, 1968; Nordlinger, 1977; Welch, 1974, 1976) – also dealt with the role of the military integrated in the nation-building projects of one-party states or national projects of an ideological nature (compare for example Tanzania, Zambia and Ethiopia as African states or Cuba, China¹¹⁰ and Turkey as examples outside Africa).

In the last cases mentioned relations between the civilian population or citizenry and military institutions may have been functioning well, but the military is interwoven with the socio-political fabric and the ideology of *one people* and/or *one political system*. Tanzania under the rule of Julius Nyerere, with the social ideology of *Ujamaa* that fused the civil community, state departments and the military, is one example. Burkina Faso after the Sankara coup followed a similar route. With some qualifications Turkey after the rule of the generals reflected similar tendencies.¹¹¹

CMR became a serious point of discussion after 1990 in the African context. Compare, for example, articles by Habasonda (2003), Negonga (2003), Ndlovu-Gatsheni (2003), Phiri (2001; 2003) and Williams, Cawthra and Abrahams (2003). South African authors contributed a fair share of these. In most cases the modernisation paradigm did not dominate. In some cases it did not feature at all (Williams, Cathra & Abrahams, 2003). Works pertinent to the research question in this study that contrasted with modernisation and *stages of development* for the “underdeveloped” were those by Ferreira (2003), Habasonda (2003), Liebenberg (1995) and Nathan (1994). Other works informative to this exploration that I found useful contributed a unique home-grown voice (or rather voices) to the study. I would like to mention Negonga (2003), Ndlovu-Gatsheni (2003), Phiri (2001; 2003), Seegers (1990), Williams (1995), Williams, Cawthra and Abrahams (2003) and Le Roux, Rupiya and Ngoma (2004).

One has to compare these works and the contextual issues that they address with works from a Northern American perspective. The work of Roherty on defence policy formulation (1980) is one example. I found it startling. This work addresses various issues and accommodates

¹¹⁰ For an analysis of contemporary CMR in China, consult Scobell (2005: 227–244). For an earlier contribution on CMR in China see Harlan Jencks (pp. 120–159) in Janowitz (1981).

¹¹¹ Turkey is analysed in a comparative context in for example the contribution by Demirel (2005). CMR in Turkey in contrast to other EU states are addressed by Guney and Karatekelioglu (2005: 439 ff). For earlier justifications on the close association between the military, political leadership and the ideology of Kemalism see Kili (1968).

different perspectives, including comparative perspectives. Thus it provided at the time a good framework for discourse on the issue. But defence policy is also a civil affair. Yet, CMR as a focus in itself are seldom emphasised or concretised in the involved way that one sees with CMR and publications today. In judging this work one has to keep in mind that CMR became a topic of discussion much earlier (Abrahamsson, 1972; Van Doorn, 1969).

Another example would be a work by Beishline on military management and national defence in the USA (1950). A conceptual analysis of only the title seems to exclude civilians; it is not **Military Management and National Defence**, or **Military Management and Defending the Constitution**. It is *Military Management for National Defence*, as if planned outside the realm of civil input. One would expect that a work dealing with “national defence” in a mature democracy (a Western industrial democracy based on a liberal constitution in a plural society) would address, at least partially, the role of civilians and the nexus of a public-military interface and its management, even if the term CMR did not exist at the time. Yet the work does not do this, except if references to church organisations (pp. 18, 27) or “civil affairs” (the then Section G-5 for Civil Affairs or Military Government and the appointment of a comptroller on the general staff) level are seen as encapsulating civil society. But a “civilian” comptroller clearly does not, at least not in a plural democracy with a “liberal” constitution, constitute CMR or civil control over the military or reflect public participation in defence policy formulation. Perhaps because civil-military research is relatively new, or TRCs a rather late phenomenon compared to other approaches in dealing with excessive human-rights abuses, or perhaps because there were more pressing issues to research (such as modernisation theory, democratisation or transition studies (“transitology”), election politics, quantitative survey findings on voters’ preferences, advocacy of the “end of history”, or a perceived “clash of civilisations” cum “new world order”, weaknesses in CMR did not receive the much-needed self-critical analysis by theorists situated in “mature democracies”. In this area there is a need for further self-critical research.

Thus international publications on CMR are numerous. Related conceptual issues, such as the military in “developing states”, received ample attention, especially from the quarters of modernisation theorists, i.e. Huntington (1968)¹¹², Nordlinger (1977), Cox (1976), Janowitz (1977), Clapham and Philip (1985) and Danopoulos (1992). More critical analysis, e.g. of the

¹¹² A South African theorist as far back as 1992 pointed out that especially Huntington’s approach was seen as “conservative” and “status quo orientated”. The same theorist quotes Kesselman saying that “Huntington’s order is not a prerequisite for achieving the highest political good, but itself becomes the highest political good” (Duvenhage, 1992: 31). He points out the limitations of the modernisation approach and need for new theoretical approaches (Duvenhage, 1992: 22).

military's role as promoter of capitalism and consumers of scarce resources, also saw the light, such as Ball's *The Military in the Development Process: A Guide to Issues* (1981). Ball adopts an innovative angular optic an under-researched topic. She problematises the role of militaries as promoters of capitalism and consumers of scarce resources. This is a definite area for more future research, not only in developing countries, but also Western industrial democracies.

Comparative studies on military regimes in Africa received attention from Odetola (1982). More recently research on the military and politics with specific reference to engaging with democracy and constitutional control has received attention from African scholars (Kieh & Agbese, 2004; Salih, 2001; Baregu & Landsberg, 2003).

Likewise large amounts of academic, theoretical and applied work on CMR in general exist. The same applies to work done on the African continent by African scholars. A growing corpus of work started developing in the mid-1980s and issues about military intervention in politics were discussed in academic literature as well. These works and reports provided important insights for this study (see for example Baregu & Landsberg, 2003; Salih, 2001 and Oyugi et al., 1988). Apart from comparative work, case studies also received attention.

TRCs receive little attention in these works and I contend that publications relating TRCs to CMR and what effect they may have for the future should receive far more attention.

3.6. CMR in South Africa

Changed contexts bring new voices. By as early as 1991, the civil-military debate had independently entered the picture of the TRC in South Africa. At the time, much of the debate was pioneered by the MRG aligned to the ANC. Newly established think-tanks such as the IDP (today known as the ISS) entered the fray. Between 1993 and 1995 the debate in this area became more focussed. During the period when the Interim Constitution was valid, integration of the armed forces became both a point of discussion and a necessity.¹¹³

Works on defence transformation, CMR and civil control over the military in South Africa have experienced a virtual renaissance since 1992. The corpus of work done by South African

¹¹³ The process leading to the acceptance of the Interim Constitution is discussed in greater detail in Liebenberg (1996: 39 ff). I remain thankful to Marion Edmunds, not only for criticising my arguments but actually for “instructing” me to re-think and rephrase some of them in this article. The end result is not to be blamed on her.

theorists, researchers and think-tanks (such as the ISS) is impressive. In a very real sense, since 1992, South African researchers have engaged with CMR, perhaps more so than many “highly developed states” (one may refer to a renaissance of literature on CMR in Africa and South Africa).

Research by exiled South Africans among others played a role. One example is the Ph.D thesis by Williams (Rocky) entitled *Beyond the Barracks: The changing parameters of CMR under the P.W. Botha administration* (University of Essex, 1996). Williams argues that CMR are never a complete process. Despite the fact that South Africa was a racial capitalist state abnormal in its exclusivity, the country recorded a relatively stable history of CMR. After 1978, Williams argues, the SADF showed growing assertiveness as a result of various factors and extended its influence increasingly. Much of this had to do with the centralisation of policy-making and state departments under P.W. Botha despite the rhetoric of “decentralisation”.¹¹⁴ In the 1980s the influence of the military increased substantially during the states of emergency. The creation of the National Security Management System (NSMS) and the shifting locus of power towards this system played a role. Since the 1970s police influence had gradually been eclipsed by military presence. The influence of the military was only to wane in the late 1980s.¹¹⁵ Personalities also played a role: Magnus Malan was like P.W. Botha a hawk. Botha himself was a top-down ruler¹¹⁶ (Williams, 1996; several personal discussions with Rocky between 1994 and 1999).

Practitioners, including former SADF senior officers and returned senior MK cadres, contributed to the debate on the future of the military in South Africa. In the first category of contributors one finds Gen. (Ret.) Chris Thirion, a career officer with many years’ intelligence experience in the SADF. In the *South African Defence Review* he made suggestions on the future role of military intelligence in South Africa: (i) military intelligence should not involve itself with any non-military and non-intelligence functions; (ii) the functions of various intelligence agencies should be spelled out in full; (iii) the concept of national security should be judiciously spelled out; (iv) a code of ethics should be developed and rigorously applied and (v) a national security advisor should be appointed.¹¹⁷ He

¹¹⁴ South African theorists at the time observed tendencies towards centralisation rather than decentralisation. Du Toit & Heymans (1985: 79–85); Heymans, 1986 (unpublished), Liebenberg (1990: 108).

¹¹⁵ Audie Klotz refers to an era of Cold War militarisation in South Africa (Klotz, 1995: 75–76).

¹¹⁶ See Van der Meulen, 1984: 1984 ff).

¹¹⁷ Thirion repeated the call for a national/senior security advisor for South Africa in a later publication (1998: 405, 408).

cautioned that it may serve little purpose to import other models uncritically because South African conditions may differ from others (Thirion, 1993: 18–21).

Joe Nhlanhla, previous National Administrative Secretary and Secretary of the Politico-Military Council of the ANC, in the same publication discussed the issue of accountability and a transparent military culture with reference to the military and special forces (Nhlanhla, 1993: 37 ff). He, like Thirion, does not question the need for military intelligence in the future but points out the changed context. The ethical underpinnings of future intelligence services are important to him. There should be transparency and accountability. He calls for a code of conduct for all officers of the intelligence community and the “institution of an ethical modular component in the professional training of all officers”. Again he and Thirion concur on this point. They share a similar observation: In the past the intelligence briefs of the various services were at times confusing if not clashing and there was lack of effective coordination.

Despite principled calls for a new ethics, Nhlanhla called for pragmatism at the same time (Nhlanhla, 1993:42–43). At the time it was feared that intelligence would be abused by the white right wing (or maybe that was the standard propaganda in the ANC, at the time. The ANC leadership up till today labels left-wing critics of either radical social democratic or socialist views as the “Lunatic Left”). Despite this, Nhlanhla’s words, uttered in 1993, had generic value, an element of foresight, if implemented at the time: “Recent events have illustrated the danger of displacing these members from within the armed forces onto the extra-parliamentary terrain where they can utilise their considerable skills in pursuit of party political goals” (Nhlanhla, 1993: 42).¹¹⁸

In a contribution to the *African Security Review* on the future of the South African Army (previously the *South African Defence Review*) Ronnie Kasrils, Deputy Minister of Defence of the South African Government of National Unity, suggests: (i) the end of what he calls the “Cold War” caused a realignment of military thinking; (ii) since security is much wider [it should for example include the ANC’s Reconstruction and Development Programme, a national programme of upliftment and social reconstruction along social democratic lines];

¹¹⁸ Recent developments seem to suggest that the same dangers remain, as well as inter-party loyalty issues that involve personal differences and the leadership struggle between Mbeki, Zuma (and whoever else may enter the picture between now and the next elections). The e-mail fracas in 2005, in which some members of the national intelligence services were allegedly implicated, is one example. Nhlanhla’s code of conduct and the suggestion by Thirion about a code of ethics to be adhered to may be of help now and in the future.

(iii) it should be seen in the light of the increasing importance of regional security measures. He proposes that the challenge of CMR in a dynamic context should be met by effective political control over the armed forces via a Ministry of Defence. (Note that Kasrils chooses to use the words *political control* rather than *civilian control*.) Also important is the creation of a Secretariat of Defence, similar to the British model. Important is that “the ministry is always subordinate and accountable to Parliament. Civilian control is vested in parliament” (Kasrils, 1995: 2–3). Rationalisation (read: demobilisation and corrective action) “will be necessary”, (but) “should not affect the operational and professional capacities of the Defence Force”; rationalisation should be a fair process and demobilised personnel from the “old” SADF and cadres not elected for the new force should be assisted in the process among others by demobilisation packages and training them for skills to (re-) enter civilian society. Rationalisation should be handled with “compassion and humanity” (Kasrils, 1995: 3–4). Important words for the time, I argue. Somewhat worrying is Kasrils’s use of the term ‘political control of the military’ rather than civil control over the military. Positive is his emphatic statement that the military (should) be subservient to parliament. Foreseeing problems of rationalisation without losing skills in constituting a new military was farsighted. Not all things always go as planned. South Africa has to deal with problems related to lost skills and inadequate care of demobilised cadres from the liberation movements that left them destitute and led some of them into organised crime. [In 1993, Jackie Cock pointed out the need for meaningful demobilisation that benefits the demobilised (1993: 1–17.)] Essentially her argument suggests effective, compassionate and humane demobilisation that successfully inserts demobilised personnel into civil society and the economy. Things did not go that well. By 2002 various reports had pointed out cases where the process was not particularly “human and compassionate”, nor was it very effective at re-inserting demobilised soldiers into the civil economy (Gear, 2002; Liebenberg, Roefs & Ferreira, 2002).

Looking at the debate in South Africa at the time in a broader perspective is important. Practitioners and experts from previous contending backgrounds were engaging in debate, in many cases a dialogue with one another. If such a dialogue was to continue, be stimulated or rekindled continuously, it could auger well for a country in transition from military-supported or authoritarian rule to establishing democracy and with it civilian control over the military. The same applies to current South Africa; the debate on these issues should be kept alive, made part of continuous reflection and public debate.

Important works on the transformation of the military related to post-apartheid South Africa appeared. Their merit cannot be doubted. Books such as Cilliers and Reichardt’s *About Turn:*

The Transformation of the South African Military and Intelligence (1995), Frankel's *Soldiers in a Storm: The South African Armed Forces's Democratic Transition* (2000), and Nathan's *The Changing of the Guard: Armed Forces and Defence Policy in a Democratic South Africa* spring to mind. An edited monograph on the transition in the South African Army drew several contributors from inside and outside South Africa, including practitioners and serving and former SA(N)DF staff (Cilliers, Ed., 1998).

Other notable works related to the democratic control of the military following transition on the African continent also appeared (Cawthra & Luckham, 2003; Chuter, 2000). Works to which practitioners contributed that deal with CMR in South and Southern Africa include Le Roux, Rupiya and Ngoma's *Guarding the Guardians: Parliamentary oversight and civil military relations – Challenges for SADC* (2004) and a case study by Chileshe *et al.* entitled *CMR in Zambia* (2004). New voices, to say the least ...

The same can unfortunately not be said about literature about the SATRC and its effect on CMR. TRCs receive little attention in these works. I contend that publications relating TRCs to CMR and what effect they may have for the future should receive far more attention.

There is no doubt that the civil-military debate is alive and well in South Africa. Indeed, a discourse of immediate and future relevance is growing with foreseeable positive outcomes. There is little doubt that such a debate and social dialogue will influence theorists and practitioners alike. Perhaps one could be excused for believing that these research projects, their angles for identifying and solving problems and the applied nature of these works auger well for future sustainable democracy in Africa.

What is of more value is that the analyses contributed in works such as those issued by ISS are mostly by practitioners, not the distant academic observer. It represents *experience written from the bottom up* rather than in-the-clouds theorists embarking on grand theories, typologies or “serious” rebuttals in respectable journals (that are seldom read by more than a closed circle). Or for that matter; pedantic conference altercations between “leading academics” as if conferences are the crux of social change.

The civil-military literature covering a broad range over an extended period that I reviewed definitely added value to this exploration. It contributed to insights, strengths and weaknesses that could be exploited in this study. Moreover, at various stages it also provided pointers to

future policies, which in itself proved useful: policy recommendations are frequently mentioned and such literature alerted me further to this aspect of the study.

The spread of literature, individual studies or case studies that I perused also introduced the necessary element of a blend of deductive and inductive approaches, and complemented insights gained in interviews with stakeholders, participants and observers – and in some cases victims. It added value to this study.

It is worth recalling the following: “Our steadily increasing stock of observations and inferences is not merely subjected to continuous cross-checking and critical discussion but is (or needs to be – *my insertion*) deliberately scrutinized to discover and correct hidden preconceptions and biases.” (Hesse in Hookway & Pettit, 1978: 10). The researcher, if involved in serious qualitative work, should have a wider view. It includes those involved in practice and oral interaction (oral tradition too). If one builds on the foundation of those that went before us only in writing this is true. If we link it with those that went before us in experience, exploration and tracking beyond mere tracing, it is most probably more true.

3.7. CMR on the African continent

Past experiences played a role. Africa as a setting for scholars provided a different case and experience-in-context. Before 1990, in the African context, theorists were often concretely caught up in their immediate circumstances. Prempeh argues that in Africa theorists, scholars and jurists for that matter “are emerging from decades of powerlessness and marginalization at the hands of omnipotent executives and strongmen” (Prempeh, 1999: 135). For example, amid military coups, (quasi-) military rule or attempts to establish one-party states, an International Commission of Jurists in Africa and theorists had to deal with an important issue, namely how to enhance or protect human rights in a one-party state. To do so at the time was imperative; the context did not allow for a discourse on CMR. Nor, one can argue, should the jurists have spent time on the theoretical debate related to CMR because the protection and enhancement of human rights in their particular context and era were a priority (International Commission of Jurists or ICJ, 1978). In other cases, civil-rights activists, jurists and legal practitioners had to fight their way through a quagmire of contradicting laws on human rights, presidential decrees, changing constitutional provisions, amendments to constitutions and the flux of power politics (Prempeh, 1999: 135ff; Yakubu, 2005. For a telling example of the complex legal implications under such circumstances, see Yakubu, n.d., and Yakubu, 2005, and correspondence, 12 September 2005).

To speak about CMR without mentioning transition to democracy in contemporary Africa and also Latin America is difficult to imagine. Many publications appeared, most of them highly informative, on transition to democracy. Of these, a variety published over a long period were collected, selected and consulted (see for example Colomer, 1991; Royo, 1984; Pridham, 1984; Luckham, 1996; Chuter, 2000).¹¹⁹ While valuable to obtain insights on transition and emerging democracies, and in pointing to future constitutional issues (also related to security forces), they proved less helpful in making the necessary linkage between TRC and CMR, even if some of the countries studied in this regard, such as Argentina and Chile, did use TRCs. In the context of regime change these works had value (Mozaffar, 1994). Several scholars addressed the politics of regime change under the spectre of military rule, e.g. Frazer, (1995), Ninalowu (1995); Mozaffar (1994) and Decalo (1989). Regional dimensions were highlighted by Khadiagala (1995).

This research is of immense importance and future value. It may well contribute to a qualitatively new setting of civil-military interaction to the benefit of democracy and future sustainable human rights in Africa and other continents. The current stream of publications on CMR in Africa is written by Africans themselves/ourselves. It constitutes a revival in the field and a new appreciation for problem-solving and applied research in our context. The lack of work addressing the interface between TRCs and their direct influences remain, however. I believe that the link/interface between truth and reconciliation processes and civil control over the military will attract more attention in future (if questions and opinions are already discussed publicly, social scientists will follow eventually).

3.8. Resources on TRCs directly related to CMR: a lacuna

What happened in the field of CMR and the interface with TRCs closer to home? Reading material on issues pertaining to the military, military regimes and CMR played an important role. In tracing I looked for a direct linkage, a theme that linked the SATRC or for that matter any TRC to civil control over the military. I searched in material at the time TRCs were advocated or in the debate on the necessity for TRCs, for statements about the need for the mandate to include some explicit references to civil control in the longer term as part of the report. What direct control can TRC-like exercises make to civil control over militaries in the desired future democracy? I tracked for foresight in dealing with the longer-term outcomes of

¹¹⁹ Evolving experiments on constitutionalism are described by Napier, a South African scholar (Napier, 2000: 77 ff).

a TRC-like process when it comes to controlling the military, or as the other side of the coin, a professional military that through earlier experience could suggest to a TRC some concrete steps to prevent similar human-rights transgressions in the future. Of more importance is that political leaders at the time frankly admitted that they misused the military for their own interests, e.g. in South Africa. I looked for answers to the puzzle of the research question.

The mandates of TRCs are relevant, but in tracing I started to track for some foresight from civilians (in this case political leadership past or present, TRC commissioners and the military (past or present – in this case the SADF and cadres of the guerrilla movements fighting for liberation in South Africa). If I make critical remarks about the lack of foresight these are not only directed at the actors mentioned. I made a submission to the TRC and scarcely addressed the issue. It was clearly a personal lack of foresight. If in hindsight one experiences the necessity to share one's own lack of foresight if it can assist other similar experiments, I regard it as necessary in my research at this point.

Here examples of literature such as the works of Kieh and Agbese (2004), Clapham and Philip (1985), Danopoulos (1992), Cox (1976), Cosmos (2007), Huntington (1995), Varas (1989), Rosenberg (1991), Hayner (1994, 1996), Bronkhorst (1995), Le Roux *et al.* (2004) and Williams, Cawthra and Abrahams (2003) are relevant. All of these were written after TRCs became accepted practice. After all, CMR, codes of conduct and civil control over the military stand central to the upholding of the democratic constitution and measures to sustain democracy and a good human rights record. In my view, during and in the aftermath of the TRC, there was significant lack of research on the links between TRCs and CMR and the future impact of these. To illustrate: a work entitled *After the TRC: Reflections on truth and reconciliation in South Africa* (James & Van de Vijver, 2000) does not include a single contribution on the TRC's potential impact on CMR or civil control over the military.

This published work followed a high-profiled conference entitled "The TRC: Commissioning the Past", hosted by the University of Witwatersrand History Workshop and the Centre for the Study of Violence and Reconciliation (CSVr) in June 1999. Not a single paper dealt with the links between, potential of, or the outcomes of the TRC and CMR, specifically future civil control over the armed forces. The organisers were high-profiled academics, some of them university activists, but lack of foresight in the area under study was clear. I am also a guilty party here. At the time I did not have the insight or foresight to see the relevance of the crucial link between the TRC (one case or comparative cases) and its possible outcomes or non-

outcomes for civilian control. The conference, on the positive side, proved that any TRC cannot be discussed in isolation; comparisons and generic insights need to be shared.

Another work that can be described as a high-quality and extremely valuable publication dealt in detail with legal issues and the constitutional questions and obligations of the state and its legal mechanisms aimed at social justice and reconciliation. Yet, in using a range of socio-legal and socio-philosophical perspectives, the work fails to devote a single chapter related to issues concerning the military, military professionalism, codes of ethics or constitutional obligations to achieve public oversight over the military (Christodoulidis & Veitch, 2001). I do not demean this highly respectable book, but illustrate the lack of focus on CMR and the foresight to discuss it. I missed something important in the work, the foresight to address civil control over the military.¹²⁰ (It was on a different level one of the best works – if not the best – in recent years on philosophical, moral and legal issues in inter-linkage with reconciliation. The discourse is fascinating. Introducing the grammar of reconciliation as a humanly embedded discourse makes for valuable reading material and much food for thought.)¹²¹

Tracing the linkage hindsight/foresight on the role of TRCs and civilian rule, I intend to contribute to this area instead of discussing issues of morality and legal interpretations or for that matter discourse analysis at length.

3.9. Background to the SATRC: “Local was not Lekker”¹²²

Before the SATRC: Truths, untruths, realities and CMR

I consulted various academic articles and chapters in books pertaining to the case of South Africa and cases in Africa, Latin America and Southern Europe regarding authoritarian rule, democratisation and truth and reconciliation processes. Local and international journals proved useful. International journals consulted over a long period, such as the following, give

¹²⁰ An earthy allegory: Qualitative researchers are *bricoleurs*, or perhaps a bit like stonemasons. They work, search and imagine. They look at soil, they look for building blocks to construct a larger architecture – even of suitable colour – as strong as possible but aware of the possible shortcomings. Collages are not eternal. Architecture may last, but can it be used eternally for the same function? That remains a question.

¹²¹ An interesting contribution of conceptual and social philosophy is the work by Van Binsbergen in a paper read at the HSRC in 1999, previously published in a shortened version in *de marge*, 1997. I unfortunately did not keep track of the later publication of the paper.

¹²² I chose the opposite of a current colloquialism: “Local is lekker” implies joyful interaction, festivity and interaction between people – usually in a celebratory context. The times before the SATRC were not “lekker” (Read: not nice). They were the opposite.

an indication of the spectrum covered: *Africa Today*, *Africa Development*, *Review of the African Political Economy*, *African Sociological Review* (published by the Council for the Development of Social Science Research in Africa – CODESRIA); *The Journal of Modern African Studies*, *African Journal of International and Comparative Law*, *Human Rights Quarterly*, the *Journal of Democracy*; *Armed Forces and Society* (an interdisciplinary journal of the Inter-University Seminar on Armed Forces and Society) and the *American Political Science Review* provided illustrative information/background on the topic.

Articles in South African journals are important. They cover areas such as democratisation, military transformation and the SATRC. Examples are the following: *Journal of Humanities* (issued by the South African Academy for Science and Art), *Scientia Militaria*, an accredited journal produced by the Military Academy of South Africa in Saldanha (University of Stellenbosch); the *African Journal on Conflict Resolution*,¹²³ *Politeia* (an accredited journal for the political sciences), *Society in Transition* (a journal of the South African Sociological Association), *Politikon* (a political science journal), *Transformation* (published by the programme of economic history at the University of Natal) and the *Journal for Contemporary History* (accredited – University of the Free State). Valuable journals, though not “accredited” by the Department of Education, are *African Security Review* (previously *African Defence Review*) and *Codicillus*, published by the Faculty of Law, Unisa. I would like to refer the reader to the source list at the end of the dissertation as various references to other journals appear there.

The rather lengthy transition between 1990 and 1996¹²⁴ took place through a negotiated settlement and protracted bargaining – therefore the term “negotiated transition”.¹²⁵ In the process, the South African state was to transform itself from a non-democratic entity led by *securocrats* and an “executive presidency”, through liberalisation and transition, into a democratic (and constitutional) state. Implied in such a transition was the withdrawal of the

¹²³ The *African Journal on Conflict Resolution* is an independent journal published by the African Centre for the Constructive Resolution of Disputes, registered as an educational trust and based in Durban, South Africa. The ISS publishes *African Security Review*. The journal publishes contributions from recognised practitioners and experts in the field of security studies.

¹²⁴ Frequently people choose to refer to the transition period as from 1990–1994. I chose here 1990–1996, as the new constitution was still being written, the National Party as part of a government of national unity would withdraw and the SATRC come into being (TRC’s are usually associated with transition from authoritarian rule to democracy and hence a “transitional” issue).

¹²⁵ The transition through negotiation in South Africa up till 1993 is well described by Davidson and Strand (1993). The actors involved and the negotiation process receive ample attention in their work (Davidson & Strand, 1993: 30 ff; 88 ff). See also a rather lengthy article by the author on “The long haul to democracy” dealing with constitutional development and transition in the *Journal for Contemporary History* (1996: 22–55).

military from the politics into which they had been brought by their political leadership and a return to the proverbial barracks.

Transitions are characterised by uncertainties if not fear. One of the nagging questions in South Africa during the transition process – contested as it was – was whether the military would accept the changeover to a new regime. Fraser rightly points out that “Civilian control ultimately rests on the normative acceptance of the legitimacy of civilian rule by the military” (Fraser, 1995: 40). There was also the question of whether the politicians that advocated a negotiated settlement within the National Party could be trusted. South Africans/Southern Africans had lived through a series of betrayals by the apartheid government before. Under Vorster’s rule Southern Africa was promised *détente*, but Angola was invaded (1975). Internal reforms were offered. Instead the Tricameral Constitution legally entrenched apartheid – perhaps even more so than the previous constitution and the Tricameral parliament became synonymous with a state of emergency and the deployment of SADF units in black townships. South Africa signed the Nkomati Accord with Mozambique, which was to end South African military involvement in Mozambique. Yet destabilisation continued, the South African government condoned military support to RENAMO, a proxy force, and Samora Machel, the president of Mozambique, with whom the accord was signed by Executive President P.W. Botha, died in a plane crash inside South Africa after an alleged “navigational error”. No wonder that South Africans deeply distrusted the National Party political leaders and their military, and rightly so.

It was strenuous times, with some expecting a coup and others a white right-wing revolt. Talk about the military in cahoots with reactionary politicians taking power was rife. Arguments for and against the possibility were raised. I remember at the time that Rocky Williams spoke on various occasions about the unlikelihood of a coup scenario before numerous audiences (I did not keep the references, nor the dates of Williams’s lectures or of our frequent discussions). In our circle of friends the issue was discussed frequently – with the same consensus: a coup was not possible and if attempted, would not be successful.

At the HSRC, a rather conservative (and supportive of government policies) research institution, the issue became a point of discussion. A colleague, Dan Mavimbela, whom I met in Dakar and who returned from exile in the early 1990s, and I were moved to write an occasional paper for the Centre for Constitutional Analysis on the unlikelihood of a *coup* in the country. Even the likelihood of a coup that was successful for longer than two weeks was remote. South Africa was deeply divided; mass mobilisation was wide-spread; even if the

military was powerful it was unlikely that all sections would agree on a coup – particularly large segments of the Citizen Force and the home defence units or commandos. Conscription was being phased out (but even with conscription in place a large percentage of conscripts deeply disliked the majority of Permanent Force members and were likely not to follow their “legitimate” orders); some senior old guard military staff members were in favour of a settlement, some right-wingers would not join the revolt, either for personal reasons (mostly their egos) or because they felt that the military was too closely aligned with P.W. Botha, who was unpopular on the right and the left in South Africa. The Afrikaner Broederbond, whose members were mostly well-off middle class men and had a history of National Party support, hedged its bets on transition (new opportunities beckoned) and the business community was divided, with many looking for re-entry into the international economy. Lastly, what would the military do once it took control of Pretoria? South Africa is a large country with several metropolitan areas and large rural areas conducive to guerrilla warfare. At the time it already had to deal with international sanctions. It was similar to the *Catch 22* situation if South African forces involved in the destabilisation of Angola since 1975 should take Luanda (if they ever could, which they sometimes imagined in their mistaken belief of being a regional superpower in Africa and their self-presumed military prowess). What thereafter? In the long history of humanity no aggressor could hold another country’s capital (or its own), even less subdue the population ...

However, the notion of a *coup* by the military remained a much talked about issue and a real fear in some quarters. I have little doubt that rumours about a right wing coup were inflated by right-wingers and some conservative senior military staff. More likely, in my opinion, is that “enlightened” National Party supporters saw the sustaining of such rumours as a bargaining chip to force any contender’s hand, especially the ANC as the dominant liberation movement. Despite the utter unlikelihood of a coup in transitional South Africa, a generic point is relevant: Adekanye’s argument (1985: 64) that after a process of “transition and demilitarisation” a return to “a stable pattern of civilian rule” is not guaranteed. His point about the potential for reversal – even after a transition – is hauntingly true, and so it was the feeling among some South Africans. Against this background the SATRC enters the picture.

The SATRC followed the transition to democracy from authoritarian, minority rule, through successive apartheid governments, and later through a mixed mode of reform and repression under the Tricameral new deal. During the period of “reform” it was attempted to co-opt segments of the oppressed in South Africa to stave off a growing legitimacy crisis and civil unrest and resistance. The coloured and Indian communities of South Africa became targets

for the strategy of co-optation. These attempts aimed to include some minority components, with the National Party (and thus the majority of the white population) still dominating the economic-political arena and maintaining full political control. The era (1983–1989) of attempted co-optation is perhaps best described as “domination-through-reform” (Van Vuuren, 1985: 47ff).¹²⁶ Van Zyl Slabbert, who resigned from the Tri-cameral Parliament in 1986, frequently used the term “sham reform” in discussions.

This strategic hold-on-to-power game took place in an environment of the militarisation of state and society, the continued subversion of the rule of law and the development of parallel structures alongside the restricted political institutions; the latter called the NSMS.¹²⁷ The NSMS was developed under the auspices of the State Security Council (SSC) as a parallel structure on national, provincial and local government level to an integrated system that could deal with problematic areas where unrest took place. It combined various committees where security staff, military officers, police and state departmental or local government officials acted as a frontier of decision-making in localised strategies on how to deal with unrest or the revolutionary onslaught. In general the strategy had two prongs, namely to discredit agitators through soft strategic communication or if necessary remove them from society through detention, banning or even assassination (the repressive element) and to clean up oil spots (problematic areas) through service delivery, community projects, empowering local leaders (strongmen) and propagandistic efforts to “win the hearts and the minds” of the affected population. At the same time government was centralised despite talk of decentralisation or “devolving” government responsibilities (Du Toit & Heymans, 1985; Heymans, 1986; Van der Meulen, 1984; Liebenberg, 1990).

Various observers described the then-militarised South African state built around minority (more specifically, Afrikaner rule) in imaginative terminology. Frankel refers to praetorian

¹²⁶ The literature on this topic is almost endless. Any superficial consultation of academic articles by social scientists in South African journals and elsewhere between 1977 and 1987 testifies to that. See *apartheid* and the *modernisation of apartheid* as key terms. Other terms that would be useful to the theorist in this genre are, among others, *the militarisation of apartheid*, *reform and repression*, *the apartheid state*, *the garrison state*, *the bunker state*, *isolation of the apartheid state*, *resistance to apartheid*, *the liberation struggle (in South Africa)*, *strategies of liberation*, *regional destabilisation and frontier armies* and *apartheid contradictions*.

¹²⁷ A plethora of publications is available on this topic. See, for example, Evans and Phillips in Swilling *et al.* (1988), Cawthra in Singh (2000), Mathews (1986), Seegers (1996), Hund and Van der Merwe (1986), and a whole range of articles by Annette Seegers. For a more detailed list of sources on the issue of militarisation and the role of the state security council and parallel structures, see some earlier publications by the researcher: *Ideologie in Konflik* (1990), an article in the *Journal for Contemporary History* (1990) and two closely-related chapters as contributions to *The Hidden Hand* (1994 and 1998). Many further references are to be found in the list of sources in these works mentioned.

tendencies and the “rise of the garrison state”, the latter being a corollary to militarisation (Frankel, 1984: 29ff, 79ff). The siege culture of the militarised state, for Davis, meant “the bunker state” (Davis, 1992: 31ff). For Adam and Giliomee, Afrikaner ethnic mobilisation had its roots in socio-economic conditions and eventually resulted in a militarised society where 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. This was complemented by increasing executive rule of the Prime Minister, later President P.W. Botha (Adam & Giliomee, 1981: 176–179, 196).

For Grundy, the centralisation of state power led to the centrality of the security establishment (Grundy, 1988: 34ff). This, in turn, spawned the rise of the executive state based on a securocratic and hierarchical approach (Grundy, 1988: 38). One cannot but be reminded of Weber pointing out that power tends to concentrate at the top – especially where bureaucracies and structures of law and administration are involved (Weber, 1987: 25). In this the South African securocrats and their executive president found support among large chunks of the civil service and public sector employees. Adekanye’s observation about the state and its close relationship rings true for the South Africa of the late 1970s and the greater part of the 1980s. “(The bureaucratic elite), compromising the civil service and public sector employees is the second major potential pro-military group with an active interest in politics ...” (Adekanye, 1985: 66). The involvement of powerful, dominating personalities can add to such undue power concentration – in the case of South Africa people like P.W. Botha and Magnus Malan. South Africans also experienced their own version of “omnipotent executives and strongmen” [Prempeh (1999; 135) refers to strongmen as bedevilling politics in Africa]. The rule of law likewise suffered (Hund & Van der Merwe, 1986; Daniel, 2000). That white South Africans were indoctrinated/bombarded with the Total Onslaught ideology with the earlier subtext of *die Swart Gevaar* (Read: the Black Threat) did not help either.

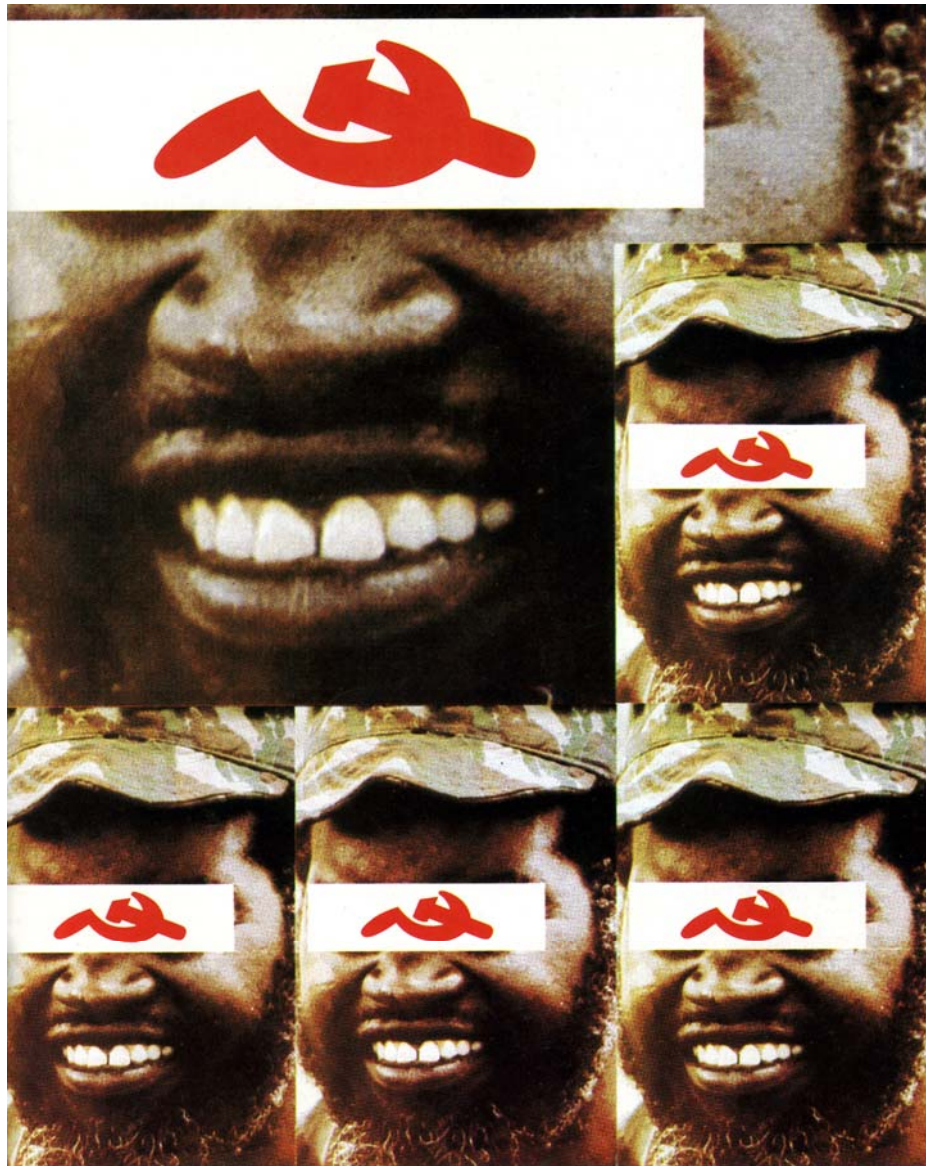
The extent to which the South African political elite between 1972 and 1988 increasingly drew the security apparatus as a coercive arm of the minority state into internal and regional politics with negative outcomes is well described (see Sanders, 2006; Saney, 2007; SATRC, 1998; Geldenhuys, 1984; Frankel, 1984; Du Pisani, Daniel, 2000; Williams, 1995; Liebenberg, 1990). Among others the Civil Cooperation Bureau (CCB) was established (Afrikaans: *Burgerlike Samewerkingsburo – BSB*). The bureau acted as a government agency staffed by mainly police and some military personnel with a budget to buy in co-workers. In a cynical quirk of authoritarian bureaucratic discourse the CCB, aimed at “co-operation between civil society and the government” of the day, undertook the bombing of activists’

houses and the offices of church organisations sympathetic to the liberation struggle and assassinated government opponents.



From Operation Savannah and Soweto to the turbulent 1980s and Cuito Canavale: Three politicians and a general. Strongmen Magnus Malan, P.W. Botha and B.J. Vorster (left to right). South Africa moved from a minority state that kept itself in power with police support during the 1970s under John Vorster to a military-supported state increasingly involved in regional destabilisation and internal oppression during the 1980s by the likes of Botha and Malan. At the back (left) General Constand Viljoen, regarded by many as “a soldiers’ soldier” and a military professional that “led from the front”. He was also known as a principled officer that at various times pointed out to his subordinates that they were not to fight civilians but the targeted enemy soldiers (guerrillas).
Source: *Huisgenoot*, 1977 (date unclear). Author’s archive.

A point worthy of note (see Adekanye above), is the role of bureaucracies and their close linkage with security issues (LaPalombara, 1971: 342–343, 353; Huntington, 1995: 2–3 and Odetola, 1982: 165ff). The military as a bureaucracy and its potential to seize power is not new. It stems from ancient times and continues today (see Evans, 1991: 31 on the Roman Empire and the powers of *Augustus*). Hobbes, in 1651, pointed out that “an Army is of so great force, and multitude, as it may easily be made believe they are the People”, and points out some classic examples (Hobbes, 1983: 177). Whether the army marches forcefully into the polity, or finds itself invited there (willingly or unwillingly) by politicians, the consequences are potentially disastrous. But let me return to the case under discussion.



Die insurgent will die bestaande orde omverwerp om sodoende 'n owerheid van sy eie keuse daar te stel. Dit maak nie vir hom saak hoeveel lewens in die proses verloor word nie.

Propaganda in a divided state – warped CMR in South Africa. Black nationalist liberation movements depicted as Soviet puppets by racist propaganda. Publications such as this were issued by Strategic Communications Operations as parts of “Soft Stratcom”.

Source: SADF propaganda pamphlet, 1984. Author’s archive.

Amid internal resistance, increased armed activities by the military wings of exiled movements and growing international isolation, the South African ruling elite became divided about the retention of the status quo. The “soft-hard” dichotomy, in other words the political differences between hardliners and “reformers” in South Africa, became characteristic of this period. Within the wider white community, inclusive of Afrikaners, serious schisms developed, with some questioning the legitimacy of the *status quo*. Afrikaners, though in small numbers (I doubt ever more than 10 percent), became involved in anti-apartheid

movements such as the UDF. Some went into exile to join the ANC and others joined localised social movements subverting apartheid rule. In small towns and rural areas white people critical of apartheid were simply ignored or became laughing stock – if not victimised. Increasingly, white South Africans expressed their preference for a negotiated settlement at meetings such as the Dakar Conference in 1987, where South Africans from inside the country met with the ANC in exile.



Dakar: Bobo-Dioulasso Airport en route to Burkina Faso: Some days after Dakar. Some referred to a “liberal” delegation. The composition of the delegation was somewhat more complex. Afrikaans newspapers such as *Die Burger*, *Beeld*, *Volksblad* and *Rapport* pejoratively labelled the visit a “Dakar Safari” in an attempt to discredit participants. The newspaper *The Citizen* were likewise negative in its reporting on the conference (Photo: Author’s archive.)



Strange CMR are reflected in this cartoon, published in *Die Burger* (“Die Buiger”), following the Dakar meeting where South Africans from “inside the country” met with the ANC in exile. South African delegates were portrayed as naïve collaborators of terrorists and barbarians. The cartoon depicts Van Zyl Slabbert and Alex Boraine, the leaders of the Dakar group, as being in cahoots with ANC “terrorists”. Note the picture in the background depicting the Soviet leader Brezhnev. At the time Brezhnev was no longer in power. Author’s archive.

The military as institution and its role in upholding the status quo were increasingly questioned – as was the style of civil-military interaction in an increasingly militarised state. Since the 1970s, conscientious objectors (albeit on the basis of a universal pacifist stance) started publicly taking the choice not to serve in the SADF.

By the 1980s, the ranks of conscientious objectors were augmented by political objectors.¹²⁸ Initially 11 people, and then gradually more than 700, declared publicly that they were no longer prepared to serve in the SADF.¹²⁹ Among these were officers and men who had served

¹²⁸ The histories of pacifists, either on universal pacifist grounds or just war grounds in support of the *justum bellum* dictum, are well-described (Centre for Intergroup Studies, 1989). Unfortunately, very little has been written about political objectors who were not pacifists but Christians and or deeply religious people and others believing in a *justum bellum* against apartheid – and thus on the side of the liberation struggle. Even less work about so-called “non-Christian” objectors saw the light. There is much space here for historical, sociological studies, research into narratives of social history or resistance through morality principles. I would like to suggest that these “objectors” were those with moral fibre.

¹²⁹ In the year that the author objected to military service the objectors started numbering in hundreds, with some going into exile or taking “low-profiled” jobs outside the reach of the SADF and PW’s

previously – including taking part in operational “stunts”. A delegation of ex-military men also met with an ANC delegation in 1988. It became impossible to label these resisters – thus discrediting them as was previously done – as religious dupes, mavericks, fearful mamma’s boys or persons with emotional or psychological problems and persons with “lack of moral fibre” (an old strategy used by authoritarian regimes)¹³⁰. Under pressures such as these, the ANC, PAC and South African Communist Party (SACP) were unbanned in February 1990.

The internal differences between (white) South Africans and a critical, sometimes militant stand against the Tricameral securocratic government were by far not the only reasons for the demise of apartheid rule. By 1955 the Defiance Campaign demonstrated widespread resistance to apartheid laws. The armed struggle started in the 1960s and continued throughout the period. Apart from organisations such as the ANC and the PAC, the Congress of Democrats and the Liberal Party (LP) arose. The 1976 Soweto Rebellion took place. By 1983 the UDF had entered the picture and so had the National Forum. International sanctions, first an arms embargo and later wider international sanctions, put strong pressure on the minority state in South Africa. Despite Ronald Reagan’s “constructive engagement” policies, some firms and various academic foundations in the USA boycotted South Africa. The same applied to Europe and a range of non-aligned states. Much earlier, Scandinavian states and countries such as the Netherlands distanced themselves from apartheid rulers. Funding started to flow selectively to organisations that opposed apartheid inside South Africa, such as the South African Council of Churches, the UDF and IDASA. By the 1980s the ANC and internal organisations had moved into an era of popular resistance and mass mobilisation. Outside South Africa, South African destabilisation of Angola was met with fierce resistance and developed into a military stalemate by 1987/1988 at a series of battles around the Cuito River in Angola.

army. Elite units such as paratroops contributed their share. Experienced soldiers voted with their feet/their absence, by not reporting for their three-month camps. South African soldiers started showing their morale fibre. They showed that they had little time for dictating generals and a politica army (Permanent Force) and the politicians that dominated the talk of: What is right? We are right!

¹³⁰ Fearful they were not. Objection could earn one six years in jail or as many years in “community service”, frequently in tandem with public ostracism. Yet at the time – even today – they were/are described as “those without moral fibre” by some military commanders and SADF veterans (Private discussion, Anon, 2006).

The apartheid core was not to hold ... things were falling apart ...



Civil-military tension in South Africa: Labelling objectors. An example of how the apartheid state depicted members of the End Conscription Campaign. Posters like these were widely distributed during the 1980s on Afrikaans and English Technicon and University campuses to discredit opposition to conscription. The link is clear: Objectors are the useful idiots of a communist onslaught spearheaded by Moscow – mindless puppets not willing to fight for their country but willing to co-operate with the enemy. Funding for these propaganda items came from government sources – including military intelligence. Author’s archive.

3.10. The South African TRC: A case among cases

The literature used by the researcher reveals the following broad categories:

Formal/official documents: The Record of Understanding, The Interim Constitution (1993), the new Constitution (1996), the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, and notes such as The Certification of the Constitution and the SATRCR released in 1998 were accessed. Official submissions by political parties, i.e. the ANC submission to the TRC (1996), those by the National Party, the Freedom Front and African Christian Democratic Party were scrutinised. The ANC's submission to the SATRC was titled "Statement to the Truth and Reconciliation Commission" and outlined the history of oppression and phases of the struggle for liberation. Out of a document of more than a 100 pages, 22 pages (pp. 56–78) dealt with the question of whether the ANC had perpetrated any gross violations of human rights (ANC, 1996. Statement to the Truth and Reconciliation Commission). The ANC statement also listed the names of 34 cadres that had been executed by order of the Military Tribunal (ANC. 1996 100). The ANC also submitted questions which in its view deserved more attention/investigation. Some of these were pertinent: To what extent did the National Party leadership sanction actions that violated human rights or constituted a gross violation of human rights, what role did the SSC (and members thereof) play, who were the commanders of the extensive structures that perpetrated assassinations and what were the lines of command and control (also, what happened to these agents and the resources after the structures were "dissolved"), which and how many agents were deployed against the UDF/Mass Democratic Movement (MDM), who ordered and authorised assassinations and who ordered cross-border raids, who were the commanders of notorious murder battalions such as 32 Battalion, the police counter-insurgency (COIN) unit, Koevoet, and who oversaw them and would take responsibility for their actions before the SATRC. Lastly, what was the full story of and detail behind Samora Machel's "mystery" air crash within South African air territory and who was responsible for authorisation if it was a planned assassination and not an accident? (Personally I am of the opinion that it was a planned "accident" by South African security forces with a decoy beacon being used.)

Other documents consulted consist of individual and institutional submissions to the TRC, as well as other original documents, correspondence and material that relate to the TRC process

in South Africa. Included was my own submission to the TRC, related to conscription (*nasionale diensplig*).¹³¹

Books, articles, review articles and chapters in books: As I have mentioned the names of various international and South African journals earlier, I will stick to broad tenets here. Publications consulted include those that argue the merits or de-merits of the TRC process, and other materials exclusively produced *to advocate* the TRC option in South Africa (publications by the Justice and Transition Project initiated in 1991/92 by Alex Boraine, ex-parliamentarian and previous executive director of IDASA, for example). Earlier works in which Boraine, one of the senior TRC commissioners, was involved, such as *Dealing with the Past: Truth and Reconciliation in South Africa*, also fall in this category (Boraine, Levy & Scheffer, 1994). More recent works by Boraine, such as *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (2000), were also consulted. Useful works, some passed on to me by the authors themselves, such as Bronkhorst, *Truth and Reconciliation: Obstacles and opportunities for human rights* (Amnesty International Dutch Section, 1995) and Elin Skaar's *Human Rights and the Paradox of Democratic Transition* (1994), could be counted among these.¹³²

While some publications advocated and popularised the notion of the TRC (Asmal, Asmal & Roberts, 1996), others opposed it. A minority body of works accepted the TRC as an option while advocating some other options (Duvenage, 1994, 1996; Liebenberg, 1992: 14–15). Elsewhere, incidentally, I argued for criminal proceedings against apartheid human-rights transgressors, but later tended to defend, if not advocate, the TRC option in South Africa (Liebenberg, 1996: 123–159; Liebenberg & Zegeye, 1998: 541–558). This thesis, needless to say, presents a critical reflection of my previous position(s) on the issue.

Other works attempted to deal with the history of the South African case study (see Christie, 2000). A variety of works dealt with the composition, workings and processes of the SATRC

¹³¹ Frequently referred to by Afrikaans activists critical of conscription as *diensdwang* (roughly translatable as “duty-forced-upon”). In more popular vein, but somewhat less sanitised, others referred to “my tyd met P.W. en seuns” (my time spent with P.W. Botha and sons). At Stellenbosch the *Universiteit Stellenbosch Militêre Eenheid* (USME) had a most unfortunate acronym: Students referred to it as “Use-Me”. (The name was not chosen by the military, but according to legend the commanding officer himself, I have to add.)

¹³² I met Daan during a 1996 study visit to the Netherlands where we had an extensive and most helpful discussion and gratefully received from him several items of unsolicited material on truth commissions and government commissions dealing with human rights transgressions. During the same visit I also met Peter Romijn, a historian at the Koninklijke Akademie voor Wetenschappen and attached to the Rijksinstituut voor oorlogsdocumentatie, which led to a fruitful exchange of documentation, some included in the source list.

(Boraine, 2000; Dorsman *et al.*, 1999; Van de Vijver, 2000; Christie, 2000). Some of these analysed the functioning of the TRC on local community level and its value for reconciliation and conflict resolution on local level (Van der Merwe, 1997).

In the case of the SATRC, works mentioned above represent mainly publications dating from the years 1992 to 2007. I also read material that, in the aftermath of the SATRCR, attempted to reflect and/or interpret the work of the TRC. An example is the work by Posel (2004: 1–26) that analysed the TRC as a scientific project and as (social) theatre. Cherry's article on "'Just war' and 'Just Means': Was the TRC wrong about the ANC?" was more than interesting reading material. She discusses the issue of whether the TRC was "hard" on the ANC or "soft". The SATRC held the ANC morally and politically accountable for gross violations of human rights in the struggle. This did not go down well with the ANC (Cherry: 2000:13, 15, 17). Cherry comes to the conclusion that to an extent the SATRC overstated the case, but agreed that levels of accountability rest with the ANC leadership and finally argues that this debate should not be concluded for the sake of posterity (Cherry, 2000: 21, 25, 26–27).¹³³

Other examples I consulted include recent literature that reflects on the SATRC. Much of this was generated by the CSVR. Examples include Rauch on police transformation and the SATRC (Rauch, 2004),¹³⁴ Gear on demobilisation of guerrillas and the effects thereof (Gear, 2002), Verwoerd on apartheid beneficiaries in the new dispensation (2000) and challenges (for civil society) after the SATRC (Simpson, 2002). I selected such works in order to scrutinise them for references to CMR or possible policy outcomes of the TRC process.

¹³³ I worked at IDASA with Janet, a committed UDF activist. She was detained twice and received a peace award. She later worked in the TRC's Research Department. Her article illustrates the complex environment within which the SATRC operated and the emotions unleashed by it. In a low-key but sensitive way she pointed out the need for future dialogue on the TRC's outcomes in South Africa (Cherry, 2000). I cannot agree more with her.

¹³⁴ Similar to the military in South Africa, the police services became a topic of contestation and were scrutinised by politicians and the public alike. The police, as much as the military, the argument goes, had to be made subservient to a democratic constitution when (under apartheid) they were apparently a power unto themselves (especially under the Vorster regime). Under the Botha regime, their role – specifically that of the Security Police – remained partisan and controversial. The new Constitution obliged the police to be subservient to the constitution, to be monitored by the responsible minister; the National Commissioner had to ensure that police remained non-partisan, effective and service-orientated. A civilian secretariat akin to a civilian body such as the Defence Secretariat was to be established (see the South African Constitution, Chapter 11, Section 208). An Independent Complaints Directorate (ICD) to monitor, regulate police and enquiries into misconduct was established (Melville, 1999). The role of the police and limitations in their powers are outlined in the New Constitution. All security services, the military, police and intelligence services fall under the governing principles in Chapter 11 (Section 198): To act in accordance with the law, including international law, strive to protect equality and internal peace and harmony, and subject to elected representatives (Read: parliament). Police responsibilities and control are outlined in Sections 205 (Clauses 1–3), 206 (Clauses 1–9) and Section 207 (Clauses 1–6). Section 208 on a civilian secretariat for the police is relevant.

Usually, such works, while of great value for the broader discourse, yielded very, very little in the demarcated field of this particular study; a tendency also characteristic of earlier works.

Publications that retrospectively analysed the socio-political impact and outcomes of the SATRC need mentioning. Some dealt at length with the SATRC. Others contained fleeting references to the exercise. Among these were chapters in books and books such as Boraine (2001: 73–81), Burton *et al.* (1992: 109–114), Hendricks (1999), Goodman (1999), Mamdani (2001: 58–61), Ndebele (2001: 143–156), Nyatumba (2001: 88–93), Van der Vijver (2001: 128–142); Tutu (1999), Dorsman *et al.* (1999), and Slabbert (2001: 62–72); Slabbert (2006) and articles such as those by Hay (1999: 29–51) and Ellis (2000). It was necessary to scan these materials for possible pointers related to CMR as well as general references to upholding human rights in an emerging democracy. From consulting such “retrospective works”, at least one thing is clear: the TRC set the scene for future debate, research and theoretical analysis. In that sense, this study can be seen as belonging to this genre aimed at a specific focus, as outlined in this study.

Comparative elements: These materials relate mainly to comparisons between the SATRC and the Latin American TRC processes, such as those in Chile, Argentina and selected African cases. Works by Rosenberg (1991), Guest (1990) and *Nunca Más*, the report by Argentina’s National Commission of the Disappeared People (English translation – 1986) and various articles are relevant.¹³⁵

Publications dealing with TRCs on various levels, excluding specifically dealing with CMR, are numerous. Given the perceived importance of TRCs and their real or potential impact on society, it is not surprising that the corpus of material is growing.

Reading material included literature that relates to (attempted) TRC-type exercises in Africa and elsewhere. The DRC, for example, passed legislation to establish a TRC (Kasuku & Savage, 2004: 16). As the study progressed, especially during 2003, 2004 and 2005, I did more and more reading on African case studies.¹³⁶ Among these were publications on Rwanda and Nigeria as TRC-like cases, as well as non-TRC cases, such as Namibia and Zimbabwe.

¹³⁵ I also made time earlier to read *Nunca Más: Uruguay Human Rights Violations, 1972–1985*. Like Argentina’s *Nunca Más*, it makes for torturous and psychologically tiring reading.

¹³⁶ My co-promoter, Vladimir Shubin, played no small part in this.

Publications dealing with other TRCs, such as those in Argentina, Bolivia, Chile and Uruguay, appeared somewhat earlier, but received new impetus when a TRC option was mooted for South Africa (Aguero, 1993; Bronkhorst, 1995; Du Toit, 1994; Ellis, 1994; Ensalaco, 1994; Hayner, 1994 and 1996; Skaar, 1994; Fraser & Weissbrodt, 1992). The TRC debate in South Africa re-kindled the spark for further debates and publications. A variety of sources dealing with TRCs in Argentina, Chile, Bolivia and Uruguay, in some cases specifically linking these to the South African experiment, were consulted (Boraine, Levy & Scheffer, 1994; Bronkhorst, 1995; Du Toit, 1994: 63–69; Hayner, 1994 and 1996; Skaar, 1994). Some publications – retrospectively – tried to enhance the debate about duplicating the SATRC elsewhere (Saul, 1999: 1–8; Sverrisson, 2006).

Other sources sought to compare different TRCs. Other material, while dealing with TRCs, demarcated TRC processes from ICTs or government-sponsored commissions. Examples in this regard include Rakate (1999). In the case of “other” TRCs, sources from as early as 1989 were consulted.

Reading about TRC processes, I was naturally confronted by materials that (extensively) refer to ICTs and/or government-sponsored commissions to investigate human-rights transgressions. Where applicable and useful for their insights, or informing the context of this study, such materials were consulted and will be referred to. Examples include Ferstman (1997), Lemarchand (1996), Maogoto (2003), and Rakate (1999, 2001) and again Sverrisson, (2006)¹³⁷. Most of the publications appeared in academic journals, law journals, bulletins, newsletters and/or brochures. A small part of the material was drawn from websites. The use of newspaper articles, where relevant, also made up part of this. Media articles and releases (by the nature of the qualitative approach) provide examples, illuminate public opinions or official political attitudes and statements. Moreover, they provide pointers to the agendas (or attempts to keep some issues from the agenda) by political actors such as the SADF, the ANC or businesses. As Parsons (1995) argues, the political observer or analyst should be aware of the complexity of political agenda-setting and the “third dimension of power”.

The “third dimension of power” comes into play especially where role players, in order to strengthen their position or defend their interests, try to alter agendas by keeping some issues

¹³⁷ Highly interesting material that I read but not of direct relevance for this study, is for example David’s work on the Polish lustration process and the South African TRC’s and earlier amnesty processes (2006). Sometimes one gets side-tracked, I mentioned earlier. Persons that engage in Eastern European case studies following transition from authoritarian rule and possible comparisons with the SATRC, as well as issues related to transitional justice, may find this contribution valuable.

out of the political discourse, or by attempting, in a conscious strategic exercise, to raise other issues that will distract the debate away from sensitive issues related to the case under investigation (Parsons, 1995: 83ff). I will refer to this in chapters to follow.

Materials related to the historical, philosophical, literary and legal debates of the TRC in South Africa, including ones invoking a historians debate: These materials include publications that could be termed “the TRC debate or discourse” and its analysis: the moral interpretation/re-interpretation (inclusive of critical and philosophical validations – even attempted “audits”), of the South African attempt at conducting a TRC (i.e. Posel, 2004; Kistner, 2004). Among these count past and present works advocating the SATRC as a *moral choice*, rather than a pragmatic or political one (De Gruchy, n.d.; Ellis, 1994; Werle, 1995). Reflective works/philosophical and moral reflections that appeared some years after the SATRC are relevant (Verwoerd, 2005; Van Roermund, 2001, for example). Post-TRC religious reflections also need mentioning, for example Villa-Vicencio (2002).

The greater number of papers, publications, readers (even fictional works) and website material in this field was produced by theologians, philosophers, sociologists, authors of fictional works, supporters of the SATRC, poets and linguists – strangely enough not so much by historians or political scientists. I still surmise that for many South African political scientists, and a large chunk of Afrikaans historians, the TRC and its proceedings were to close to the bone. They left the debate to philosophers, theologians and authors of literature. One has to remember that it was a time when, at some Afrikaans universities, there were lecturers and professors who were also in the employ of Military or National Intelligence, among others in political science departments (the University of Stellenbosch and the Rand Afrikaans University are examples). Where historians and political scientists did involve themselves in the discussions they entered the fray somewhat later. Materials related to the debates on amnesty formed a necessary part of the reading (Dugard, 1999; Schafer, 2001; Van de Vijfer, 2000; Motala, 1995; Hendricks, n.d; Kollapen, 1993). Recently Kobus du Pisani, an Afrikaans historian, reflected on the implications of the SATRC in an article and in doing that invited other Afrikaner historians to the debate (Du Pisani, 2007: 1–12).

In this category, the materials that I consulted complied with one main objective: to enable a broad understanding of the international and local context of TRCs and gain insight into these; again the macro and the micro meshed. Apart from this, such materials provided important information on the outcomes, as well as useful “pointers” with regard to the

potential role of CMR in a post-transition society. For further reference, I could also deduce some insights on policy formulation in the realm.

Descriptive works and submissions to the TRC: These include material that attempted to describe and outline the TRC and its regional activities. Others dealt with TRC submissions, either regional or national. Some of these works were academic, but mostly these were publications of a more popular nature; in other words, articles and other publications aimed at public consumption. For example, the SATRC's booklet on the recommendations of the commission, *Time to Act*, fell in this category. Most of these sources appeared regularly in newspapers and on websites. Some interesting articles that were supportive or critical of TRC ideas appeared in the news media. Others dealt briefly with perceived shortcomings of the process. Some of these newspaper articles questioned – as could be expected – issues such as blanket amnesty, lack of restorative justice and the absence of trials for those who did not apply for amnesty before the designated period. The role of top politicians also received attention in this regard. Specifically the amnesty issue became a point of contestation and led to a lively media debate.

Newspaper articles (including a personal archive): The researcher has kept an archive of TRC-related newspaper articles since 1992 that contributed to this research project. The same applies to CMR. These articles from the “personal archives” proved useful.

Some other media articles (mostly from foreign and national newspapers) from the rather extensive “personal archive” kept since 1984, relate to apartheid oppression, such as detention, torture and covert operations by the apartheid state. Actions by the Security Police and the SADF were informative within the context of the study. These articles were collected before the SATRC became the subject of a debate; even before it was mooted.

A significant number of articles related to the study published in the South African media were obtained through the Institute for Contemporary History in Bloemfontein. During a study visit to the Netherlands in 1996, occasional releases of collated newspaper articles supplied by the Kairos Oecumenisch Advies- en Informatiecentrum Zuid-Afrika played an important role (see for example Kairos, 1996, Vols., 1 & 2). Ad hoc releases on TRCs, such as those released by the Konrad Adenauer Stiftung, were also scrutinised. The past five years provided useable opportunities to access old and new materials, while I struggled to balance time between work responsibilities, new projects, trying to conclude older ones that still

dragged on, family involvement¹³⁸ and one's own needs. In some way or another, I coped. Solicited and unsolicited materials have played an especially important role since 2003, but more so in the last eight months of the study. For example, Hermien Bolton, the sister of my life partner, on various occasions passed on materials that could be of use, since she knew that I was working on the topic. With the kind assistance of colleagues and befriended journalists, a variety of general and in-depth articles was also obtained. Embarking increasingly on an auto-ethnographic approach led me *via* my first promoter to various fellow students and persons following this approach. Through their kind advice and "pointers on the way" I amassed literature in this field.

Private Correspondence: In some cases, private correspondence with practitioners, academics and observers was entered into. Where useful and informative to the study, this was used and some examples are reflected in the source list (the minority), unless anonymity was required or requested.

3.11. Reflection on materials consulted

I have referred to an extensive corpus of materials published between 1992 when the SATRC was mooted and 2007. I have argued that, while such research was extensive and of the highest standard in addressing social issues and processes related to the SATRC, few studies dealt with the important interface between the TRC and its outcomes and CMR inclusive of civil control over the military.

Splendid theoretical and analytical work in reflecting on the SATRC (related to its scientific basis) appeared (see, for example, Posel in Tazi, 2004: 1–26). Other recent works addressed issues of racism and "displacing race", amnesty, the SATRC in the context of international human-rights tradition and testimonies by TRC participants. These issues were addressed in detail and on a markedly high theoretical level (see Fullard, 2004; Harris, Valji, Hamber & Ernest, 2004).

Again, however, the lack of material on the link of CMR with the SATRC arose and pointed to the need to engage with this issue. Lack of information in qualitative research and an extensive exploration of materials, even when side-tracked, does not imply that nothing is gained. On the contrary, consulting such materials where necessary and applicable, by means

¹³⁸ I-Ben and Marian were born in 1999. My father had a stroke and became progressively incapacitated, which in itself implied time having to be spent elsewhere.

of a side-tracking exercise, contributed to the systematic and eventually enabling interpretive tracking needed to complete this project.

3.12. “Transition is with us”: Incumbents and contenders discoursing the future

In the aftermath of the era of authoritarian rule (“Local was not Lekker”) the interface transition/democratisation introduced the first attempts at producing a constitutional state. Constitutionalism started playing a role. To provide for a further comparative element in reading literature, I ventured into reading some selected constitutions and documentation from other countries that made a transition from authoritarian rule to democracy (depending on whether these were available in English). The Constitution of the Republic of Portugal, proclaimed in 1976 (later to be revised, 1989), for example, proved insightful on the new role of the military within the democratic dispensation. See for example Section X on National Defence: Article 274 that instituted a Higher Council of Defence to advise the president on the functioning and discipline of the armed forces under the democratic Constitution (Directorate-General Communication Portugal, 1989: 150). Article 275 stipulated that “The Armed Forces shall obey the competent organs of supreme authority in Accordance with the Constitution ...” and “the Armed Forces shall be at the service of the Portuguese people. They shall be strictly non-partisan and their members shall not take advantage of their weapons, posts or functions *for any political intervention*” (Directorate-General Communication Portugal, 1989: 150, my *italics*). Note that the new constitution also brought about “a democratic state based on the rule of law”, “plurality of democratic expression” and of “democratic political organisation” and “the safeguarding of fundamental rights and freedoms”. An interesting characteristic of the Portuguese constitution is that it expressly makes public participation an obligation – not an option. For example: “(T)he aim is to achieve economic, social, and cultural democracy and to push participatory democracy further” (Directorate-General Communication Portugal, 1989: 11). By virtue of Section VI, a Constitutional Court was established to oversee the Executive. Indeed, the new constitution was a far cry from what happened under Caetano’s authoritarian government and set up a re-aligned environment for the role of the security/military in the new democracy. In the case of Portugal the military, including large numbers of conscripts, was mainly deployed in the “colonies”. Caetano’s rule was secured in Portugal with the help of security agents other than the military, even while the military leadership was expected to be unquestionably loyal. (For

an insightful work, see Lawrence S. Graham, 1993. *The Portuguese Military and the State: Rethinking Transitions in Europe and Latin America*. Oxford: Westview Press.¹³⁹)

3.13. Transition and new constitutionalism: Setting the stage for the SATRC

In South Africa the Interim Constitution (Act 200 of 1993)¹⁴⁰ that came into being on 27 April 1994 had the following to say about the new National Defence Force: “Only one Defence Force shall be established by law for the RSA”. Article 225 stated that the President shall appoint a Chief of the National Defence Force who is to act under the directions of the Minister of Defence. Parliament shall provide the legal/constitutional parameters for the new military force (Section 226(2)). Under all circumstances the new defence force was to be a constitutional defence force where all members are “obliged to comply with all lawful orders, but shall be entitled to refuse such an order if it would constitute an offence or would breach international law on armed conflicts binding on the Republic” (Section 226 (7)). *Accountability* to elected representatives is clearly spelled out in a separate section (Section 228 (1)–(5)). The Minister of Defence is accountable to Parliament; Parliament has to approve the budget; a *joint standing committee* is to be established for Defence consisting of members of all parties that hold more than ten seats in Parliament. This 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 (RSA, Act 2000 of 1993: Section 228 (3d)).

Under the new constitution the previous forces, statutory and non-statutory, became one consolidated defence force. “The National Defence Force shall consist of all members of the South African Defence Force, the defence forces of the former independent states of Transkei, Bophuthatswana, Venda and Ciskei and any other armed force of a political party or organisation that took part in the first election of the National Assembly” (Rautenbach & Malherbe, 1994: 65). Guerrillas and cadres from the armed wings of the PAC and the Black Consciousness Movement were eventually also integrated into the SANDF.¹⁴¹ The prominent clause that stated clearly that the elected President (for whose election procedures were

¹³⁹ It was after all a professional military soldier, Gen. de Spínola, that started the fall of the Caetano regime in Portugal through his critical book, *Portugal and the Future*. Would that South Africa had outspoken generals (even colonels) with such moral fibre!

¹⁴⁰ Constitution of the Republic of South Africa, 1993, Act No. 200 of 1993 published in the *Government Gazette*, No. 15466, 28 January 1994.

¹⁴¹ PAC’s armed wing: Azanian People’s Liberation Army. BCM’s armed wing: the Azanian National Liberation Army.

outlined in Section 77 (a–b) was to appoint the Chief of the National Defence Force (CNDF) should be stressed here. The CNDF would exercise executive command of the military “subject to the directions of the Minister responsible for and, during a state of emergency, the President” (Section 225).

The specific mentioning of unlawful orders in Section 226 (7) clearly indicated an attempted break with the apartheid past.

The acceptance of the Interim Constitution, in which the Minister of Defence was made accountable to Parliament for (all) actions of the defence force, contrasted starkly with the previous *modus operandi*. Creating a *multi-party joint committee* “consisting of members of all parties with more than ten seats in the National Assembly in accordance with the principle of proportional representation to investigate matters regarding the defence force” was a significant addition in order to broaden parliamentary oversight (Rautenbach & Malherbe, 1994: 66). The Constitutions stated that “no other armed force or military organisation or service may be established in or for the Republic” other than that (a) provided for in the Constitution (b) or duly by Parliament (RSA, Act No. 200 of 1993). This stipulation has to be seen against the background of apartheid security issues. Security structures branched out without the knowledge of parliament and frequently apparently without the full knowledge of the all members of the upper echelons of security. In at least one case someone claimed to have heard from a cabinet minister himself that he (the Minister) had only heard of South Africa’s cross-border raids following the visit of the Eminent Persons Group to South Africa to request a negotiated settlement, on the radio en route to Parliament. In one of my interviews with an ex-parliamentarian that resigned from the Tricameral parliament, he stated that it was “quite possible” that some members of cabinet and frequently parliament were “left out of the loop”. Another participant in this study, a military practitioner, suggests that the establishment of the CCB was a case in point where things became murky and uncoordinated and lines of command diffuse (Afrikaans: “dinge het wollerig geword”).¹⁴²

The right granted to the professional soldier to disobey an unlawful order in the 1993 Constitution reflected a clear intention to break away from the previous *modus operandi* where, in theory, under the military Disciplinary Code, such action by defence force members was possible. Disobeying an order was, however, highly unlikely, given the authoritarian leadership style, militarised society syndrome, the extensive control of the National Party in

¹⁴² Anonymity required.

the previous parliament, the principle of an executive presidency and total-onslaught mentality backed up with concomitant structures such as the SSC and the NSMS. Since September 1984 (when the black township Sebokeng was invaded by assigned elements of the SADF) under the state of emergency, the military had fallen under the command of an executive presidency assisted by the SSC. The SSC set up Joint Operational Centres as part of the NSMS. Seldom Parliament was informed in detail and in some cases apparently not at all.

Military deployment played an important role in quelling township unrest (CIIR, Appendix A: v; Cock, 1990: 87; Seegers, 1990: 113; Nusas, n.d., 28–29). It is, however, important to make a distinction between the role of the military in the townships and other roles. In general, the military leadership with some exceptions was ill at ease with deployment in the townships. It was felt that it was the work of the police. The activities of some police units, especially the Security Police and police deployed for “riot control” and the indiscriminate way in which they acted caused tension, also on lower command levels. The military was blamed for some excessive violence, while in fact such transgressions inside the country were mainly perpetrated by the South African Police, more specifically the Security Police. On the other hand it was no secret that in the Namibian and Angolan war theatre in support of Unita, some military commanders overstepped the “rules of combat” and allowed their subjects to do so too.

I have to mention that some military commanders, such as Generals Kat Liebenberg and Jannie Geldenhuys, appeared in court because of alleged involvement with irregularities in the deployment of security forces. Eventually they were acquitted. After the action taken by the SADF in Namibia and Angola (a dozen or more large-scale operations in Angola, which dovetailed and overlapped with at least 120 smaller operations) the SADF was blamed for human-rights excesses. A number of these excesses can be ascribed to the specialised battalions such as 101 SWATF Battalion and 32 Battalion. Erroneously the SADF was also blamed for excesses by the SAP COIN unit, Koevoet, that was deployed inside Namibia under SAP command (Herbstein & Evenson, 1989: 61ff, 98ff; Wood, 1988:526ff; information shared by individuals/own sources)¹⁴³. I would like to refer the reader here to the questions submitted to the SATRC related to the lines of command and responsibilities for the deployment of these units, the CCB and destabilisation/cross-border operations.

¹⁴³ For obvious reasons the last mentioned will remain anonymous.

The fact that the SADF top leaders did not provide detailed evidence before the SATRC, that they destroyed vital documents and up to today insist that they only acted under orders, did not endear them to the public.¹⁴⁴ The full impact of their involvement in Frontline States, especially Angola, which were destabilised by consistent incursions into its sovereign territory, also received scant attention. It was left to others to record such excesses (Herbstein & Evenson, 1989; Katjivivi, 1988: 89). Much dissatisfaction remained. The response of one of the participants in the study, that the military tends to forget (with the result that) the civilian component tends not to forgive, leaves me with an important cue to understanding the current dislike of (even white) South Africans for ex-SADF officers¹⁴⁵. Through its participation in the NSMS inside South Africa the military became intrinsically linked – and associated – with repressive conduct in upholding the minority government and few of the top leaders seemed to be prepared to object publicly to such a role. This applies especially to persons who were involved in intelligence and counter-intelligence in South Africa during the 1980s.

In 1996 South Africa formally adopted the new Constitution, Act 108 of 1996.¹⁴⁶ South Africa and its citizenry, as represented by Parliament, decided even before the adoption of the new Constitution, to institute a process through which past wrongdoings could be unearthed (brought into the open); a process through which South Africans could publicly attempt to unearth a violent past and – through a public and reasonably “legal” process – facilitate the hearing of victims and where possible, allow admission of guilt that assumedly could lead to a process of social healing in South Africa (TRC Report, 1998: 24 ff; Boraine, 2000: 42–43; 48–49; James & Van de Vijver, 2000: 1ff). The bill was finally signed into law on 19 July 1995 and came into effect in December 1995 when the 17 TRC commissioners were appointed (TRC Report, 1998: 44).

Following the new Constitution (1996), a White Paper, entitled *Defence in a Democracy*, was released and the DRP started. The White Paper addressed the vision, mission and posture of the newly formed SANDF and its relationship to elected bodies and the citizenry. It was a

¹⁴⁴ Verne Harris (2000: 29–56) senior archivist in the National Archives of South Africa (Pretoria/Tshwane) expands on the effects and extent of destroyed documentation.

¹⁴⁵ I refer here in general to white members of the SADF permanent force.

¹⁴⁶ In the 1996 Constitution the *governing principles* for security services are described in Chapter 11 (198 a–d); the structures and conduct thereof in Section 199; defence receives specific attention in Sections 200 and 201.1–4 (“political responsibilities”). Command structures and the state of national defence are outlined in Section 203 and the civilian secretariat for defence dealt with in Section 204. The police services and intelligence arms of the state are prescribed in the rest of Chapter 11.

definite attempt to put into practice what was enshrined by the new Constitution of 1996 and the Bill of Rights.

The DRP was started as an exercise involving civilians in a process of consultation on regional and national level. For the first time in South Africa's history, the citizenry (rather than only elected officials) was involved in discussing the role, mission, defence posture and (rough) estimates of future defence expenditure of the SANDF.

The DRP was, among others, criticised for (1) not going far enough, (2) being too expensive, (3) providing too little technical information to the civilian participants, and (4) opening up an opportunity to be abused by some to "slip in" the controversial arms deal.¹⁴⁷ However, it cannot be denied that it was a process that allowed for public participation and could potentially influence future CMR as well as civil control over the military positively.

I have to stress that, unfortunately, there was too little official interaction between the TRC process and the DRP. This led to shortcomings already discussed and which I will discuss in following chapters.

The five-volume report of the SATRC, in its recommendations, only refers by implication to civil control over the military (for that matter civil control over all security institutions) in point 14 (308–309), point 21 (311–312) and points 62 to 68 (328–333). In its conclusion (points 143 to 152: 435), not a single reference is to be found on CMR or civilian control over the military, nor is there a reference to civil (or parliamentary) control over other security agencies such as the National Intelligence Agency, the South African Secret Service, or the South African Police Service. The full report consists of five volumes, roughly 450 pages per volume, while civil control over the security/military agencies – and then only by implication – covers fewer than 20 pages.

Some general pointers to the protection of human rights and the role of public prosecutors are mentioned, yet no specific recommendations on CMR, or relations between civilian people (the citizenry) and other security institutions (i.e. the police or intelligence services) were attempted. The minority report by TRC Councillor Wynand Malan also failed to address issues concerning future constitutional control or civil-military matters related to the research question to be answered.

¹⁴⁷ The impact of and problems concerning the arms deal are discussed among others by Wessels (2005: 110–112).

Literature frequently brings contexts alive. Living contexts mingle with somatic experiences. An indication of the lack of interest in the field of TRC-civil-military linkage, apart from the above, may be gauged by the following personal experiences:

The researcher, together with Rocky Williams (ex-MK, member of the MRG, integrated into the new SANDF at the rank of colonel, and later attached to the newly established Defence Secretariat) wrote a paper for popular consumption entitled “The impact of the Truth and Reconciliation Commission on the SANDF”. The paper was published in the *IDP Papers* (Liebenberg & Williams, 1999). Virtually no comments, positive or negative, were received although copies of the *IDP Papers* were widely distributed among members of civil society, the security establishment, political practitioners and the business community. A substantially updated and more theoretical version of the paper published during 1999 in *International Studies* (later translated into Russian and published in *Yusznaya Afrika*) also drew minimal comment locally or internationally.¹⁴⁸

This experience plays a role in the choice of this study, not so much because of personal affliction but because I believe a debate on this can stand us in good stead in future when civil control over the military is at stake.

3.14. In conclusion: bringing the strands together

This overview addressed the main themes of this scholarly review.

The literature that I selected was useful not only to provide a background and to contextualise the study, but also to provide insights in order to resolve the research question. From “tracing” to “tracking” is relevant with reference to the literature review. So is, needless to say, personal experience and my interaction with others.

The review demonstrated that, while ample publications on the SATRC, international TRCs, non-TRC approaches, democratisation, CMR and civil control over the military appeared over the past decade or more, few enough publications link the concepts of a TRC to CMR. In short, the potential positive outcomes for CMR in countries that deployed TRCs have been

¹⁴⁸ A paper delivered on my behalf by Phil Eidelberg at an international conference arranged by the Institute for African Studies in Moscow during 2005, drew more comments and led to some debate. I welcome the considered critical remarks received. In reflection, these comments honed an exploration “on the track” by an individual.

neglected to date in research. In so doing, opportunities here and elsewhere were missed to add value to CMR and civil control over the military and hence also to strengthen new democracies and sustain a proven positive human-rights record.

The review dealt with a range of civil-military related material published over the past two decades and more. It demonstrated that materials – mostly published by scholars in the “highly developed countries” or “industrialised democracies” – approached the question of the military and civilian rule mainly in terms of the *modernisation* or *development theory* paradigms. These do not offer enough substance to current debates, diagnoses and hence prognosis in the field; less so in the African context.

I demonstrated that new debates and research on security evolved from 1990 pertaining to civil control over militaries and CMR. A large number of these works are home-grown, thus relating African experiences with the aim to provide answers to rather complex issues through theoretical and applied research. This holds true for the African continent, South and Southern Africa.

The overriding conclusion is that ample research was done in the separate discernable fields as indicated, but much-needed research on the crucial linkage between TRC countries and non-TRC countries following transition from authoritarian rule to democracy regarding CMR still needs to be done.

The above substantiates my argument that there is a need – or rather an imperative – to research these links, or at the bare minimum, initiate such research in order to benefit new democracies whether they had a TRC or not. If such research is executed accountably, the findings may assist in “bettering the life of (some) people somewhere in the world”.

Necessarily, if the research done can make it possible to develop a concrete hypothesis that can be tested and/or to replicate/transfer such a study, much will have been achieved.

The SA TRC and others were viewed from many different perspectives during the past two decades.

TRC-related publications and relevant areas addressed since 1980

- > 1980/1990s TRCs develop/evolve in Latin America and several reports appear. Calls for and activation of international tribunals less salient. Awareness of the bias of “victor versus vanquished” in previous attempts to implement international criminal tribunals, i.e. tribunals against German political leadership following WWII recognised.
- 1992-1993 TRC-like approach following Latin-American examples mooted in South Africa. (Especially the Sabato Commission is quoted as an example by South African advocates). Various South African organisations and individuals, representing a minority, call for retribution rather than reconciliation.
- 1993-1994 Advocacy by various institutions and individuals for a TRC rather than retribution or a “forgive-and-forget” approach salient and win the day. Latin American examples such as Chile and Argentina quoted as authoritative/leading/exemplary cases.
- 1995-1999 Act 35 of 1995 puts SATRC in action, partly the result of a negotiated settlement, partly as a result of NGO advocates appealing to the Christian and rational liberal ethos underpinning TRCs. First appearances of works of literature from Afrikaans novelists and poets that (re-) introspect, individualise and moralise on the SATRC, e.g. Antjie Krog. Debate in public on retribution subsides in the media and among new political leadership (or *vice versa*). Very little of a “historians’ debate”. The SATRC Report appears amid acclamation and criticism. Academic reflections and moral (re)consideration by novelists, philosophers and Christian theorists appear increasingly. The DRP and SATRC proceed as different processes. Some quantitative studies investigate the SATRC. HSRC terminates its only attempt at surveying public opinions on the TRC. Studies by Gouws and Gibson retain focus on quantitative aspects and survey research. Publications by South African practitioners and scholars on CMR and transformation of the military/ security sector and civil control appear in increasing volumes. Few of these reflections link the direct interface between the SATRC and civil control over military and security institutions. Investigation/research into female/women experiences submitted to the SATRC appears in journals and newspapers.

2000-2007

Literary and social science reflections appear in greater numbers. Applied social science descriptions of SATRC and outcomes, also with regard to individual experiences and local/regional communities appear. D Litt et Phils and PhDs on female witnesses' experiences before the TRC appear. TRC regional workers that experienced previous community conflicts reflect on the realities of the SATRC in local communities. Fictional works related to the TRC context increase in number. Seldom any reference to SATRC or other TRCs' *direct possible or real influence on the future control of the military in a democracy* or the need for politicians to be educated NOT to invite/incite the military into politics. Publications by ex-SADF leadership and members of Special Forces advocate their heroism and romanticise about apartheid's just wars against communists, terrorists, blacks and Moscow. Some critical works describing and illustrating the non-heroic side of the apartheid domination of Namibia and Anglo appear.

International tribunals (ICTs) re-appear as one way to deal with human-rights excesses as a reinvention of the Nuremberg Trials. ICTs as a supra-initiative caught up between international justice and protection of human rights. The allegation that ICTs serve the victor and punish the vanquished becomes part of the debate. ICTs notwithstanding this become the new vogue.

Some theorists call for comparative studies on TRC-related processes and advocacy of TRC processes for other countries such as East Timor and Cambodia. A variety of TRCs implemented some in conjunction with ICTs.

Quantitative research links SATRC to issues of reconciliation and nation- building – none of it focussing on TRC/civil control over the military interface.

2000-2007

“Historians’ debate” still mostly absent. Moral philosophers and social philosophers contribute increasingly reflective notes on the SATRC and others. Future-orientated reflections aimed at application of TRCs elsewhere seldom refer to the needed link fo civil military relations. ICTs frequently advocated and implemented. Virtually no debate on “forgive-and-forget” approaches. Few reflections by theorists on what TRCs could have meant for civilian control over the military. In practice ICT and TRC combinations become enmeshed/entwined by the international community through bodies such as the UN Security Council (Rwanda as example). Transmutations ignoring TRCs and (re) inventing ICTs emerge. Some of these approaches are openly questioned within the international community. One example of dealing with previous oppressors after defeat (Iraq) features. The exercise in Iraq the Nürember trials imposed by the USA, Britain and the Soviet Union on the Nazis following WW II. Novelists and poets add to further reflection. TRC and direct links to and potential influence on civil military relations receive little attention. Works by investigative journalists appear. What they say may not be acceptable to the supporters of the old order, but these works provide valuable information on the abuse of security forces under apartheid and the involvement of some top military leaders. The absence and/or subversion of CMR by apartheid leaders are clear. Apart from the value of these works they also assist in putting the puzzle of the past together and may be of assistance in triangulating historical data in the future (See for example Potgieter, 2007).

CHAPTER 4

COMPARISON OF THE CASE OF THE SATRC

Research is literally research, a searching after the fact – the fact that some hypothesis has been made, however tentative or implicit – Friedrichs, 1970.

Reflexive approaches to social science research have become firmly established in many social scientific disciplines over recent decades, including those of anthropology, sociology and feminist scholarship ... However despite decades of empirical and theoretical labours in military studies, with few notable exceptions, approaches explicitly reflective in nature remain largely peripheral to the field – Higate & Cameron, 2006: 219.

4.1. Introduction

What I am doing in the thesis and this chapter relates closely to the above epigraphs. I track research question(s) in the aftermath of individual experiences under apartheid and in the period of transition to democracy. More specifically I reconsider the SATRC, not in an endeavour to deal with its morality, value for historical recollection, or as a totalising tool (of nation building), or the discourse (linguistic debates) on the SATRC and other TRCs. I am interested in the research question through a reflective approach underpinned by auto-ethnography. In this sense this project is about **re**-search. Current research, as Higate and Cameron remark, is in need of more reflexive elements (Higate & Cameron, 2006: 219). Their statement has value for South Africa, as not all subject disciplines are well disposed to this approach.¹⁴⁹ In the process I share my reservations and criticisms of previous research on TRCs, the SATRC and CMR, however commendable these research projects were for their time and in the particular demarcated area of investigation. This study is context-informed and up close to the author and reader.

Regarding CMR and civil control over the armed forces, I took note of the argument of some civil-military theorists that “it (is) apparent that an eclectic approach in analysing CMR on the (African) continent is probably the best methodological approach to take in view of the

¹⁴⁹ In South Africa disciplines such as psychology, the health sciences, linguistic studies, management sciences and theology do entertain this approach, in contrast to other disciplines, which seem to be wary of it.

various factors that have influenced (CMR) on the continent over time” (Ngoma, 2004: 13).¹⁵⁰ Ngoma implies that there are generic links within regions and between regions, and therefore a reasonable argument in favour of gaining insights into a research question by being aware of the potential value of “eclectic” insights gained through living in an ever changing social context. I am of the opinion that to an extent the same applies to studies related to truth and reconciliation processes.

In this thesis eclectic insights play some role. However, the methodology of the study is not eclectic. While the value of an “eclectic methodology” may be appreciated by some, this study has no interest in or objective to equate insights accrued through a post-modern analysis of truth and reconciliation processes and CMR. Post-modern analysis offers problems of its own and, I argue, does not provide the tools for problem-solving or applied research in this research project. In the metaphor of tracking: an attempted post-modern approach is less useful if one embarks on basic or elementary tracking that serves as a building block for systematic and interpretive tracking to solve practical challenges confronting the researcher. This is even more relevant when one is aiming to provide some pointers for future policy making, or replicating social choices for truth and reconciliation processes, or in contrast considering arguments against using such processes and the reasons for deciding against them.

I take note of Janowitz’s view that “THERE IS LITTLE POINT in endlessly debating the most appropriate strategy to be utilised in the comparative analysis of CMR. It is clear, at least to me, that the study of armed forces and society requires alternative approaches if the role of the military in political affairs is to remain a vital subject of scholarly investigation” (Janowitz, 1981: 9). Janowitz introduces another point here, namely that regional approaches are valuable tools for investigating the politics concerning military and quasi-military regimes. In short, regional approaches as part of comparative research are productive and potentially useful as a unit of analysis (Janowitz, 1981: 9). These insights struck me for their implied usefulness if read together with Higate and Cameron’s observation in the epigraph (Higate & Cameron, 2006: 219). Janowitz, Higate and Cameron’s argument re-affirms my personal views about relevant research and knowledge creation. Over many years of involvement in society and being exposed to people (also as a **re**-researcher) it could be little different. Past experiences proved that we were too restricted, or perhaps too unimaginative, when we approached broader casing. To argue that

¹⁵⁰ Janowitz leaves space for reflection here: “I believe we would find considerable uniformity within regions and diversity among regions...” (a theme for clarification is) ... “the distinctive style and results of political intervention by differing military groups” (Janowitz, 1981: 9). These differences, as well as similarities related to (para-) military intervention, praetorianism of a special type and its outcomes during and after transition to democracy in a society, are of relevance here.

these limited approaches were enforced by our more conservative teachers may be true, but that is no excuse for not venturing or tracking further. The researcher as a human agent in researching a chosen phenomenon or phenomena has choices, even if these invite criticism. I made this choice when I decided to study the SATRC as part of a broader casing and its relationship with/influence on civil control over the military.

I will pay attention here to the SATRC and compare it with some new or emerging democracies that opted for a TRC exercise and some selected cases of countries **not** opting for a TRC. I believe that such an approach will assist in answering the research problem. As Friedrich rightly remarks, research after the fact (tracking as opposed to tracing in the metaphor used in this study) illuminates a *hypothesis however tentative or implicit* (see the epigraph above).

4.2. What “to do” with the past: Brief notes on the SATRC

In the words of Kader Asmal: “South Africans have undergone a unique experience since 1948, with the institutionalisation of racism, a process that permeated and perverted every aspect of our individual and collective lives.” He continues: “The structures of state (the army, police, secret services and the whole of the civil service) were committed to the maintenance and defence of an evil system by abhorrent means” (Asmal in Boraine, Levy & Scheffer, 1994: vii). Asmal is correct in pointing out how apartheid and separateness and the ways in which it was upheld permeated South Africa, which spawned a militarised state. Obviously apartheid and segregation and racism came into being much earlier. Eurocentrism and with it racist attitudes arrived with the first ships that rounded the Cape and the establishment of a halfway station for the Dutch East India Company in 1652. British colonisation deepened these attitudes and imposed structures corresponding with it. But for many (erroneously or not) apartheid is seen to have started in 1948.¹⁵¹

The legacy of apartheid, and how South Africans attempted to deal with it by means of the SATRC, will receive attention here. Following this, I will take a look at comparable experiences pertaining to the disclosure of truth after a period of repression by an

¹⁵¹ Various works point out that segregation, underpinned by racist attitudes, is far older than the Afrikaner nationalist ideology of apartheid. Compare various essays in the work *Town and Countryside in Transvaal*, edited by Belinda Bozzoli (1983) and Elphick and Giliomee’s *The Shaping of South African Society: 1652–1820* (1979). An acclaimed novel, *An Instant in the Wind*, by the well-known South African author André Brink, provides an interesting historical backdrop to the race and class divisions in early South African society.

authoritarian government. Finally, some remarks will be made about the commission's performance, given our political legacy and current context. I will conclude with the theme of the lack of research into the links between the SATRC/TRCs and civil control over the military and why we need more focus on this linkage.

Truth commissions tend to have a "truth phase" (unearthing of and public-making of the truth) and a "justice phase" (ways and means to deal with compensation/restoration with regard to victims, as well as steps taken with regard to human-rights transgressors).¹⁵² Some remarks here will relate to the "truth phase" and the "justice phase". In terms of the needs of the study, the phases will be looked at from the angle of their use in providing (possible) pointers towards civil control over the military in new democratic regimes. Again personal observations will creep in throughout this chapter.

4.2.1. The political background leading to a TRC in South Africa

I will discuss the political context of the SATRC first. As far back as 1979, Smith in *Anatomy of apartheid* gave a chilling description of apartheid in the South Africa of the time:

"[T]here is a character running ... a furtive malicious character that has become the skunk of the world. His name is apartheid and his influence spreads throughout the land. He pervades every sphere of public life. He separates families, splitting man from wife and parent from child. He is found in every government office or wherever government directs him. More tangibly, he is in every street and almost every building. He has caused separate communities to be built around himself ... [H]e has caused South Africa to be a house divided against itself" (Smith, 1979: 1). The apartheid experiment eventually ended in an authoritarian regime upheld with creeping military roles and the deployment of security structures that involved themselves with a whole range of repressive measures such as regular shows of force, incarceration of opponents, threats to lives of activists and their families, creation of violent third forces, development of biological and nuclear warfare capabilities – biological capabilities on a micro-scale among others actually tested on the "enemy" – and assassination of state opponents. (On the development of South Africa's nuclear capabilities, consult Steyn, Van der Walt and Van Logerenberg, 2003.)

¹⁵² It is with regard to the justice phase that I argue that foresight is needed when TRC experiments are embarked upon. Making concrete proposals in the reports of TRCs about stabilising and honing future CMR will benefit societies that made the transition to a democracy following praetorianism, praetorianism of a special type and/or direct military interventions.

That the ideology of apartheid was updated, streamlined and embedded in the *proto*-ideologies (Frankel, 1984) or *para*-ideologies (Van Vuuren, 1985) of tricameralism and “Total Onslaught” is today common knowledge. That this was in fact a divide-and-rule strategy that amounted to “domination through reform” is also well known (Van Vuuren, 1985). That tricameralism did not broaden democracy, but rather centralised power (Du Toit & Heymans, 1985), that it was authoritarian and led to the militarisation of South African politics, is also well known.¹⁵³

What was/is discussed in the spectra of work in this field of research are the practical consequences of the application of the Janus-faced nature of “dovish” and “hawkish” structures of legitimation and domination presented by a “reformed” apartheid system. The long-term consequences that lingered after the demise of the apartheid state deserve more discussion. South Africans were not only psychologically and ideologically divided among themselves, but were also fighting and killing one another in an organised way (Duncan & Rock, 1997: 69ff; Buchart *et al.*, 2000: 29ff; Emmet & Higson-Smith, 2000: 195ff). Van Vuuren and Liebenberg (in Minnaar, Liebenberg & Schutte, 1994: 25ff) point out that because of the structural adaptation of domination strategies, “government by illusion” was in place by the middle of the 1980s.

¹⁵³ Luthuli (1962), Adam (1977), Adam and Giliomee (1981) and Leonard (1983) were the first to point out that South African socio-political life was being militarised to ensure the survival of white domination. Frankel (1984) points towards the development of a garrison state that was a result of the development of the “total strategy” (Frankel, 1984: 29ff). More detailed analyses followed. Van Vuuren (1985: 56ff) likened South Africa to a mobilised society-cum-garrison state. Grundy (1988) pointed towards the internal, and especially external, destabilisation of political opponents that had to follow the militarisation of South African politics. Cock and Nathan followed this tradition (1989). Davis referred to South Africa as a “bunker state”, mimicking Frankel and Van Vuuren (Davis, 1987).

“Government by illusion” relates to the government of the time and its advisors consciously or not-so-consciously deluding its followers – and perhaps itself – that the political agenda of the time was to deal with a “terrorist onslaught” waged by agitators under Moscow’s control, and aimed at destroying South Africa and its Christian values¹⁵⁴. Government by illusion implies that the government and *securocrats* of the day believed that strong-handed security and military tactics internally and externally (the Frontline States) would be able to curb, if not overcome, this “onslaught”. Security and military actions increasingly supplanted political solutions, with long-term social consequences. If we want to understand this in tracking the re-search question, both the life of an individual and society need to be kept in mind.

I argue that the National Party, the security apparatus, and the executive presidency of P.W. Botha suffered from “agenda denial”, which closely relates to Van Vuuren’s argument of government by illusion. In agenda denial the incumbent refuses to face real existing problems or even deny that they exist (Anderson, 2000: 101). *Agenda denial* is frequently accompanied by refusal or inability to act by ruling authorities (non-decision-making), simply because the existence of a specific problem, in this case apartheid, minority rule and militarisation of state and society, was denied. Instead, forceful action inside and outside South Africa was regarded as effective.

Ironically, the agenda of other South Africans at the same time (even long before) focussed on attaining universal suffrage, equality and economic justice – roughly, so we are informed, since the 1880s (Le Roux, 1961; Odendaal, 1984,1994). In the absence of meaningful political transformation to a democracy, resistance movements such as the South African

¹⁵⁴ Seegers convincingly argues that the South African government overestimated the geo-strategic position of South Africa on the globe and Soviet interest in Southern Africa, that it misinterpreted the support from Reagan (the Reagan Doctrine announced in 1986) and the notion of constructive engagement (in the latter case it was advanced by prominent state leaders such as Chester Crocker and Ronald Reagan and not necessarily backed up by pervasive support of Congress and the rank-and-file of US citizenry). The Clarke Amendment (1985) that repealed the prohibition of covert assistance to organisations such as Unita probably strengthened South African apartheid leaders’ belief that they now had a free hand in the region to undertake military action (see Seegers, 1996: 236). Between 1986 and 1987 approximately \$30 million was channelled to Unita covertly (Seegers, 1996: 236). The results were that “When it (the South African Department of Military Intelligence and to an extent the Department of Foreign Affairs) turned its analytical scalpel to larger politics, all blended into a mass of concentrated Communism” (Seegers, 1996: 215). Seegers rightly remarks that, “Once the hawks took charge in Pretoria all levers were pumped ...” (Seegers, 1996: 214). The results were what Seegers called ‘uncivil wars’ and ‘executive wars’ waged by South Africa in Southern Africa (Seegers, 1996: 232ff, 210ff). What André du Pisani as early as February 1988 warned against, namely that a South African “Frontier Army” ‘carrying a war into southern Angola by using quasi-surrogates, notably Unita, was to lead to future problems, was a given (Du Pisani, 1988: 5ff. Compare also Seegers, 1986).

Native National Congress or SANNC¹⁵⁵ (later ANC), the Communist Party of South Africa or CPSA (later SACP), the PAC, and Black Consciousness Movement, became increasingly radical and militant. An armed struggle, not aimed at Soviet-inspired rule or the destruction of Christianity, but pursuing the aim of attaining a non-racial one-person-one-vote democracy, ensued.

Before the beginning of the armed struggle, Chief Albert Luthuli argued: “Congress has adapted itself to the needs of the situation ... and with each adaptation we have brought ourselves and our country nearer to the vision of a homeland where man may eventually live at peace with neighbours of all races – because they are really neighbours, not white masters and other-race servants” (Luthuli, 1962: 102–103). But things were to take a turn for the worse.

The apartheid government, especially since the 1970s, entered a repressive phase, and activated an extensive security-management system and a total-onslaught mythology, largely to defend unpopular and unconstitutional structures against internal opposition. This supposedly justified the institution of emergency rule to “contain” or “destroy” the ANC, UDF, SACP and PAC [Van Vuuren & Liebenberg, 1994: 39–41. See also Horrel (1982), Sanders (2006) and Dugard (1999)].¹⁵⁶

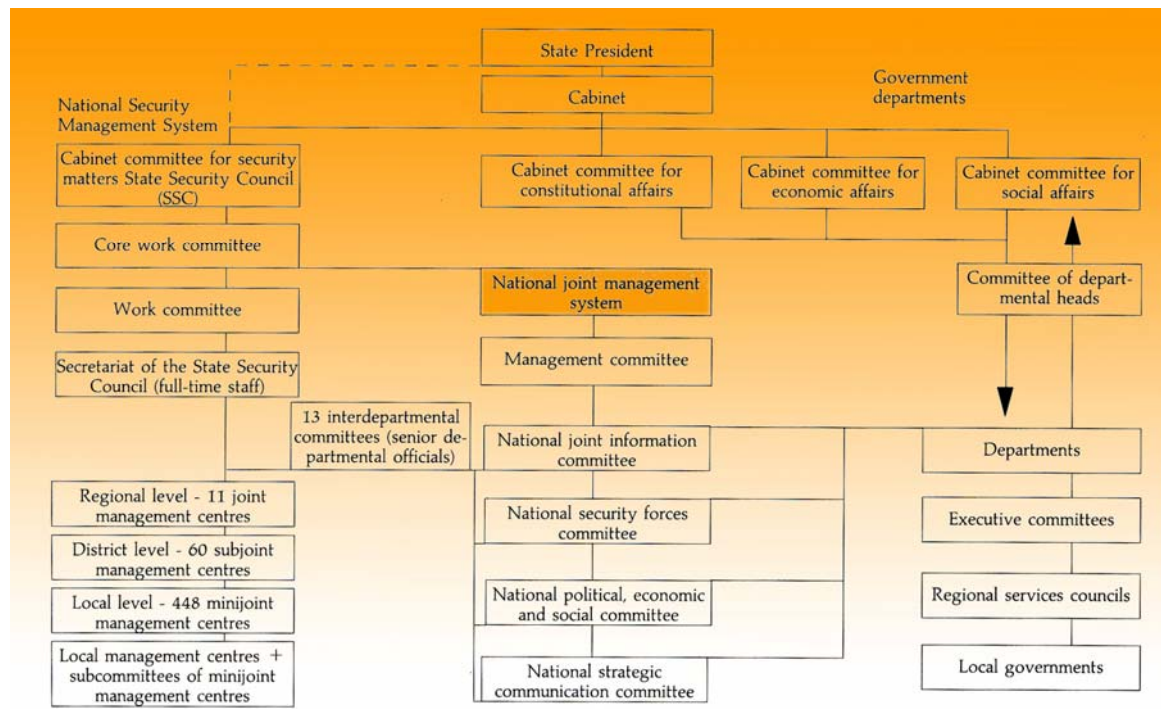
Not only were militarised political structures created to deal with the “onslaught” (Selfe, 1994: 103ff), but the whole climate that was created favoured unconventional intervention by the ruling elite and their security specialists inside South Africa and the region (Coleman, 1994: 130ff; Grundy, 1988: 34ff, 58ff, 107–109; Du Pisani, 1988; Seegers, 1986, 1996). Looking back at the 1980s, large-scale suppression of revolt and covert operations by security institutions played an integral part in maintaining the non-democratic regime. In this, the extensive NSMS with its multi-layered structures played an important role (Grundy, 1988: 114, 120–121, 109ff; Marais, 2003). Grundy (1983) correctly perceived at the time a change in the locus of state power as a result of the rise of the security establishment.

¹⁵⁵ The SANNC was established in 1912 following a national congress called by Pixley Ka Isaka Seme. Not all agreed with the chosen name. Sol Plaatjie and Chief Joshua Molema favoured the name Imbizo Yabantu (Bantu Congress). However, the proposal was rejected in favour of the chosen name (Odendaal, 1984: 274; Lodge, 1987: 1). The political programme was moderate, if liberal, and invited dialogue with the Union Government. After the institutionalisation of apartheid in 1948 the organisation – now called African National Congress – became (was forced to become) more radical.

¹⁵⁶ An interesting summary of the deepening of the crisis of apartheid and the effects of an increasingly security-minded state under the states of emergency in the 1980s is to be found in a report by the Catholic Institute for International Relations (CIIR), *South Africa in the 1980s: State of Emergency*, published in 1980.

For the average white South African this changing locus of state power to the SSC and the NSMS was less obvious. With security forces, the coercive arms of the state in ascendancy the National Party rhetoric was “reform” from 1977 onwards (the tricameral parliament for white, coloured and Indian people to the exclusion of the black majority implemented in 1983) and decentralisation. Exactly the opposite happened. Few, except intent observers, noticed that the cabinet seemed to be sidelined, the executive presidency rose in profile and that “reforms” on local government level involved security personnel.

Detailed Organisational Chart of the NSMS



The organisational chart above sets out in more detail parallel structures in South Africa. Note the central position of the National Joint Management System vis-à-vis cabinet committees and government departments. Note the relatively less powerful position of cabinet when compared with the position of an executive president. This relatively weaker position of cabinet was proved at various times, as related in this study. Also note the integrated parallel system on national to regional and local government levels – a pervasive security web (Source: Shutte *et al*, 1998: 140).

Already under the rule of Prime Minister B.J. Vorster, and for years to come, the fascination with a “co-ordinated national strategy” evolved gradually into the military being sucked into the political upholding of apartheid. First the SSC was created. Then the NSMS evolved as part of “a more conscious, concerted and systematic effort ... to integrate various mechanisms of white control to produce a counter-revolutionary package more rationalised and efficient

than at any time before” (Grundy, 1988: 18. Compare also Seegers, 1996: 163 ff, 285).¹⁵⁷ Covert operations became part of the package of counter-terrorist strategies (Schutte, Liebenberg & Minnaar, 1998: Introduction; Sanders, 2006).

These developments were not unexpected, given the mind-frame of hard-liners constituting the political elite of the old regime: the political socialisation of such leadership (and presumably also of significant chunks of their followers) within the paradigm of a garrison state marked by a resultant securocratic/praetorian “threat perception”. Police and military action (the latter since 1984) and increasing covert operations by security agencies had an impact on both internal and foreign policy-making and its implementation. Organised violence and repression assumed many faces due to the various structures of oppression.¹⁵⁸

The politics of coercion and co-optation spread throughout South Africa. The use of front organisations and partner organisations became one of the sombre characteristics of the time. To illustrate: political organisations that were sympathetic to “legal” and non-violent resistance against apartheid were not only prone to become dependent on the apartheid state, but were also misused by the state and became (structurally and integrally) a part of apartheid’s oppressive mechanisms.

Inkatha (later to become the Inkatha Freedom Party) is one example. *Inkatha ka Zulu* was established in 1922 as a Zulu cultural movement by the then Zulu king, King Solomon ka Dinizulu. It had to preserve Zulu culture and rally support for the monarchy (Mzala, 1988: 116). The movement later became inactive until Chief Mangosotho Buthelezi revived it as a

¹⁵⁷ Jacklyn Cock argued that “a politics of terror” forming part of state-security strategies evolved, reaching its height in the latter part of the 1980s. She also produced evidence that the SADF had been widely used in oppression. During 1985, 35 000 troops were deployed in the townships alone, according to Cock. During Operation Palmiet in 1984, 7 000 soldiers sealed off the township of Sebokeng. For Cock, a strategic shift away from reliance on the police force to uphold “law and order” took place (Cock, 1990: 87). If the figures were as high as Cock suggested, it would equal the entire number of a yearly intake of conscripts.

¹⁵⁸ For more detail, the reader is referred to Minnaar, Liebenberg and Schutte (1994). Part 1 of *The Hidden Hand: Covert operations in South Africa* deals with the theory, methodology and morality of covert operations; Part 2 contains 13 case studies (many more instances of covert operations have since been uncovered); and Part 3 deals with policy formulation. On methodology regarding research on third forces the chapters by Windsor Leroke and Charl Scutte in this work are relevant. For later discoveries of widespread covert operations – including third-force activities – see “Attorney-general has evidence of apartheid terrorism ‘on a huge scale’”, reported in *The Sunday Independent*, 4 February 1996. It is worthwhile to remember that the apartheid regime in the 1980s made use of state-funded “strategic communications operations” that, depending on the “internal threat analysis”, included Soft Stratcom (propaganda, slandering of opponents, making use of information obtained from persons not knowing where such information would go, or threats) and Hard Stratcom (the remainder of the spectrum including murder, assassination, torture or elimination of opponents). See Sanders (2006) for a further discussion and more examples.

“national cultural liberation movement”. In the words of Buthelezi, “Inkatha declares itself to be an instrument of liberation” and “the business of black liberation is our business” (Chief Buthelezi, quoted during a press conference in Melmoth by Mzala, 1988: 119–120). Confined mainly to Natal, Inkatha was later usurped by apartheid (read: *homeland*) structures even if the Inkatha leadership refused and denied becoming an “independent homeland”. The promotion of federalism – even confederalism – by the Inkatha leadership and Chief Buthelezi alienated the ANC and other liberation movements from Inkatha. After 1979/1980, relations worsened significantly between the ANC and Inkatha (Mzala, 1988: 121–122, 125; Mare & Hamilton, 1987: 5ff, 27ff; Mare, 1992; Holland, 1989: 219). The involvement of Inkatha in non-liberation aligned trade-union activities, such as those of the United Workers’ Union of South Africa, and earlier non-participation in boycotts – such as school boycotts – probably also played a role. The alienation was compounded by clashes between political personalities (notably Chief Buthelezi and Dr Ntatho Motlana) at the end of 1979. The establishment of the non-racial UDF and its growth in KwaZulu-Natal further compounded the feud during the 1980s (Kentridge, 1990: 218–222, 224, 235–237, 241). Smaller organisations, such as the National Forum, despite their differences with the ANC, also strongly criticised Inkatha’s collaborationist position.

Violence had many faces, with political opponents fighting each other violently and South African security apparatuses manipulating the agenda, or taking part in acts of partisan violence (CIIR, 1988; Coleman, 1998). Although Inkatha often opposed certain apartheid policies, its continued existence eventually depended on the apartheid state (Mare & Hamilton, 1987: 15ff, 27ff; Mzala, 1988: 122–128; Kentridge, 1990: 217ff). As interpreted by Mare: “Inkatha was, in part, formed to secure a regional base as a platform to launch into national politics. It aimed to secure that base through political structures and agents, and through the ideology of the ‘Zulu nation’. However, the costs of working within the system, and the extremes of co-operation with the apartheid state in defending privileges inextricably tied to the Bantustan and politicised ethnicity, were waiting to be exposed. That moment arrived when the extent of Inkatha’s involvement in the state’s ‘counter-insurgency’ strategy was revealed. This involvement went beyond the ‘normal’ integration demanded of participants in apartheid. Inkatha had (eventually – *my insertion*) chosen to cooperate with the most vicious agents of the ‘total strategy’ set in place by P.W. Botha” (Maré, 1992: 101–102; 1994: i).¹⁵⁹

¹⁵⁹ For the effects of violence on local level in KwaZulu-Natal consult Liebenberg and Westcott (1998: 1, 7).

Although initially not intended, the end result was that Inkatha was pulled into the “total strategy” in such a way that it became a partner in strategic, but highly unconventional, intervention such as covert training and use of Inkatha trainees as vigilante forces (such as the Caprivi 200)¹⁶⁰. This serves as but one illustration of how oppression, militarised activities and authoritarian approaches in South Africa interfaced with a militant vision of liberation and led to countrywide violence.¹⁶¹

4.2.2. In the aftermath of apartheid: the debate on truth and reconciliation

Given the legacy of apartheid, it was to be expected that some or other procedure would have to be found to deal with the events of the past (Asmal *et al.*, 1996; Boraine, 2000; Duvenage, 1992, 1995; Motala, 1995; Van Roermund, 2001; Liebenberg, 1992).

As the crisis and the conflict in South Africa deepened, morality in politics was relinquished. All sides dirtied their hands in the struggle for political supremacy.¹⁶² The ANC and PAC argued that given the immense repression by successive apartheid governments and strong-armed tactics of the regime, resistance was justified. To uphold the structures of apartheid – which was declared a crime against humanity by the UN in 1973 – actions taken by the apartheid security forces with political intent resulted in terror and death among freedom fighters and civilians. In the struggle for liberation, political counter-action similarly resulted in the death of “upholders of the apartheid state”, “collaborators” and “impimpis”, but also of innocent civilians. The violence invoked by the apartheid state (structural violence through social engineering apart) overshadowed that of the liberation movements. Consequentialist ethics would justify such violence, and many of us in favour of the struggle for liberation did so at the time. Rule morality or principled ethical supporters in turn would have problems with violence committed by both sides. For them the perpetration of violence by whatever side or interest groups was in principle equal to violence – violence is violence is violence. As indicated elsewhere, these debates fed into the discussions on amnesty and the future rule of the ANC. Kollapen argues that, given the post-election scenario of nation building, a

¹⁶⁰ The Caprivi 200 were trained by South African Security Forces for VIP protection of Inkatha leaders but instead became involved in violence against activists.

¹⁶¹ The Malan trial highlighted how partner organisations were used until as recently as 1992 to destabilise political opponents and to “level” (read *unlevel*) the political playing field in favour of the incumbents, namely the South African government and the National Party. However, the Inkatha-ANC (also Inkatha-UDF) feud goes back some years. For more detail, see Kentridge (1990), Mare (1992) and Mzala (1988). Their insights also illustrate how the IFP was manipulated into upholding the apartheid system.

¹⁶² See “How many Third Forces, South Africa?” (Schutte, 1994: 49ff; Schutte, 1998: 9ff).

government of national unity and national reconciliation, the focus should be on “healing”.¹⁶³ “It follows therefore that there has to be a diagnosis of what transpired, why it transpired and ultimately who was responsible. The history and the interests of all South Africans would certainly demand nothing less” (Kollapen, 1993: 1–2). Kollapen’s conclusions correspond with the conclusions of observers/witnesses to transitions from authoritarian rule to democracy in other countries, notably in Latin America and Africa.

While Kollapen (1993) concurred with indemnity as agreed upon by the ANC and the South African government at the Pretoria Minute and thereafter (as embodied in the 1990 Indemnity Act), he strongly criticises the Further Indemnity Act (Act No. 151 of 1992).

For him, the reasons for resistance against the promulgation of the 1992 act are fivefold:

- (1) the indemnity was at the discretion of the then State President, F.W. de Klerk, *vis-à-vis* the implicit meaning of the 1990 act of a representative of a democratically elected interim government or a government of national unity that should have the discretion;
- (2) the process was secret, as there were no public hearings;
- (3) no reasons had to be furnished for processing indemnity applications and granting them;
- (4) the Act’s wording was open to wide interpretation; and
- (5) it could indemnify people who acted under apartheid-state orders and thus amounted to self-imposed amnesty (Kollapen, 1993: 6–7).¹⁶⁴

Furthermore, this act also contradicts international measures for addressing past human-rights transgressions in recent times. In short, the act amounted to unilateral immunity given by the incumbents to themselves and their security/military forces for human-rights violations during

¹⁶³ The intricacies, but also the problematic context, of nation building in South Africa is addressed in more detail in Rhodie and Liebenberg (1994), *Democratic nation-building in South Africa*. In this book a range of scholars addresses the impact of such a process on the legal, economic and military structures. An interesting contribution by Boraine questioned the “two-nations” theory (also sometimes referred to as “bi-communalism”) advanced by a South African historian, Herman Giliomee, since the Dakar meeting in 1987 (Boraine, 1989: 2–3. See Giliomee’s argument at the time in the same publication.) The current head of state of South Africa, President Thabo Mbeki, who as leader of the ANC delegation attended the Dakar Conference where Giliomee was present, took up Giliomee’s notion rather uncritically and in different format. He articulated the two-nations concept as that of “a rich white nation” versus a “poor black nation” in South Africa. At the risk of another hyperbolic statement, I suggest that such conservative discourse on two-nation notions survived from apartheid times and transformed itself into the newspeak of the current government. More recent works exploiting quantitative approaches and highlighting the complexities of nation-building are those of Gibson and Gouws (2003) and Klandermans, Roefs and Olivier (2001).

¹⁶⁴ A newspaper referred to it as a “charter for crooks, murderers and thieves” (*Weekly Mail*, 4 December 1992). While these words are harsh and arguably impulsive, they reflect the widespread dissatisfaction with the “second indemnity”.

apartheid.¹⁶⁵ Kollapen contends that not only was the state of the time illegitimate, but the Further Indemnity Act of 1992 also viewed the fight-against and the fight-for apartheid in the same light. Kollapen argues that the maintenance of apartheid was “qualitatively different” (read: *criminal*), and that the two struggles cannot be equated. Kollapen’s argument is supported by Janet Cherry in her reflections on the SATRC report. However, Cherry, in defending the ANC against the accusation of “gross human-rights violations”, implicitly cautions about possible pitfalls in such argumentation and its longer-term consequences (Cherry, 2000: 26–27).

Kollapen’s arguments ring true. No look at history can be a denial of history. A non-representative and unaccountable process would serve few, and would definitely not enhance democracy. Yet, the rule-moralistic point of view also holds water. It states that human-rights abuses remain human-rights abuses, regardless of whether they occur in the course of liberation or in the upholding of an unjust system. Therefore, the abuses are not qualitatively different and they should be treated as such. This was, for instance, the approach taken by Bishop Desmond Tutu (see Tutu, 1999). Tutu received much support for his approach though many that supported the liberation struggle were inclined to view the violence committed by the liberation movement as of less consequence when compared to apartheid transgressions of human rights. I found myself in favour of this view. At the same time it was difficult not to have admiration for the stance of the “Arch” who was a vocal and principled critic against apartheid and its implications. The exact tension that individuals experienced between these two positions was to be carried into the SATRC when it started its work.

In due course, different viewpoints about truth and reconciliation emerged. Kollapen points out that Zimbabwe did not have a TRC and effectively drew “a line through the past” after its war of liberation or what was called in Zanu the *Chimurenga* (Kollapen, 1993: 2, citing Carver). The result was a general amnesty in Zimbabwe that “allowed a culture of abuse and impunity to permeate the security structures”. Unfortunately, little supporting evidence is given (Kollapen, 1993: 2). At the time, Duvenage argues in “The German *Historikerstreit* and its implications for South Africa”, that South Africa was faced with “an enduring and endemic” silence emanating from the National Party and its culturo-politico satellites with regard to apartheid and its horrific legacy (Duvenage, quoted in Liebenberg, 1992: 14). Duvenage suggests collective mourning, following Mitscherlich, as one way to deal with the past, and constitutional patriotism as a reconstructive vision for the future (Duvenage, 1998:

¹⁶⁵ In Argentina, the military also declared what amounted to a self-amnesty (Varas, 1989).

366 ff; Liebenberg & Duvenage, 1995: 7–8, 10–11; Liebenberg, 1992: 15). Kollapen points to a spectrum of options for a new representative government, ranging from Nuremberg-type trials to qualified or full amnesty (Kollapen, 1993: 4ff).

Let us consider at this point the different options in dealing with the past that faced South Africans, given that South Africa experienced a mixed mode of political transition that resulted in a government of national unity; a negotiated interim constitution, and the pending release of a redrafted constitution negotiated by the various stakeholders.

4.3. What to choose? Different approaches

By 1992 six options for dealing with apartheid, guilt and retribution seemed to be open. They were:

- (1) Nuremberg-type trials;
- (2) general or qualified amnesty;
- (3) moral tribunals – like Argentina’s or Chile’s TRC;
- (4) formal legal processes through which perpetrators of state violence are brought to trial in cases where involvement in violence, murder, torture and large-scale destruction of property by political figures, police, the military leadership or members of the intelligence community can be proved beyond reasonable doubt;
- (5) forgive-and-forget approaches;
- (6) mixed approaches – in other words any of the above options combined with others.

The above-mentioned *six options* available to South Africa at the stage of entering the status of a democracy through negotiated transition, should not be confused with the *four approaches* or typologies (even while sharing some generic traits) that were used by countries in the aftermath of large-scale abuses of human rights during an oppressive period identified earlier (see Chapter 2). The options South Africa had were real as possible choices that confronted the post-apartheid citizenry – oppressed and oppressors alike (The typology or four approaches that I developed subsequently was constructed after 1992 to facilitate analysis of post-authoritarian choices and not relevant at the time.)

4.3.1. Nuremberg type trials

Only the first approach, namely a Nuremberg-type trial, was unlikely. The transition was negotiated by incumbents and contenders (the new incumbents-to-be) after a political

stalemate.¹⁶⁶ There was no victor or vanquished, which made the imposition of this option unlikely. The apartheid regime, for example, had the tacit support of the USA (through “constructive engagement”) and the UK, despite lip-service to sanctions. It was unlikely that the UN Security Council would have attained a yes vote for any form of international tribunal against apartheid political and military leaders.

South African incumbents at the time had relatively large sections of the South African community on “their side”: the majority of the white community, sections of big business, some elements in the so-called coloured¹⁶⁷ and Indian communities and Bantustan leaders, as well as Inkatha in Natal. All of them resisted such an approach. In South Africa the perceived influence of the military that could resist – even “arrest” – such a process was another factor.

The international community implemented this measure against Nazi war criminals because of their consistent acts of aggression in and outside Europe, war crimes and crimes against humanity. The mechanisms of truth commissions were not yet known at that time (TRCs are a recent phenomenon – only known since 1974; see Hayner, 1994).¹⁶⁸

In South Africa, while there are many comparisons with the history of Nazi Germany, the situation differs. The South African government and the National Party, although seen by

¹⁶⁶ A political stalemate in my view in the South African case should not be confused with a military stalemate. Despite contention by some, the South African state was not crumbling, nor the military near defeat. The South African military may have been forced to withdraw after the battles of Cuito Canavale, but was still in a powerful position. So were the other security agencies. The military wing, MK, of the ANC was not effective enough in toppling the South African state and even less so the armed wing of the PAC, APLA which was far smaller and even less sufficient. International pressure, internal differences and the state of the economy facilitated what could be described as a political stalemate, which led to talks about talks, negotiations and eventually a negotiated transfer of political power. Should that not have happened a siege society, increased militarisation and violent resistance against that could have lasted for years longer.

¹⁶⁷ Race was, and still is, a sensitive issue riddled with controversy in South Africa. I use “coloureds” and “so-called coloured” interchangeably. Under apartheid many coloured people referred to themselves as so-called coloured to prove the point that racial classification forced them into a distinct category. Others referred to themselves as coloured or bruinmense (brown people). However, the majority, in resistance to apartheid laws, preferred the terms South African or black. The adjective “so-called” has a special meaning for me. I would – and do so frequently – refer to myself as a so-called white. My colour or race under apartheid and the post-apartheid government is imposed by racial classification (the ANC government retained racial categories on its official documentation instead of doing away with it in favour of principled non-racialism). Thus, reference to a so-called white is a denunciation of imposed racial categories that are still upheld in South Africa today.

¹⁶⁸ Pricilla B. Hayner points out in a valuable study, entitled “Fifteen Truth Commissions – 1974 to 1994: A comparative study”, that truth commissions are a fairly recent phenomenon. She also points out that “although they have become increasingly popular, they are still relatively understudied” (Hayner, 1994: 598). As a minimal definition of truth commissions she applies the following: “Truth commissions are bodies set up to investigate a past history of violations of human rights in a particular country – which can include violations by the military or other government forces or by armed opposition forces” (Hayner, 1994: 600, my emphasis).

many – even the majority of South Africans – as illegitimate, existed as “legal” and power-holding entities and entered the protracted negotiation process as such. Objectively, the incumbents, even as a minority regime, were not “defeated”, though a political stalemate opened the way for negotiation (Friedman, 1993; 1994; Liebenberg, 1996; SATRCR, Vol. 1, 1998: 5). The ideology of apartheid was based on *racial exploitation* rather than *racial extermination* in contrast to Nazi policies, the German colonial genocide against the Herero in *Deutsch West Afrika*, Polpot’s actions in Cambodia or the genocide in Rwanda (1990s).

There was no foreign power that attained victory or orchestrated a victory over defeated peoples, and the conflict situation rather resembled a civil war without a conclusive military defeat. As such, the option of Nuremberg-type trials, even if favoured by some within the ranks of the ANC and the PAC, was unviable (Kollapen, 1993: 4; Liebenberg, 1992: 14–15). A greater awareness among black South Africans of the need for reconciliation and *ubuntu*¹⁶⁹ has conceivably also played a role in the move away from Nuremberg-type trials (Tutu, 1999: 10ff; 24ff; 34–36; SATRCR, Vol. 1, 1998: 8; RSA, 1995: Act 34: 801).¹⁷⁰

Should the government have been defeated in a protracted civil war with active intervention by other states, Nuremberg-type trials would have been an option, especially since the government was seen as illegal by the contenders and also because apartheid was declared a crime against humanity in 1973 and perceived by some as a potential threat to international peace.

4.3.2. General or qualified amnesty

Qualified amnesty was granted to protect ANC personnel who were to return to South Africa following the Pretoria Minute and resultant talks. This amnesty was embodied in the 1990 Indemnity Act. In 1992 the F.W. de Klerk government extended this amnesty to members of the security forces of the apartheid state, and by implication past politicians. “The South African government had its own idea of reconciliation and dealing with human rights abuses. It has to this end put into place the legislative mechanics which make it possible for the granting of amnesty and indemnity on an individual basis for offenders. Its effect will be very much the same as the granting of a general amnesty” (Kollapen, 1993: 4).

¹⁶⁹ Ubuntu: To be a person through other people, thus recognising “the other” as part of oneself.

¹⁷⁰ The word *ubuntu* actually appears in Act 34 of 1995 as an alternative to retribution. *Ubuntu* implies being a person through interaction (with other people). It implies an accommodative/caring community. The fact that it was mentioned in the act is noteworthy.

The Further Indemnity Act of 1992 was promulgated amid great controversy in November 1992. Its preamble read: “AND WHEREAS it has now become necessary, in order to provide reconciliation and peaceful solutions, from time to time to grant such persons further indemnity against arrest, prosecution, detention and legal process or the release of such people who have already been sentenced ...” (Kollapen, 1993: 5).

The act provided for it that any person who committed an act with political intent and whose release might promote negotiations and peaceful solutions, might benefit from its provisions. The operative phrase “act with a political objective” had the widest possible application: it included any act or omission which had been advised, directed, commanded, ordered or performed (1) with a view to the achievement of a political objective; (2) for the promotion or combating of an objective or interest of any organisation, institution or body of a political nature; (3) with the *bona fide* belief that such objective or interest would be served; or (4) with the approval or on the instruction or in accordance with the policy of such an organisation, institution or body, or in reaction thereto.

In terms of this act, the State President established the National Council on Indemnity, whose function it was to advise him on the granting of indemnity. The State President was not, however, obliged to act on the advice received. The members of the National Council on Indemnity were appointed by the State President and consisted of three judges of the Supreme Court, all white and all male, remarked Kollapen. The State President had total discretion as to the identity and number of members appointed and they remained in office at his pleasure. The sittings of the council were in camera; the deliberations of the council were not published; neither were the names of those persons who had applied for indemnity. After the granting of indemnity or release of a prisoner, such a person’s name, the date on which release or amnesty was granted, and, in the case of indemnity, the act with a political objective in respect of which the indemnity had been granted had to be published. It remains unclear to what extent this included information such as the names of the victims and the identity of whoever commissioned the act in respect of which indemnity was granted.

Kollapen argues that the implications of the act were as follows:

- (1) The issue of indemnity or release was in the sole discretion of the State President;
- (2) The entire process of applying for indemnity or release and the mechanisms to effect it were secretive. No provision was made for victims of human-rights abuses or interested parties to place their case before the State President or the National Council on Indemnity;

- (3) The State President was not obliged to furnish reasons for the granting or the refusal of an application;
- (4) The public at large was not entitled to receive any information relative to the process of indemnification or release apart from the formal information referred to above; and
- (5) The definition of an act with a political objective was so wide that it covered virtually all human-rights abuses, including murder, torture and disappearances.

In Kollapen's words: "There is in this regard little doubt that the Act will probably be successfully invoked by, amongst others, the still unnamed killer(s) of Matthew Goniwe and his comrades, the assassin(s) of David Webster as well as Brian Mitchell, the police captain convicted in the Trust Feed Massacre.¹⁷¹ The Act makes it possible for the government to indemnify members of the security forces who acted under government command and instructions in committing atrocities. In addition the State President could conceivably indemnify present and past members of his Cabinet and indeed himself. The Act equates the actions of those that fought and resisted apartheid with the actions of those that engineered, sustained and supported apartheid" (Kollapen, 1993: 4-5).

Kollapen continues: "The Act is nothing more than an attempt on the part of the government to create a mechanism whereby it can forgive itself and those acting under its command, instructions or authority for the grossest of human rights violations" (Kollapen, 1993: 4-5).

The act and the way it was implemented was strongly reminiscent of the *Punto Final* legislation in which the Argentinean military introduced a self-amnesty when it became evident that they were to leave office in favour of their democratic opponents. The South African Further Indemnity Act was criticised nationally and internationally. After it was rejected in one of the houses of the tricameral parliament, the government had to refer it to the appointed President's Council and it was rammed through as part of statute law.

A host of bodies within civil society in South Africa expressed their dissatisfaction with the content of the law and the way in which it was implemented. Lawyers for Human Rights (an association critical of apartheid and advocating a return to the Rule of Law) are on record as saying that such a law amounted to general amnesty and was unacceptable.

¹⁷¹ The Trust Feed Massacre took place in Hanover, Natal. A house was attacked by SAP and Natal special constables. Eleven people died, none of them combatants, in fact not even activists. The officer in command of the attack, Capt. Brian Mitchell, was found guilty (for more detail consult Coombe, 1998).

They gave preference to a commission of truth and reconciliation as established in Chile.¹⁷²

Public debates and political developments – perhaps also public preference – brought South Africans to debate the notion of a moral tribunal as embodied in the Promotion of National Unity and Reconciliation Act (Act No. 34 of 1995).

4.3.3. Morality and moral tribunals: A TRC

Following the pathway of Argentina, Chile and Uruguay (the latter to a limited level as Uruguay's commission never attained the same international status or levels of acceptance as its Latin American counterparts) was mooted. Debates in the media vacillated between the different options, with the TRC option gaining ground and eventually acceptance, though the agreement was what some may call part of a compromise between contenders and incumbents during the negotiated transition in its first phases. Eventually this option held sway and became the chosen one (SATRCR, Vol. One, 1998: 6, 104). One of the motivations for such a choice was the argument that “The call to punish human rights criminals can present complex and agonising problems that have no single or simple solution ... subtle and dangerous issues that can divide a country when it undertakes to punish its own violators” (Judge Marvin Frankel quoted in the SATRCR, Vol 1: 6). The SATRC also explicates its choice of a truth commission rather than forgiving and forgetting. Bygones could not be bygones (SATRCR, Vol. 1: 7).

4.3.4. Formal legal process for perpetrators of state violence, murder, torture and large-scale destruction of property when proven beyond reasonable doubt

Some, the researcher among them, argued in favour of the fourth option (Liebenberg, 1992: 15). Some public figures, among them Mrs. Winnie Mandela, also argued in a similar vein (*The Star*, 24 August 1995). This option was abandoned as the debate about justice and transition developed both inside and outside South Africa. The argument for a TRC, largely along the lines of the Chilean example, won the day (see among others the arguments in the SATRCR quoted above).

At the time, however, there were those who continued to argue for such a formal legal process. Victoria Mxenge's family, the late Steve Biko's family and some leaders of the

¹⁷² Issues concerning amnesty at the time are discussed by among others Christie (2000), Laurence (2001), Loots (1996) and Motlala (1995). I found the work by Kollapen crisp and concise.

Azanian People's Organisation (AZAPO) held that a formal legal process would be the preferable way to deal with apartheid crimes. So did the mother of Anton Lubowski, the SWAPO human-rights activist who was assassinated in Namibia in 1989. In August 1995, Mrs. Winnie Mandela, in her capacity as president of the ANC Women's League, said that former South African presidents P.W. Botha and F.W. de Klerk should be charged for crimes committed under apartheid and heavily punished if found guilty. "To forgive them is for me the equivalent of racism", she told a meeting of the South African Students' Congress (*The Star*, 24 August 1995).

If the arguments of those who advocated this pathway had received more public support, the South Africa of today, one may speculate, would have looked different (internal criminal proceedings may have led to the imprisonment of several top military and police commanders and possibly several politicians. [The death sentence was unlikely because in 1990 a moratorium was declared on the death sentence, which was prohibited by the new constitution.]

Perhaps such trials would have served as a "cleansing ritual" and thus undercut feelings of retribution – which are still manifest today. Or would it have led to right-wing revolt and further strife?

At the time, the attempts by AZAPO and others to question the validity of the SATRC on the grounds that "it takes away the rights of citizens to find redress in courts in situations where they were grossly wronged" received attention in some debates, but finally had to give way in favour of a TRC approach (Terreblanche, 1995: 16).

Barney Desai of the PAC stated the following with regard to such a commission: "The cries of torture and abuse still ring in our ears. The fallen are deeply etched in our collective memory. The millions who were forcibly removed from their homes remain bewildered and disorientated. The abused know their abusers and they are now the accusers. They seek justice, they seek retribution for the atrocities committed against them ... (South Africans) would be living in a fool's paradise if we believed that merely telling the truth will end human-rights abuses by the security forces that are steeped in the most atrocious practices ..." (Desai, quoted in Boraine, Levy & Scheffer, 1994: xii–xiii).

Desai further contended that, while the PAC would support the establishment of a commission to investigate human-rights abuses, it was important that "the violators be named

and put on trial. It is imperative that justice is seen to be done” (Desai, quoted in Boraine, Levy & Scheffer, 1994: xii–xiii).¹⁷³

While the SATRC continued its work, some people were indeed put on trial, e.g. Eugene de Kock and Wouter Basson. No single senior National Party politician was put on trial, with lower ranking officers like Eugene de Kock bearing the brunt and carrying the can for their masters.¹⁷⁴

One would be forgiven for speculating whether the one-sided amnesty declared by the ruling National Party government was not only a step to protect the National Party leadership, but also a strategic move to influence the public (debate) not to opt for a formal legal process against violators of human rights. Somewhat provocatively, one may ask whether the moratorium on the death sentence declared by De Klerk was not also related to averting an internal legal process aimed at the previous apartheid leadership.

4.3.5. “Forgive and Forget”- simply, “No steps to deal with the past”

In this case, as in the case of Spain or Portugal, no steps were contemplated to deal with a past oppressive regime. Following transition to democracy, the main aim became restructuring of the political system and economic reconstruction. In the case of Portugal, for example, the drain on the national budget through continued war waged against liberation movements in Guinea Bissau, Mozambique and Angola necessitated a return to economic reconstruction to cater for the backlog created by the previous authoritarian regimes of Salazar and Caetano.

¹⁷³ The demand “that justice is seen to be done” is not necessarily inconsistent with *ubuntu* (community-centred tolerance and *medemenslikheid*). *Ubuntu* means tolerance, but is not devoid of an ethics of justice. Justice on its part is not devoid of retribution (see Sindane, 1995: 12–13). This argument is not peculiar to the philosophy and praxis of *ubuntu*. Van der Merwe (1996: 8) argues: “The work of the commission (TRC) is only part of a comprehensive process of restitution and the healing of society ... It must take into account the needs of those that have not reached a state of mind ready to forgive, and who demand retribution in theological as well as legal terms, people who have a need to see that justice is done. The Truth Commission cannot achieve healing and reconciliation if it denies the role of punishment as a form of redress in the process.”

¹⁷⁴ De Kock was sentenced to more than 200 years in prison – which indicates that others had to carry the can for politicians who refused to accept responsibility for their actions. In October, Eugene de Kock, who started his studies in journalism in prison, started writing for an Afrikaans tabloid, the *Son*. His first article in a series was published on 14 October 2005. There is little doubt that this series will unearth quite a lot about corrupt and power-hungry politicians and senior officers who tried to hide behind other “culprits” (like Eugene, dubbed “Prime Evil” by the media). At the time of his court hearings, the Afrikaans media were remarkably silent about the contradiction of a police officer being sentenced to years in jail while no single top politician, i.e. Ministers of Police and Defence, persons involved in biological and chemical warfare research or for that matter the President(s) of South Africa under apartheid, was treated in the same way.

I have already mentioned the choice made by the incoming government in Zimbabwe not to deal with the past. In retrospect this choice did allow for levels of impunity with regard to what happened soon thereafter, when government forces suppressed dissidents in Matabeleland opposed to the Mugabe government. Whether this approach also allowed the perception of continued impunity for President Mugabe in his recent dealings with political opponents remains an open question.

The SATRCR, though, argued the option of “let bygones be bygones” was “rightly rejected because such amnesia would have resulted in further victimisation of victims by denying their awful experiences” and that “Those who forget about the past are doomed to repeat it” (the words emblazoned on the gates of the concentration camp at Dachau). Dealing with the past was knowing what happened (SATRCR, Vol. 1: 7).

4.3.6. Mixed approaches

A mixed approach was followed in the Netherlands, Italy, Denmark and France (following the WW II) and Rwanda following the genocide. In this category any of the above approaches can be combined. It may occur because of internal pressures changing circumstances, revenge or external pressure or evolve on the way as public opinions change.

Chile, for example, had a TRC but steps to extradite Pinochet, the exiled dictator, were also taken. Argentina brought military leaders to court and sentenced them while deploying a TRC. Rwanda opted for the *Cacaca* process, an international tribunal and some internal criminal court cases.

4.4. The SATRC: A case among cases

The South African version of a TRC did not develop in isolation (so unique we are not!). Rather, it was the result of an internal and international discussion on how to deal with the past during the transition to democracy following authoritarianism and repression – a transition that one hopes will lead to the consolidation of a young democracy in South Africa.

Between 1974 and 1994 15 countries (among them Bolivia, Argentina, Uruguay, Uganda, Chile, Chad, Rwanda, and El Salvador) had to deal with their past by means of appointed or commissioned bodies (Hayner, 1994: 597–598).

I will take a look at countries that did or did not take steps to deal with their history of oppression. Regarding those that did not take official steps to deal with their past, I will refer to Namibia, Spain and Zimbabwe. Regarding those that did (attempt to) deal with their past of oppression through TRC approaches, the argument will entertain Argentina, Chile, Nigeria and Rwanda (I will also reconsider some of these cases, especially Rwanda, later in chapters to follow).

4.4.1. No official steps to deal with the past

Namibia

Some will argue that the case study of Namibia is somewhat problematic, because an occupying force illegally occupied the country and subsequently left in its entirety. I argue that the withdrawal of the occupying force was not the only matter to consider.

Namibians were deeply divided on a political (and some say ethnic basis), with SWAPO mostly supported by the population in the north of the country. Seegers in her important work on the military in the making in modern South Africa, reports that in 1982 30 percent of troops deployed in Namibia and Angola formed part of the South West African Territorial Force (SWATF) and were thus Namibians. White Namibians born and bred in the territory were conscripted into the SADF. So were many people of colour. “Ethnic battalions” consisting of Namibians also played an active part in the war. They were organised into so-called ethnic battalions, i.e. 21 Battalion, 61 Battalion, 62 Battalion and 101 Battalion. The majority of these people/soldiers remained in Namibia or returned there after their military service or studies at universities. By 1989 SWATF counted 30 000 men or roughly 72 percent of the forces deployed at any given time (Seegers, 1996:221). Needless to say, this deepened cleavages in Namibian society. SWATF was seen as part of an “occupation force” bent on the destruction of legitimate opposition (Du Pisani, 1988: 7; Gottschalk, 1988: 500). The South African government’s use of Namibia as a springboard to launch cross-border activities, “pre-emptive” strikes or hot-pursuit (*hakkejag*) operations in which SWATF was used did not improve the situation. SWATF with its Namibian members was deployed against SWAPO guerrillas and cadres – in some cases causing civilian casualties among others (the attack on

Cassinga being one example).¹⁷⁵ In effect Namibians were deployed against their own people in the South African attempts to neutralise or destroy SWAPO.



Vehicle destroyed by landmine, Sector 10 in the vicinity of Onayena, northern Namibia.
Source: Author's archive.

¹⁷⁵ Cassinga involved the largest airborne operation undertaken by South Africa in Angola. For the South African military and its political leadership it was a “resounding military success” and Cassinga a legitimate military target. For SWAPO and the international media it was a massacre that caused the death of numerous civilians. There is little doubt that civilians bore the brunt of the massive attack. Future research will have to demonstrate where the truth lies. Cassinga Day is today celebrated as a National Day in Namibia.



SADF propaganda poster against SWAPO. Note the men on horseback, the trampled guerrilla, and hammer and sickle. Posters distributed circa 1980 in the operational area, Namibia (author's archive). By 1989, the men on horseback had left Namibia ...

Parts of the population were openly against South African occupation, yet were equally vociferous in their condemnation of SWAPO. The Democratic Turnhalle Alliance (DTA) is one example of this. The DTA itself was internally divided, with some in favour of and others wary of further occupation. The Turnhalle experiment had little success. It was tainted with apartheid and excluded SWAPO. Large parts of the so-called Bastards (or Rehoboth Bastards) were equally wary of SWAPO and entered the first free elections with their own distinct political party. Hence, even after the departure of the South African frontier army – as Du Pisani referred to it – some divisions remained. However, these differences did not lead to violent conflict and seem unlikely to do so in the future. An observer later referred to the case of Namibia and “its missing TRC” as a “dog that did not bark in the night” (Saul, 1999). Saul critically also points out that “a policy of national amnesia” was partly caused by “the SWAPO leadership’s uncomfortable awareness of the skeletons in its own closet ...” (Saul, 1999: 3).

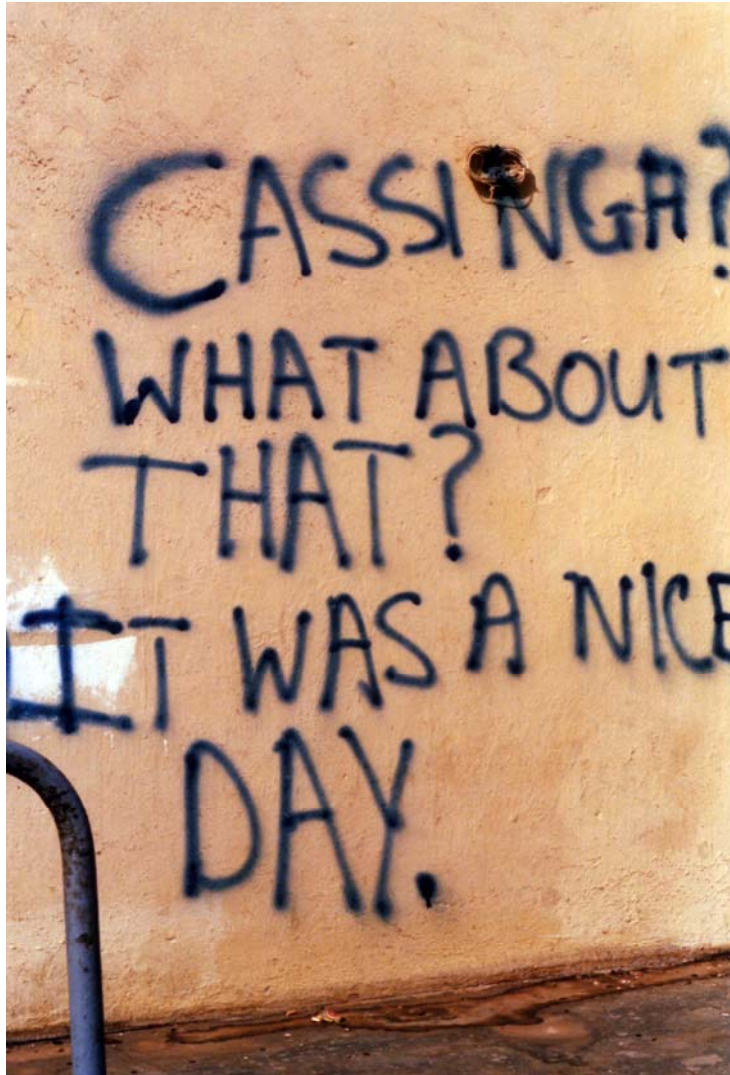
SWAPO as a liberation movement also incarcerated what was believed to be informers or counter-revolutionaries. The resistance by a minority of Namibians to these actions of the

SWAPO leadership and SWAPO's military wing, the People's Liberation Army of Namibia (PLAN), is described by Beukes *et al.* (1987). Some theorists observe the same realities (Dobell, 1997; Saul, 1999). It has to be mentioned though that SWAPO's incarceration of dissidents, combined with whatever abuses took place, is dwarfed in numbers by the deaths caused by SADF and SWATF operations in Namibia and the more or less continuous presence of these forces in Angola.



For some the battle of Cassinga (Operation Reindeer by the SADF) was a well executed airborne and ground operation preceded by a massive airstrike. For others it was a massacre of civilians of which there were about three thousand in and around the town. Up till today the number of guerrillas killed is disputed while little information is available on the number of civilians killed.

Source: Cuban Military Archives, 2007.



A different perspective on Cassinga as held by others. Graffiti on a wall at the entrance to Katatura, Windhoek on the eve of the first free elections in Namibia, 1989.

Source: Author's archive.

Given these complexities, even after the occupying army left, SWAPO adopted a cautious approach to reconciliation. "In the government's considered opinion, resurrecting the past would serve no constructive purpose. A successful transition, it was argued, required co-operation between former enemies. Delving into past injustices would only incite a desire for vengeance and distract a still fragile nation from the paramount tasks of reconstruction and development" (Saul, 1999: 2).

The year 1989 became a historic milestone for Namibia. A cease-fire, beginning in April, heralded the end of a drawn-out war between the occupying South African security forces and

SWAPO/PLAN. After one-person-one-vote elections in 1989, following the implementation of UN Resolution 435, Namibia became independent in 1990, having elected a constituent assembly and written a constitution.

The legacy of the war was ominous. Namibian exiles totalled 75 000. Hundreds of Namibians fought and died on both sides. While some became combatants for PLAN, others were recruited by the colonial force to bolster the defence of the colony against the liberation army. South African security force units such as Koevoet, a mobile counter-insurgency unit, for example, became notorious for their vicious activities (Cliffe, 1994: 24).

The Namibian government chose not to deal with the past by means of a commission of truth. Other reasons that could have contributed to the Namibians not dealing with the past by means of a truth commission include the fact that similar commissions had yet to come into existence in Southern Africa (Angola was caught up in a civil war, Mozambique was slowly moving away from one, and Zimbabwe did not set up such a commission after the Smith regime departed from the corridors of power). In the rest of Africa, it was only Uganda that attempted to unearth the truth through two government-sponsored commissions – in 1974 and 1986 – but the reports of these commissions were far from complete and contested – and above of all never released (Hayner, 1994: 618–619). In a panel discussion, Nabudere made it clear that in effect Uganda had no such commission (Nabudere, 14/08/2003). He also suggested that such a commission would have had value for Ugandans (Nabudere, 14/08/2003).

Chad opened a commission by presidential decree in December 1990 to look into “Crimes and Misappropriations Committed by Ex-president Habre and his Accomplices and/or Accessories”. By the time Chad announced its commission, Namibia was already independent, preparing for reconstruction, economic development and regional elections. Rather, it was left to historians to (re)write the history of oppression and the story of liberation in Namibia (see Cliffe, 1994: 13ff; Gupta, 1990: 13ff).

Spain

Du Toit (1994: 64) points out that a recurring problem for the new democratic governments in Spain, Brazil, Argentina and other countries was how to deal with the legacy of political atrocities and human-rights abuses committed by the previous military and/or authoritarian regimes. Moreover, different countries, given different political contexts, acted differently.

As in South Africa, there was no overthrow of power or a complete military defeat in Spain (Colomer, 1991; Royo, 1994). However, problems tended to arise in the negotiated and incomplete transitional process. “[T]he quest for justice in transition had to be tempered by the need to consolidate a still insecure democracy” (Du Toit, 1994: 64).

Du Toit points out that in Spain, one of the more successful recent transitions to democracy, the issue of dealing with abuses of the past was, by tacit agreement, kept off the national agenda during the transitional period and in its immediate aftermath. Placating the right wing and the still-influential military elite enhanced democratic consolidation. The death of General Franco left Spanish society without the initiator of the dictatorship and might have assisted “collective forgetfulness” and a focus on consolidating a democracy in a country where communities demanded separate autonomies. The Spanish economy, compared to other European economies, was at the time also in need of increased growth, which may have detracted from an imperative to punish past rulers. The new government was also aware that the need to consolidate democracy and to enhance economic growth would take a lot of energy. The international debate on truth commissions was also not very advanced in 1977, thus having little or no impact on the Spanish internal political debate.

What Colomer calls elements of “transition by cooperation”, “agreed reform”, “controlled opening and collapse” (Colomer, 1991: 1291)¹⁷⁶ may have played a role in this choice.

Zimbabwe

Kollapen quotes Richard Carver’s article, “Zimbabwe: Drawing a line through the past”, to point out that the new Zimbabwean government opted for not unearthing the history of oppression under the Smith regime (Kollapen, 1993: 2). According to Kollapen: “Carver concluded that ‘it [general amnesty] allowed a culture of abuse and impunity to permeate the security structures’. Many observers were surprised by the ease with which former Rhodesian personnel worked side by side with Zimbabwean nationalist guerrillas (1993: 2).

One of the less important reasons why the “truth could not be disclosed” in Zimbabwe was the large-scale destruction of security files just prior to the hand-over of government to the

¹⁷⁶ In his analysis of what he calls transitions by agreement with Spain as a case study he also deploys insights from other cases, among others Argentina (1983), Brazil (1982 – 1985), Chile (1989 onwards), Greece (1970s) and Uruguay (1983 – 1984) efficiently (Colomer, 1991: 1297 ff). Constitutional changes in Spain’s transition are dealt with by De Villiers (1993) and Royo (1994).

new authorities. More importantly, there was very little international debate that penetrated discourse in Africa on how to unearth the truth. Consequently, the responsibility to (re)write the history of oppression and resistance was left to Zimbabwean historians (see, for example, Johnson & Martin, 1981).

After President Mugabe came to power in Zimbabwe, resistance to his government developed in the Matabeleland region of the country. The government dealt harshly with resistance. According to church and human-rights organisations, approximately 1 500 civilians were killed in the resultant state action against “dissidents” (Hayner, 1994: 617). In 1985, two years after the Matabeleland debacle, a commission of enquiry was established. However, the government neither published the report, nor admitted to the killing of large numbers of Zimbabwean citizens, or committed itself to compensate the aggrieved (Hayner, 1994: 617). Moreover, strict security legislation, for some reminiscent of Ian Smith’s Rhodesia, came into being and the two-party state evolved into a one-party state headed by Mugabe, his rival Josiah Nkomo being sidelined.

The actions of the Zimbabwean Defence Force in Matabeleland were not only to undermine Mugabe’s magnanimous and widely quoted speech at independence when he encouraged Zimbabweans to forget the past and embark on a policy of national reconciliation (Ndlovu-Gatsheni, 2003: 23). It also alienated support from ZANU-PF. But, perhaps most important for the purposes of this study, it was to set a precedent that undermined CMR and civil control over the military, resulting in human-rights transgressions that still occur in post-colonial Zimbabwe (Ndlovu-Gatsheni, 2003: 23, 26, 28–31).

As observed by Kagoro (2003: 7): “Any (future) solution to the Zimbabwe (situation) will have to achieve a delicate balance that will have to include economic and political exigencies, on the one hand, and justice and reconciliation concerns on the other”. But Kagoro was writing in 2003. His article was published 13 years after Mugabe came to power uttering reconciliatory rhetoric. If a negotiated settlement between contenders should now be reached – say between 2007 and 2009 – the position will be that Zimbabwe has choices. (In fact Zimbabwe after the Lancaster Agreement had the same choices ...). Will the choices translate into a government enquiry into past violence – even if a negotiated settlement is achieved? Is there a reason to justify a TRC-like process, given what happened in Matabeleland and since then? Or should Zimbabweans forgive and forget after the demise of Mugabe? Mogobe Ramose, a philosopher in exile during the 1980s in Belgium/the Netherlands argues that forgetting about the past is problematic, if not a betrayal of reality. “(To) forget about the past

is the main message of acquisitive and extinctive prescription (from the West – my insertion). The problem with this message is that it makes an unequal and unjust demand. The conqueror is asked to forget about the past on the understanding that the benefits of conquest in an unjust war shall accrue exclusively to him. On the other hand the conquered is asked to forget about the past on the condition that they renounce their right to seek a remedy to the injustice of conquest in an unjust war” (Ramose, 2001: 17).

Ramose’s argument comes close to the arguments of South Africans sceptical of a TRC. What if only the victims tell their story? What if there is no revenge, compensation, or reconciliation? What if the new and old elite agree not to enter criminal charges against each other? What if people over a broad spectrum want to punish the previous elite, or those that govern now, without due respect for the lives of their citizenry? What if one unjust war, the opposite of *justum bellum*, evolves from or is manipulated into another (the same applies to one unjust government that replaces another, even if the incumbent claims justice for all – and then diverts from its promise).¹⁷⁷ Mogobe’s argument should be weighed up against the forgive-and-forget approach taken by a new regime, the incumbents to the new house of power politics.

I mentioned that political personalities can play an important role in choices made about reconciliation or retribution. In South Africa P.W. Botha and Magnus Malan demonstrated that political leaders, if powerful enough – even if they are not charismatic – can influence the choice between peace or war, accommodation or exclusion, oppression or democratisation. The role of political leadership in building accommodative societies or launching communities into civil strife is discussed in detail by various theorists (Van Wyk, 2007).¹⁷⁸

¹⁷⁷ In her contribution to a democratisation study Botha (1996: 163) argues that there are common factors between Senegal, Namibia, and South Africa. Firstly, a dominant party won the first free elections. Secondly, these countries to an extent represent “Presidentialism”, that is, the political system that evolves places great value on the personality of the leader. She remarks that such leaders are frequently seen as popular, charismatic and father-like figures (with some qualifications she added at the time [1996] Robert Mugabe of Zimbabwe). Thirdly, and closely linked to the phenomenon of Presidentialism, is that the first elections revolved to a great extent around the personalities of these “founding fathers” (Botha, 1996: 163). In the above cases – and I include Mugabe here – the importance of leadership should not be underestimated. I agree with Botha that workable political systems cannot be sustained by leadership/ presidents alone. Somewhere the inculcated values of democracy and the accommodative praxis by leadership and civil society should become the living practice and shared attitude of the citizenry in an evolving democracy. If not, fault-lines will develop; Zimbabwe and the USA are recent examples where executive leadership slowly but surely undermined the values of democracy and the rule of law.

¹⁷⁸ Literature on the role of leadership in politics and the negative or positive results of such leadership is not new. See among others Migdal (1988), Keren (1988) and Dror (1988, 1990). In South Africa the issue received some attention (see Van der Merwe & Liebenberg [1991 and 1992], Liebenberg & Lortan [1993, 1996] and Liebenberg [1992, 1994]).

In the case of Zimbabwe the questions remain: Have “social reconciliation/ accommodation” and human rights protection been achieved since 1980? Was the choice against a TRC type process at all beneficial? The verdict is still out. I will return to this in more detail later in this chapter.

4.4.2. Steps taken to deal with the past

Argentina

Argentina was the first country in Latin America to throw off colonial despotism when it rid itself of Spanish rule in 1810. In 1883 the country adopted a liberal constitution. *Habeas corpus* formed a constitutional element of the Argentinean constitution (Guest, 1990: 12). It seemed for some years that the country and its people were finding themselves in a restless, sometimes emotionally laden, but stable democracy. Things were to change.

Argentina experienced military rule five times between 1930 and 1983.¹⁷⁹ The coup by Videla and associates in 1976 was for many people but one more when the new junta took power (Guest, 1990: 5, 12). Between 1930 and 1976 Argentina experienced 30 years of military rule, out of 46 years of government (Guest, 1990: 12).¹⁸⁰ One has to mention that between 1930 and the Videla coup the military grew in influence and power in both politics and the economy and a widening gap between civilians and the military evolved (Guest, 1990: 12 – 13).

The coup of March 1976 saw the overthrow of the government of Isabel Martinez de Peron. The stated intention of the military government was to “stabilize the economy and to suppress leftist subversion” (Fraser & Weissbrodt, 1992: 605). Argentina became the quintessential praetorian society. The ruling junta embarked on a *proceso de reorganization nacional*. The system implemented by the military was to produce a “new” Argentina without socialist

¹⁷⁹ A political scientist, Jordan (later Kirkpatrick), described the Argentinean situation in 1971 as ‘neither democratic, nor totalitarian’ (Guest, 1990: 13–14).

¹⁸⁰ The military seized power in 1943, 1955, 1962, 1966 and 1976. USA political scientists glibly referred to Argentina and others as “coup-prone” countries, as if Latin American countries were unable to conceptualise and implement democracy – “as if Latin America was somehow incapable of true democracy” (Guest, 1990: 5). It was at a time that modernisation theory dominated in North America, following the growing collective delusion that only the USA has the gift of living, understanding and exporting “its” democracy. For many the analysis presented by conservative modernisation theorists was the only working analysis (read: “true perspective”): Developing countries are coup-prone (read: less civil), modernisation theorists argued. Perhaps military rule is the best way for these types of states to go – with the added benefit that military leaders’ loyalty could be bought off in the perceived East-West conflict, as the USA frequently did, I suggest.

perversions. The military's "dirty war" (or *guerra sucia*) against leftists resulted in roughly 9 000 "disappearances" (read: *extra-judicial executions, deaths and persons "eliminated from society"*), which predictably eventually provoked first public outrage and subsequently resistance (Zagorski, 1994: 424).¹⁸¹

Argentina experienced grave human-rights abuses between 1976 and 1983 as the "dirty war" ravaged the civil community.¹⁸² While Argentina is relevant to this discussion, other Latin American countries, such as Chile, Uruguay and Paraguay, also experienced military rule. Mendez (2000: 127) rightly remarks that "although Latin America had witnessed repressive governments, the cycles of revolutions and repression in the 1970s and 1980s had exceeded – in number of victims and the quality of atrocities committed – everything the region had seen before" (see also *Nunca Mas* [English: Never Again], 1986: xii ff).

By 1980 the military regime in Argentina was already in difficulty. The rulers placated international bankers and supported a free-market system (both unpopular and probably unsuitable to Argentinean circumstances). Like apartheid South Africa, the leadership in Argentina placated international advocates of the free market and kept borrowing money from them. By 1976 foreign debt had risen from \$9 billion to \$43 billion (US). Interest rates rose by 30 percent and the real income of the salaried sector fell by 40 percent. Despite oppression and torture, resistance continued.

In March 1982 the Argentinean junta, already under threat of an economic collapse, took a gamble. Perhaps its members relied on the spirit of the Argentinean people to follow them in retaking the Malvinas (a group of islands occupied by the British in 1833 and known to the British public believing in their colonial "rights" as the Falklands ever since). Perhaps the junta hoped to divert attention away from growing trade union activity despite harsh oppression inside the country, or perhaps the military despots after a successful visit of Gen. Galtieri to the USA, where he dined with the US Secretary of Defence, Caspar Weinberger in 1981, was convinced that the USA saw Argentina as a friend and ally, not a proxy.¹⁸³ Whatever the reasons for the attempted re-taking of the Falklands from Thatcher's Britain apart from a spirit of nationalism, the war turned out disastrously for the ruling junta. Despite

¹⁸¹ Ramon Torres Molina, a civil-rights lawyer, himself jailed for seven years, estimated that up to 20 000 or 30 000 people could have disappeared in the *guerra sucia* (Putnam, 1994: 104). The civil-rights movement Grandmothers of Plaza de Mayo is still gathering data about those who disappeared.

¹⁸² For this study I interviewed an Argentine exile living in South Africa. See Chapter 6.

¹⁸³ The apartheid government was to discover, like the Argentinean junta, that in dealings with the USA proxies should not be confused with friends or allies – especially when called friends publicly or privately by US political leaders.

the junta's strategic evaluation that Britain would not tolerate a violent confrontation, the hawk-like British Prime Minister Margaret Thatcher did go to war and retook the occupied Malvinas from their rightful owners (compare Guest, 1990: 335, 336, 339 ff). Thatcher took a gamble too. In Britain Thatcher's privatisation programme was highly unpopular and the British economy not as strong as expected. Going to war was for her one way to divert attention away from home-town unpopularity – and perhaps regaining that popularity.¹⁸⁴

Despite their resistance and the Argentinean air force pilots with obsolete aircraft inflicting “one of the darkest days in the history of the Royal Navy” (Cicalesì & Rivas, 2007: 30)¹⁸⁵, Argentina lost the war and with it the military lost the gamble. Following defeat in the Falkland/Malvinas War, the position for the Argentinean military became untenable (Du Toit, 1994: 64). The ill-fated Falkland/Malvinas debacle led to a military commission of enquiry and court martials for senior generals (Zagorski, 1994: 424).

In 1983, following free elections, a democracy under President Alfonsín re-emerged. Among one of the final acts of the military government, shortly before its demise, was the announcement of the *Documento Final* (Final Document) that amounted to the promulgation of self-amnesty for military staff involved in human-rights abuses. This law, also known as the “national pacification law”, made it impossible to punish anyone regardless of the nature of the transgression (Varas, 1989: 49). The national pacification law shared some characteristics with South Africa's 1992 amnesty: It was one-sided, it was promulgated by the outgoing political leadership, it was aimed at the protection of military and security personnel that were involved in human-rights transgressions and there was no public debate on it. *Ipsò facto* it also protected politicians that tacitly or openly supported the wide-scale perpetration of human-rights transgressions. Post-authoritarian Argentineans thus faced similar problems at the time to those South Africa was to face some years later.

The new democratic government under President Alfonsín had to deal with the legacy of the “dirty war”. As Varas puts it, the end of the military regime left human rights in the arena of civil-military confrontation (Varas, 1989: 54). Among others, the new ruling party repealed the military's self-amnesty through a nearly unanimous vote. Many senior military staff were

¹⁸⁴ In my view Thatcher and Blair as political leaders of what is portrayed as opposition parties (the Conservatives and the Labour Party) in the UK share at least one communality: One may regain popularity or become part of political posterity by taking “one's” citizens to war – even if close to half of the population disagree/express sincere doubts. A military junta and colonisers as mirror images?

¹⁸⁵ The Argentinean pilots impressed the world. In a letter to the Argentinean pilots that flew in the war, almost against outrageous misfortune, Pierre Clostermann states: “Never in the history of war since 1944 did pilots have to face such overwhelming odds” (Cicalesì & Rivas, 2007: 34).

dismissed, retired or forced to take up other positions (Varas, 1998: 55–58). Court cases against more than 800 officers were instituted (Varas, 1989: 56).

The new government appointed a commission of inquiry to investigate and expose the organisation and methods of the Argentine security forces in the oppression period.¹⁸⁶ The *Comision Nacional para la Desaparicion de Personas*, or Sabato Commission as it became known, produced a detailed report on human-rights violations and the related systems of oppression. The Sabato Commission consisted of ten individuals who enjoyed “national and international prestige” and were chosen for “their consistent stance in defence of human rights and their representation of different walks of life” (Hayner, 1994: 615). The commission identified 8 961 persons who had disappeared between 1973 and 1983 and whose fate had not been ascertained by November 1984 (Fraser & Weissbrodt, 1992: 605).¹⁸⁷

The final report of the commission was forwarded to President Alfonsin in the second half of 1984, together with the names of 1 300 military officers implicated by testimonies received and research done by the commission. The report was published in 1986 as *Nunca Mas – Never Again: The Report of the Argentina National Commission for the Disappeared*, and scrupulously documented the fate of the disappeared.

Alfonsin decided not to publicise the names of the implicated security personnel, but the names were leaked to the press. The document raised high hopes among the Argentine victims, their families, church groups and Non-Governmental Organisations (NGOs). The government proceeded with the public hearing of leading military figures, which included key members of the military junta. Strong resistance from the military ensued. Three internal revolts by middle-ranking officers (April 1987, December 1987 and December 1988) forced the new democratic state to make concessions. These concessions included an end to trials of human-rights abusers and the appointment of a new military high command that was sympathetic to the rebels (Zagorski, 1994: 425).

Fraser and Weissbrodt point out that although hundreds of prosecutions were initiated, the *Documento Final* and the *Law of Due Obedience* during Alfonsin’s presidency ultimately

¹⁸⁶ Bolivia was the first Latin American country to establish a truth commission, just days after the return to democracy in 1982. Only disappearances were dealt with by the eight commissioners, while torture and illegal and prolonged detention were overlooked (Hayner, 1994: 613). Argentina and others then followed.

¹⁸⁷ The statistics provided by Fraser and Weissbrodt (1992: 605) differ from the Sabato Commission statistics by one person, namely 8 960. Fraser and Weissbrodt do not explain why.

created a condition that prevented action against some officers and other perpetrators of abuse (Fraser & Weissbrodt, 1992: 606). Perhaps the statement by August Varas best sums up the situation in Argentina towards the end of Alfonsín's rule: "This policy of 'pruning the Hydra' (the thousand heads of Argentine gorilismo) has its limitations. It is limited to the degree that punishment for brutalities during the dirty war is confined to the leaders of the three military juntas. The government's lack of resolve in pushing for the prosecution of the many persons implicated in the atrocities has had another consequence: it has provided the groundwork for an unusual civil-military coalition that (eventually) opposed the very idea of human-rights investigations" (Varas, 1989: 59). Guest remarks that "Argentina's new democracy has gone further than any nation to punish the military ... But has it gone far enough?", the author wonders (Guest, 1990: 6). Was Alfonsín right, is the question? "Is compromise the proper response to a crime so deliberate and gross as the disappearances?" (Guest, 1990: 6). Guest's moral question is important and touches the human soul and the ethics of being. The question, apart from his loaded rhetorical question on the ethics of punishment, has longer-term implications. It leads to another question: Will future steps taken to reconstruct a civil military and restrain hawk-like politicians in and out of uniform prevent a reoccurrence of such events? *Nunca Mas* in its recommendations had a lot to say about bringing the guilty to court, declaring abduction a crime against humanity (which in various previous conventions is implied already), and repealing of oppressive legislation (*Nunca Mas* [English Translation], Never Again 1986:446). The report did mention that there is a need to provide ample support for the teaching of human rights in state institutions such as the military, policing or reprofessionalising the security arms of the state, (1986: 446). The nagging question posed earlier in this study remains unanswered. Are single references to the need to subscribe to international conventions, without venturing into concrete proposals for future CMR, enough?

President Carlos Menem, who succeeded Alfonsín in 1989, pardoned the military officers and civilians who had been prosecuted. In December 1990, for instance, 39 military leaders who had been in prison since 1985 for acts of oppression in the "dirty war" were pardoned.

Some observers believe that the new democratic government should have been more resolute and swift in trying the military and security personnel involved in gross abuses. As time passed, the officers closed ranks and the new democratic government had to attend more to economic and administrative issues. "In the eyes of some observers, the Argentine attempt to achieve justice for past abuses had overreached itself, endangering the democratic transition and eventually forcing the civilian government to legitimise the self-amnesty of the previous military rulers" (Du Toit, 1994: 65).

Notwithstanding this criticism, the truth commission in Argentina was the first to receive widespread international attention and some look toward Argentina as an example to other countries searching for truth and justice in times of difficult political transition (Hayner, 1994: 614). While the commission succeeded commendably during the “truth phase” in unearthing and exposing the past, it fell short during the “justice phase” in dealing with the perpetrators of human rights abuses and in providing restitution for victims. Moreover, it lacked the foresight to address in more detail future CMR and civil control over the military.

Some positive results followed the release of the report even if no detailed recommendations were made. Attempted reforms that began under President Alfonsín, and were furthered by the Menem government, included downsizing of the military, changing doctrinal perspectives, professionalisation of forces and modernisation of the army. The result was that “it became illegal to engage in the surveillance of civilians or exercise governmental authority over them” (a defence law passed under Alfonsín made this a policy matter).

Furthermore, a civilian director was to control national intelligence and civilians were to be responsible for strategic planning and control of the defence ministry (Zagorski, 1994: 433). The net result was that the fears about the future of the military diminished (they still played a professional role), but they became less tempted to enter politics and were under civilian control. While this reprofessionalisation had positive effects, Zagorski, although tentatively optimistic, at the time warned that it was too early to predict the end results (Zagorski, 1994: 435). It seems that there are some lessons to be learnt here for South Africans about upholding democracy in future.¹⁸⁸

The military, if judged by one statement, learned something about the experience. General Antonio Balza of Argentina sums up the bottom line for military disengagement: “No more in political business! No more in politics!” (Putnam, 1994: 104).

¹⁸⁸ In social-democratic states, such as Denmark at the time, intelligence and surveillance were also policy matters – with checks and balances provided. For more detail, see Ravnborg in Minnaar, Liebenberg and Schutte (1994: 90ff).

Chile¹⁸⁹

Chile's political history has been marked by ebb and flow. However, these developments were mostly bloodless and marked by the absence of large-scale civil disturbance and civil war, while occasional violent altercations are not excluded (Oosthuizen, 1996: 37).¹⁹⁰ Between 1810 and 1830 seven presidents took office. However the 1812 constitution set a trend. Executive powers were balanced by the senate – so much so that one president attempted to dissolve it in 1822 (Oosthuizen, 1996: 38). A new constitution was written in 1833. This constitution established a firmer separation of powers and lasted for nearly a century – until 1925 (Oosthuizen, 1996: 38). It has to be mentioned that authoritarian trends in the executive in Chile were not absent. In the 1890s it led to bloody conflict. The 1925 constitution favoured a balance between the President and congress. This constitution allowed for far greater powers for the President, i.e., congress could not veto the President's choice for the cabinet (Oosthuizen, 1996: 38). Allowing a president so much power leverage was to invoke the atmosphere for a political precedent.

Allende, the socialist president, tried during his term (1970–1973) to deal with the predominance of landed estates, attempting to introduce policies that benefited the poor and landless/disadvantaged communities and a programme of nationalisation (Oosthuizen, 1996: 39–41). Labour unrest that coincided with the 1970s oil crisis and a strike by truck drivers – on many accounts with USA financial backing – were to worsen things (Oosthuizen, 1996: 42).¹⁹¹

Allende found himself under siege, having alienated the financial elite and upper middle classes and foreign indirect intervention. On 10 September 1973 a coup took place and a four-man junta constituted by the heads of the army, the navy, the air force and the police took

¹⁸⁹ For more detail, the reader is referred to Du Toit (1994: 63–69); Fraser and Weissbrodt (1992: 601ff); Aguero (1993: 130–135); and an article in the *Unisa Latin American Report*, 10(2), July–December 1994: 77–78, entitled “Chilean journalist speaks on the Truth Commission”. Manuel Cabieses, editor of the activist Chilean weekly, *Punto Final*, pointed out that civil society strongly supported the struggle against oppression. Three groups were particularly active: (1) human-rights orientated lawyers, many of whom acted courageously; (2) the Catholic Church; and (3) families of the victims who acted in an organised way. For an excellent insider-outsider (or participant-observer) perspective, see Gabriel Garcia Marques, *Clandestine in Chile: The adventures of Miguel Littin*, 1989, Cambridge: Granta Books.

¹⁹⁰ Chileans frequently referred to their earlier experience as a “proud democratic history” (Oosthuizen, 1996: 38).

¹⁹¹ During 1970 and 1973 the USA through the Central Intelligence Agency (CIA) spent approximately \$8 000 000 to destabilise the economy of Chile, aimed at the collapse of Allende's socialist government (Oosthuizen, 1996: 43; Keen, 1984: 337).

power. Allende was killed in the course of the coup (Keen, 1984: 339–341; Oosthuizen, 1996: 44). Civil liberties were suspended, congress dissolved, left and centre parties suspended or outlawed, union activities banned and strikes prohibited. Thousands of Chileans were to be jailed, tortured and killed in the years to come – even abroad (Keen, 1984: 339ff).¹⁹²

It is said that Pinochet “was always a profoundly authoritarian figure who soon prevailed over less undemocratic rivals” (Philip, 1985: 139). If this statement is true, Pinochet shared interesting communalities with Francisco Franco, Benito Mussolini, J.B. Vorster and P.W. Botha.¹⁹³

If Pinochet was authoritarian in his presidential rule – not unique to authoritarian societies – his rule shared generic tenets with top-down governments across the globe and the attitudes of their leaders/elite. Pinochet had the support of right-wingers (some would say, as Philip [1985] “semi-fascists”), and I would argue a percentage of “Liberals” (who still advocate today that society is about *merit, security, private property* and eventual equity – equity as term here not to be confused with equality. No liberal leader anywhere commits him/herself to pronounce when equality will prevail over equity). In Chile, as in Argentina and elsewhere, these ruler types privileged their intelligence organisations despite the rivalry between the intelligence bodies and security advisors, and the main element of support was predictably “civilian”, the financial elite (on Chile see Philip, 1985: 139–140).¹⁹⁴

Authoritarian states survive on autocrats, but no autocrat comes into power and remains in power without the support of the financial movers and shakers, formal and informal intelligence structures and the leadership/command of a close-knit group of insiders – call them the elite if you wish.¹⁹⁵ Chileans were to experience this, with the logical consequences. If one criticises the state, one is counted and registered as such. If one acts as opposition (even if not involved in violence or taking up arms) one has become the enemy and liable for elimination or ostracism from the “good order”. The effect over time was a rule that aligned itself with the electric prod, the fists, the sinking of bodies into a silent river and extracting the

¹⁹² Compare also Arriagada (1988).

¹⁹³ With reference to the statement above, if J.M. Coetzee’s *Waiting for the Barbarians* is to be extrapolated, it would bring us in this case to “sociologically imagining” leaders such as Ronald Reagan, George Bush (Sr), Tony Blair, Bush (Jr), Idi Amin Dada or the pigs in the well-known *Animal Farm* of Orwell.

¹⁹⁴ Another common characteristic shared with apartheid South Africa’s National Party and its AB advisors and the financial sector.

¹⁹⁵ It is argued that Pinochet’s rule became very personal, like that of most authoritarian rulers (Philip, 1985: 141). South Africans in my view experienced this in increasing degrees, starting at the latest with John Vorster and then P.W. Botha.

teeth of opposition or subversives. It leads to painful death, not of a society but within a society. It spells the end of human equality, free bodies and human conduct within or outside the country (in South Africa it became the rule of the rubber bullet, the Casspir, the “permanent removal from society” of activists and “liberal” critics suggesting a farewell to apartheid [*Afskeid van apartheid*] and in parliament some questions carefully phrased about the possible abuse of power).

Ruling elites (always, it seems) have some support. If the support is not from the internal population and the internal support in time declines, they usually have sponsors. In the case of Chile support was provided to the elite and the ruling politicians. One analyst noted that the Central Intelligence Agency, with authorisation from the US Secretary of State, spent \$8 000 000 in a US budget of two and a half years (1970–1973) to destabilise the Chilean economy. The funding was meant to lift a “Marxist leader” from government (Oosthuizen, 1996: 43). For Chileans some action following Pinochet and his associates’ rule was to be considered, if not imperative. This was to lead to a TRC. The TRC exercise that followed in Chile achieved international recognition.

“Compared to the failed Argentina efforts to achieve both justice and truth and compared to the counter-productive Uruguay attempts tacitly to avoid dealing with the past, the Chilean case proved considerably more successful. In part this was because some valuable lessons had been learned from these comparative experiences” (Du Toit, 1994: 66). Of similar opinion is Agüero (1993: 131ff).

Patricio Aylwin took office as the new Chilean president in 1990, ending almost 17 years of military dictatorship under General Augusto Pinochet (Fraser & Weissbrodt, 1992: 601). As in Argentina and Uruguay, the military coup that brought Pinochet to power in September 1973 initiated an era of political repression, human-rights violations and the increasing polarisation of Chilean society.

One of the first actions of the Aylwin government was the appointment of the Chilean National Commission on Truth and Reconciliation or *Comision Nacional para la Veridad y Reconciliacion* (also referred to as the Rettig Commission, after its chairperson). The specific brief of the commission was to establish the truth regarding alleged torture, human-rights abuses and disappearances (Du Toit, 1994: 66; Fraser & Weissbrodt, 1992: 601).

The founding decree of the Rettig Commission stated: “Only on the basis of the truth, will it be possible to satisfy the basic demands of justice and create the indispensable conditions for achieving an effective national reconciliation” (Fraser & Weissbrodt, 1992: 601). An important imperative was that the commission serve national reconciliation by truth telling and the pursuit of “justice insofar as possible” (Fraser & Weissbrodt, 1992: 602).

In selecting the committee, care was taken not to appoint a commission with an apparent political bias. Eight respected human-rights figures were selected.¹⁹⁶ This signalled that the commission was likely to do its work in good faith and as far as humanly possible without bias.

The commission worked for nine months to investigate the 3 400 cases brought to it. Of these, 2 920 fitted its mandate. The commission, staffed by over 60 members, covered each case extensively. Hayner is of the opinion that it was one of the most thorough truth commissions at the time (Hayner, 1994: 621–622). The report of the Chilean National Commission on Truth and Reconciliation eventually consisted of 1 350 pages and comprised two volumes. One outlined the personal particulars of many hundreds of victims. Individual perpetrators were not named, yet in some cases dossiers were provided to civil authorities (Du Toit, 1994: 66). In the report 2 115 individuals are mentioned who were subjected to human-rights violations and 164 persons who were “victims of political violence” (Fraser & Weissbrodt, 1992: 618).

The report also dealt with “Family and Social Effects of the Most Serious Human-rights Violations”, and devoted the last part to “Proposals for Reparation”, “Prevention of Human-Rights Violations” and “Truth and Reconciliation”.

Subsequently, a law passed by the Chilean congress in 1992 granted compensation to families of victims mentioned in the Rettig Report.

Attention was also paid to preventative measures such as the following:

- (1) Modifying Chile’s national laws to conform to international human-rights standards;
- (2) Assuring the independence of the judiciary;

¹⁹⁶ Frazer and Weissbrodt go into detail about the selection of the eight-person committee and their background. Prominent human-rights personalities were appointed (Fraser & Weissbrodt, 1992: 612, 616ff).

- (3) Making sure that security forces respect human rights; and
- (4) Opening a permanent office for an ombudsman to protect citizens from human-rights abuses.

In assessing the committee, Fraser and Weissbrodt find that it “kept its primary focus on the victims”; that it compiled meticulous chronologies of the abuses; and, through great effort, obtained authoritative information (Fraser & Weissbrodt, 1992: 620–621). For Mendez (2000: 131) the Rettig Commission was distinctive because of its efforts to document every known case and give each family a detailed description of what transpired (read: “an individualised truth”) ¹⁹⁷. Mendez also mentions that this commission inspired others with some success, such as in El Salvador, Nicaragua and Guatemala (Mendez, 2000: 131). In El Salvador it was not so much a home-grown exercise but a UN experiment of “taking over a sputtering process ... that produced a truth commission (Mendez, 2000: 131 – 132).

Du Toit (1994: 66) argues that some of the other reasons for its success were its bi-partisan composition, the limited terms of reference (mostly tied to the issue of “disappearances”), its limited duration (it had to report in nine months), state resources at its disposal, and the support of the newly-elected civilian president. The thorough and strong legal tradition in Chile, according to Hayner, also contributed to excellent data-gathering because detailed records were available in many of the cases (Hayner, 1994: 621).

The Rettig Commission “represents an important step in the evolution of commissions of inquiry about human-rights violations”, and other countries such as those in “Central and Eastern Europe, Mongolia and South Africa can learn from it” (Fraser & Weissbrodt, 1992: 622). In qualification they also point out that circumstances may differ and that depending on political constraints, countries and governments can “modify their approach to achieve the desired truth, justice and reconciliation” (Fraser & Weissbrodt, 1992: 622).

When the report of the commission became known, President Aylwin appeared on national television, accepted responsibility and apologised to the victims on behalf of the state, an act that made Du Toit remark: “Chile, much more than Argentina, and Uruguay, had managed to

¹⁹⁷ If Mahmood Mamdani’s criticism of the SATRC is to be seen as universal, his argument would probably be that the Chilean commission (and by implication that of Argentina) did not go far enough. It stemmed from a compromise. It rightly attempted to deal with the past and procured the right to a new political system but limited itself to an individualised approach presented as a collective approach and sidelined the vast majority of the disadvantaged by smaller-focussed lenses (*limited angular optics*), namely the perpetrators of human-rights violations and victims, which constitute the majority of a disadvantaged community (Mamdani, 2000: 176, 177, 180, 181–182, 183).

settle some accounts from the past in a way which actually contributed to national reconciliation” (Du Toit, 1994: 66).

The commission can be recommended both in its “truth phase” and in its “justice phase”, and leaves scope to serve as a model – or at least a launching platform – for other countries that are to embark on a similar process. Against this background, a look will be taken at the South African truth commission.

Related to the research problem that I am trying to address, especially some areas addressed in the report were of value, viz:

- (1) Making sure that security forces respect human rights; and
- (2) Opening a permanent office for an ombudsman to protect citizens from human-rights abuses. The context within which the military was to operate in the future was that of a constitutional democracy, an independent judiciary and related action to affirm human rights in the future. It remains to be said, however, that also in Chile the military-held influence amounted to what Rial referred to as an “underground actor” (see, among others, Agüero, 1989: 92 and Kaplan, 1999).

4.5. Closer to home: The South African Truth and Reconciliation Commission

4.5.1. Legislating the SATRC

The promotion of the National Unity and Reconciliation Act (No. 34 of 1995), assented to on 19 July 1995, was meant “to provide for the investigation and establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from 1 March 1960 to the cut-off date contemplated in the Constitution” (RSA, Act No. 34 of 1995: 801). The latter was suggested as 8 October 1990. The Commission was to look into actions by the oppressive regime inside and outside South Africa.

The spirit of the act that established the SATRC (Act No. 34 of 1995: 801), it was said, was underpinned by the interim constitution (then called the Constitution of South Africa [Act No. 200 of 1993]) as a historic bridge between a divided society, rife with civil conflict and new attempts at building a post-apartheid non-racial and democratic society.

At base it was “necessary to establish the truth in relation to past events” (including motives for and circumstances within violations of human rights took place; reconciliation and reconstruction (as implied in the 1993 Constitution; to facilitate understanding rather than vengeance, reparation but not retaliation, ubuntu, not victimisation (Act No. 34, 1995: 801).

The act set out in detail the relevant committees such as the SATRC, a Committee on Human Rights Violations, a Committee on Amnesty and a Committee on Reparation and Rehabilitation. Chapter 1 provided the interpretation and application of the act (including the terminology used), Chapter 2 explicated the TRC’s objectives, functions and the powers of the commission, Chapter 3 dealt with the investigation of human-rights violations (Act, 1995: 815 ff); in Chapter 4 amnesty mechanisms and procedures were set out. Chapter 5, in accordance with the act and the establishment of different committees, their objectives and functions, dealt with reparation and rehabilitation of victims (which then and later was to become a long-standing debate). Chapter 6 dealt with the investigations and hearings of the commission, which were to take place in public, procedures for venues for hearings (to be determined by the Commission) the appointment of sub-committees, the status of witnesses and the powers to subpoena and search premises if necessary (Act, 1995: 836 ff). The issue of a limited witness protection programme was also addressed. Of importance was that the one-sided Indemnity Act passed by the De Klerk government (Act No. 35 of 1990, the Indemnity Amendment Act [Act 120 of 1992] was repealed. However indemnities provided under these acts were to remain in force (which understandably led to strong criticism from the public). There was one qualification, however: it was implied that such indemnities would remain in force for only 12 months (one year).

The Promotion of National Unity and Reconciliation Amendment Bill was to follow in the same year to clarify matters related to the text and to provide for related issues.

The commissioners met for the first time on 16 December 1995. The South African commission differed from other commissions in the following respects:

1. It was the first commission to be given the power to grant amnesty to individual perpetrators (in short the state provided a quasi-judicial process through the investigative tasks of the truth-seeking body);
2. In contrast to Latin American commissions the SATRC had the powers to subpoena, search and seize, which were much stronger than those of other commissions;

3. The South African Commission's hearings were to be in public, in contrast to the majority of other commissions held previously – also in Latin America – where proceedings were held in private/in camera;
4. Special hearings allowed for NGOs and other bodies to make submissions;
5. The SATRC was the first to implement a witness protection programme, even if limited; and
6. The SATRC was larger in budget and staff than any other preceding commission (SATRCR (Vol. 1), 1998: 48–49).

The cut-off date suggested in the act caused debate. Differences of opinion ensued about what period should be reviewed by the commission. Some people wanted the review to cover the three centuries since white settlers arrived from Europe (Meredith, 1999: 19). Others contended that 1910, when South Africa became a union, was an appropriate date. Union making was the moment when the land of “Boer against Brit” became the land of “Boer and Brit” to the exclusion of black people. It also set the stage for the exclusion of the limited representation of people of colour later on. Some made the rather obvious suggestion that 1948 when Afrikaners swept to power fuelled by nationalism and the AB influenced the ideology of apartheid would be an appropriate cut-off date.¹⁹⁸ Dates such as 1960 (the first state of emergency imposed by the National Party regime) and 1976 (the spread of rebellion and its suppression) were suggested (Meredith, 1999: 19).

Meredith asserts that “the debate about a truth commission was pursued at conferences, workshops and in parliamentary committees. Much attention was paid to the lessons learned from truth commissions that had been set up in Eastern Europe and Latin America, in particular Chile and Argentina, to deal with their difficult pasts. Foreign experts were invited to give their views on how South Africa should proceed. South Africans (somewhat optimistically he argues) became familiar with the words of wisdom from other lands: “Those who cannot remember the past”, warned George Santayana, “are committed to repeat it” (Meredith, 1999: 19).

The SATRC: a view of a senior commissioner

The *objectives* of the TRC, according to the interpretation of Boraine, a TRC commissioner (2000: 48–49) and vice chairperson of the commission, were the following:

¹⁹⁸ In my opinion 1948 as cut-off date made most sense.

- To establish, in accordance with the principles of international law and the Constitution, as complete a picture as possible of gross human-rights violations that occurred during conflicts of the recent past. These conflicts were clearly demarcated within a certain time span: acts which took place between 1 March 1960 and 5 December 1993, as well as their antecedents and circumstances, in order to achieve national reconciliation.¹⁹⁹
- To gather information and evidence that would make it possible to identify the victims by name and determine their fate and whereabouts. In this respect, the SATRC reflected closely one of the objectives of the earlier Chilean TRC. In short, to answer the question: “What happened to the victims?”
- Consequently, to recommend measures of reparation that would lead to the restoration of human and civil dignity of the victims of human-rights violations.
- To receive applications for amnesty and indemnity in terms of disclosure, and at any time to make recommendations to the President.
- To prepare a report that would contain the findings of the investigations conducted and offer objective information about what transpired during this period.
- To recommend legal and administrative measures to prevent future gross human-rights violations.²⁰⁰ The main interest in this study is focussed on this objective. The notion of a TRC, mooted as early as 1992, departed from the pre-amble of the Interim Constitution and was captured in the Promotion of National Unity and Reconciliation Act No 34 of 1995, and provides the framework within which the establishment and the mandate of the TRC must be understood (SATRCR, 1998: 48). “The Commission was conceived as part of the bridge building process designed to lead the nation away from a deeply divided past to a future founded on the recognition of human rights and democracy” (SATRCR, 1998: 48).

¹⁹⁹ Some may argue that the chosen time span (i.e. roughly from the time that the SACP, the ANC, the South African Congress of Trade Unions, the Pan-Africanist Congress of Azania and the Congress of Democrats were banned, and the beginnings of the armed struggle up to the advent of the first free non-racial elections) was chosen too arbitrarily, and does not deal with the hardships brought to bear on South Africans during the preceding colonial times, which also based white supremacy on segregationist politics, as did the subsequent Union governments from 1912 up to 1948. Nor does it address the Dutch or British colonial segregationist policies, or the Boer Republic policies and their outcomes. This, however, is not the place for this debate.

²⁰⁰ Note at this point that that it was to recommend such measures, not necessarily to suggest the exact ways and means how these measures should be implemented. In retrospect, this was a weakness that this study addresses.

Further *aims* of the TRC as summarised by Boraine (2000:48–49) were as follows:²⁰¹

- To return to victims their civil and human rights;
- To restore moral order;
- To record the truth;
- To grant amnesty to those that qualified;
- To create a culture of human rights and respect for the rule of law; and
- To prevent the violations of human rights of the past from ever happening again (The principle of “never again” or *Nuncia Mas*, as also striven for in the Chilean TRC, is echoed here).

Three specialised committees, one dealing with amnesty, one with violations of human rights and one with reparation to victims, were to be established and would operate under the TRC. The Committee for Human Rights Violations, the Committee on Amnesty and the Committee on Reparation and Rehabilitation were to be crucial structures in the workings of the TRC (SA Yearbook, 1999: 235). Provision was to be made for appropriate staff, administration and a budget to guarantee independence from government and ensure the capacity to perform its functions.

The cut-off date for amnesty would be 5 December 1993. The appointed Minister of Justice, Mr Dullah Omar, described the intent of the act and the commission flowing from it as follows in an interview in late 1994:

- (1) Nuremberg-type trials or witch-hunts were not the intent;
- (2) Neither was it suggested that individual action be taken against perpetrators of crimes in the categories of crimes committed;
- (3) The intent of the action would be to establish a TRC to enable South Africans to come to terms with their past. (“Reconciliation is not simply a question of indemnity and letting bygones be bygones. If the wounds of the past are to be healed, if a multiplicity of legal actions are to be refrained from, if future human-rights violations are to be avoided, disclosure of the truth and its acknowledgement is essential.”);
- (4) The tasks of the commission would include investigating and establishing the truth about human-rights violations and their acknowledgement. Gross violations of human rights should be fully and officially investigated with due regard to fair procedures. There should be both knowledge and acknowledgement, and the events need to be

²⁰¹ The distinction between *objectives* and *aims* as used by Boraine is not always clear, because of an overlap between the two concepts.

officially recognised and publicly revealed. The commission should perform its tasks and responsibilities on the basis of fair procedures, and adherence to international law relating to human rights must be ensured; and

- (5) Consideration would be given to the victims. (“It is the victims themselves who must speak. We need to think in terms of reparation or compensation. Whatever form it takes is difficult to identify at this stage. All we should do now is think in terms of legislation, create the criteria and set up the mechanisms.”)

The hope was expressed at the time that the legislation to be decided upon would be “broadly acceptable” (Omar in an interview with Lona McBlain, *RSA Review*, 7(4): 2–3). The TRC started its proceedings. In September 1997 the cabinet approved an extension of the SATRC by four months to complete its work. On 29 October 1998, the report of the commission was presented to former President Mandela. Although activities were then suspended, the Amnesty Committee, in view of the multitude of applications, was to continue its work and a report was later to be published as a sixth volume (SA Yearbook, 1999: 235).

In this section I will concentrate on possible lessons for South Africa emanating from the Chilean and Argentinean examples. Arguably, there are differences and similarities between South African and Latin American authoritarianism. One similarity is the important role that security agencies (including the military) played in the maintenance of power. However, in South Africa, even with bodies such as the SSC and its concomitant structures, final responsibility for repressive action taken by the military, the police and intelligence agencies rested with a civilian government that was elected within the parameters of a severely restricted democracy.

In Latin America, the authoritarian regimes were all military-ruled and they came to power through coups (for an excellent article on Latin American military coups and military rule, see Dix, 1994: 439–456). In South Africa there was no coup. Creeping praetorianism eventually resulted in a militarised society harnessed in a *bunker state* or what Lasswell referred to as a garrison state (see Cock and Nathan, [1989]) for more detail on militarisation of South African politics, political structures, policy-making and the economy).

The military and security agencies in South Africa were structurally brought into the maintenance of modernised racial domination by National Party politicians – i.e. civilians – and were initially reluctant about their role in upholding a political system. This does not mean, however, that there were not those who fulfilled these roles with enthusiasm.

Theoretically, disengagement from politics for the military should be easier in South Africa (the British regimental tradition and belief that armies and their professional leaders are not politicians, being a benefit) than elsewhere in Africa. (See Luckham, 1995: 49ff and 2004: 91ff, for the problems of military disengagement in Africa. Also consult Onwudiwe, 2004: 30–31.)²⁰²

As there were not many examples of African attempts at truth commissions at the time, the Latin American experiences dominated the international discussion. Leading ANC members such as Albie Sachs also visited Chile and looked towards the Chilean experience for possible clues on how to deal with the past. Other people who advanced the argument that the experience would be value in our context were Kader Asmal and Alex Boraine.

At the University of Western Cape interaction between ANC leaders that visited and/or studied the Chilean experience, such as Albie Sachs and Kader Asmal, after their return from exile, played a role to advance the Chilean experience as a lesson for South Africa. The Justice in Transition project established by Alex Boraine, former executive director of IDASA, and a conference held by IDASA in Cape Town in February 1994 on “dealing with the past” also played a major role in popularising the idea. The conference papers were published as *Dealing with the past: Truth and reconciliation in South Africa*, edited by Boraine, Levy and Scheffer, 1994. Interaction and debate between academics and practitioners such as Johan Degenaar, André du Toit, Lourens du Plessis, H.W. van der Merwe, Kader Asmal and theologians John de Gruchy, Frank Chikane, Mangaliso Mkatshwa, Barney Pityana, Dirkie Smit, Jaap du Rand, Johan Botha, Russel Botman and others perhaps also played a role in advancing the debate on a TRC – option.²⁰³ Not enough about this was published and research on such interaction is advisable.²⁰⁴

²⁰² The problems of discouraging authoritarian rule (the *democradura* problem) and need for transparency, however, also confront South Africans, and not only other African states, in our attempted “reprofessionalisation” of the military.

²⁰³ For religious justification of such a truth commission, see De Gruchy (1994) and Smit (1995). They were by far not the only theologians that advocated the TRC as an option. The extent to which Christian thought underpinned the TRC debate in South Africa is insufficiently studied.

²⁰⁴ A potential area for future historical and sociological research is the extent to which individuals propagated the TRC (and why). What were the “feeding sources” for such choices and what types of interaction and dialogue took place among those that advocated them? What relationships, experiences and views brought about their choice of the TRC option?

4.6. Theoretical concepts

A member of the Rettig Commission, José Zalaquett, provided a framework for the Chilean commission's work. In brief, the framework consists of a typology of situations in which repressive governments are replaced by democratic governments. The four options identified by Zalaquett all relate to the way in which military-controlled regimes/extreme authoritarian regimes give way to a process of democratisation leading to democratic rule. These categories are:

- (1) Situations in which there has been a clear victory over the oppressors with few political constraints (e.g. the Allied victory over Germany at the end of WW II);
- (2) A situation in which the defeated forces have lost legitimacy, but retained some control of the armed forces (e.g. Argentina, 1983 and Greece, 1974), which restrains the process of dealing with past abuses;
- (3) A situation in which military rulers allowed a civilian government to come to power, following negotiations or on their own terms. The former military force is thus still influential and does not suffer a lack of cohesiveness (e.g. Uruguay, 1984), which imposes constraints on how to deal with the past; or
- (4) A situation of gradual transition from dictatorship to democracy with the possibility of popular forgiveness in a society where human-rights abuses have ceased (e.g. Brazil).²⁰⁵

The reader will note that (2) to (4) above marked the process of transition to democracy in most Latin American countries. In Africa some countries had similar experiences. Nigeria at various stages experienced elements of the third option. Ghana's transition to democracy also reflects elements of the third option.

In many respects, South Africa resembles a combination of (2) and (3) above. While the regime lost legitimacy, it retained control over the armed forces. The military remained a "hidden" factor of influence during transition. This could have assisted in arresting the process of democratisation or failed to do so. The old regime in South Africa (with the not-so-hidden hand of the military as possible arresting factor) entered a negotiation process. The future was uncertain. The military played an important part. Arguably it had the power to influence the outcome of the process. Other factors came into the equation. Although the

²⁰⁵ A detailed analysis of the Zalaquett framework is available in Fraser and Weissbrodt, 1992: 612–615.

minority government was deeply unpopular and seen by many as illegitimate, it was a legal entity (the issue of legality) and it was a power-reality in the negotiated transition. This context played a role in future steps to be taken with regard to human-rights transgressions.

Zalaquett lists three conditions that must be met in dealing with a legacy of human-rights violations, viz:

- (1) The complete truth must be established in an officially sanctioned way, rendering an authoritative version of the events;
- (2) The policy of human rights must represent the will of the people and victims must be heard; and
- (3) The policy or actions taken by the commission or the state must not violate international law relating to human rights.

As a minimum, thus, the truth about what happened under the previous government must be unearthed. For the rest, a “get as much as you can” approach is suggested (Fraser & Weissbrodt, 1992: 614). The extent of prosecutions and punishment will vary from one political context to the next (the influence of the military, the will of the people, administrative capabilities and legitimacy of the new democratic regime and related political constraints being important here).

One has to remember that underlying democratisation and democratic consolidation are uncertainties, and a return to authoritarian rule is always possible. As Fraser and Weissbrodt state: “Fulfilling the maximalist demands of victims and human-rights organisations for punishment and revenge may not be worth the risk of a military coup, which might result in a return to repression” (Fraser & Weissbrodt, 1992: 614).

It is important to note at this point that Zalaquett is not suggesting as part of the aims (nor the outcomes) of a TRC process that CMR or civil (call it democratic) control should be addressed. This reinforces what was mentioned before, that TRCs should at least address the issue of civil control of the past with a view to preventative steps in future. Future TRCs should in my view interpret their mandates somewhat wider by addressing the need for civil oversight over the military or at the very least include some relevant policy pointers applicable to the country in this regard.

Observers argue that South Africa was going further than other countries that set up truth commissions (Hayner, 1994: 639 and Ensalaco, 1994. Also compare Gibson & Gouws, 1999: 501–502 and Amadiume & An-Na'im, 2000: 13ff).

In his foreword to the SATRCR its chairperson, Bishop Desmond Tutu, states that “The work of the South African Commission has also been far more extensive than that of other commissions” (SATRCR, Vol. 1, 1998:1). The South African commission is “the first example of a process officially opened to encourage public debate and input” (Hayner, 1994: 639). It was also not a commission by presidential decree such the commission set up by President (General) Sani Abacha’s National Reconciliation Committee in Nigeria (Amadiume & An-Na'im, 2000: 14). It is, in Du Toit’s words, a “uniquely democratic commission”, as it is the result of a multi-party negotiated constitution and went through an extended process of parliamentary hearings and a similar process of public debate and scrutiny (Du Toit, 1996: 6).

The SATRC was to have more powers than the Chilean commission – such as the powers to *subpoena*. However, even if a democratic process was followed and the establishment of the TRC entailed a lot of debate, a compromise was struck between a legal process to deal with human-rights abusers (or even Nuremberg-style trials) and “drawing a line through the past”. As such it was arguably an awkward compromise, and probably was not debated extensively enough, nor planned in advance in enough detail. This could have had a negative impact on the revelation of truth and the subsequent application of justice, not to mention issues pertinent to this research project.²⁰⁶

It seems that, in foresight (in planning and the composition of the commission), and in hindsight (the writing up of the report – inclusive of the minority report restating the case of the white Afrikaner oppressors – and in asking for post-commission inputs from the public), the SATRC failed to address the civil-military realm adequately. It also failed to provide pointers or concrete proposals in terms of civil control over the military – or for that matter – security institutions.

²⁰⁶ On a somewhat different, but relevant point, Madiume and An-Na'im (2000:13) following Mamdani, argue that the compromise character of the SATRC as an institutionalised process “turned a political compromise into a moral compromise, obscuring the larger truth to serve the purposes of the new regime. Such moral and intellectual compromise may backfire. South Africa needs a social debate if it is to face the harsh truth about the beneficiaries of apartheid”. I pointed out the need for a moral re-evaluation and historian’s debate earlier. This thesis is interested in stimulating the debate on future CMR where TRCs are at stake.

The argument above leads to further questions:

- Did the initiators and advocates of the TRC not realise the importance of civil control over the military and/or security process – even if the Chilean experience earlier arrived at some limited suggestions on the future sustaining of human rights and controlling the military?
- Did the initiators and guardians of the process, knowing that it was time-consuming and expensive, uncritically accept that the process in terms of the civil-military and civil-security realm was independent – or at least, not informative – to Chapter 11 of the South African Constitution? If so, why did the SATRCR not report on this important matter (at length)?
- The SATRC and the DRP started almost simultaneously. Why did they proceed independently without at least some sharing of insights and experiences?
- Did this dislinkage, if it happened by oversight or ignorance, fail to re-inforce the importance of CMRs in a new democracy (which I argue it did)? The constitution informs the leadership (new incumbents and agents of the old order) and the citizenry of the importance of constitutional constraints on security forces. The SATRCR, it seems, missed the opportunity to reinforce this important message and hence future practice.

The argument pertaining to the research question is that whatever other positive outcomes there may have been, the SATRC did fail in this important linkage. The reasons for it are less clear. Was the commission dominated by academics and theologians not able to imagine the value of this linkage or in anticipating the value of policy proposals in this realm? Were there people in leadership in the South African government (not necessarily the TRC commissioners) who were not allowing the whole truth to be unburdened? Were there reasons (say agreements between the old incumbents and the new incumbents) for focussing more on symbolic actions rather than concrete *foci* on the crux of sustaining democracy, namely how to prevent the military from becoming “political” or the politicians from becoming “militarised” to the extent that it undermines constitutionality and the nurturing of future human rights? (It certainly seemed true, at least in my view, that the compromise character of the SATRC prevented specific details from being unearthed about the role of the political elite and some actions sanctioned by them). Many more questions can be asked, and most probably will be, by future generations.

All questions, obviously, cannot be answered in a single exploratory work, but they need to be registered for future sociology, political science, criminology and historical research by

students and practitioners of military sociology and military history – perhaps also by anthropologists and political scientists.

4.7. Previous attempts at unearthing the truth in South Africa

Minnaar points out that previous government commissions of inquiry had proved “almost universally unable to establish the full facts, or some would say unwilling to ‘get to the truth’” (Minnaar, 1995: 1). Among others, this could be ascribed to the fear of people who could have come forward to lay complaints (compare the effects of internal oppression in Cock, 1990: 88ff, 93; Coleman, 1998: 43ff, 68ff; CIIR Report, 1988). Partly, it could also be ascribed to the limited mandates of the appointed commissions; or to the lack of enthusiasm of the then current government leadership of the time. The hawkish P.W. Botha had a stroke and was replaced by F.W. de Klerk, a rather conservative National Party member, previously viewed as a loyal apparatchik, who came to power through an unplanned palace revolution/internal coup d’etat). Also, this was perhaps because of tacit international pressure from core states such as the USA and UK that favoured a “relatively” peaceful transition rather than a government transition collapsing owing to untimely revelations by appointed commissions of inquiry. Or maybe it was due to the unwillingness of organisations that co-operated with the National Party regime, such as Inkatha, or partly because state bodies such as the SSC and the intelligence services refused to share (at the least, dragged their feet in sharing) relevant information with the commissioner.²⁰⁷ Lastly, the effectiveness of such commissions was undermined because of the opposition of organisations representing the new incumbents, such as the MDM, to the investigating bodies.

Following the claims of former police captain Dirk Coetzee about hit squads that operated from Vlakplaas, the McNally Commission was appointed in 1989. The commission found that the allegations of Coetzee and a colleague were unreliable and untrustworthy (Minnaar, 1995: 1). Yet, as subsequent revelations were to prove, many of these allegations turned out to be true (Minnaar, 1995: 1; Minnaar, Liebenberg & Schutte, 1994: 175ff).

The appointment of the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, or Goldstone Commission, followed. The Goldstone Commission suffered from the same drawbacks mentioned above. Its singular effect and subsequent findings led to

²⁰⁷ It is common knowledge that numerous vital security-related documents were destroyed before the hand-over of power. Some implied sources suggest that it may be several tons if not hundreds of tons (anonymous source).

the appointment of the Steyn Commission. As a result of the controversial Steyn Commission, 23 high-ranking officers of the SADF were “retrenched”. More critical members of the public suggested that they were “purged” because they did not form part of the “inner circle of government elite”²⁰⁸. Cynically put: they could easily be sacrificed, and doing so “proved” that the government was trying to get to the heart of the matter. In the words of an ex-serviceman, then a civilian: “Man, hulle was afskryfbaar sodat die ‘big Brass’ met hulle dinge kan voortgaan.”²⁰⁹ (They could be written off so that the big actors could follow their chosen ways). While this may have been an overstatement of the case, or a peculiar interpretation of the outcomes of the report, this perception existed among numerous members of the public.

The report was handed over to the Transvaal Attorney General. It stated that “no evidence at the time was found, with one exception, on which criminal cases could be instituted” (Minnaar, 1995: 4). Many stories remained untold, and there was no sign²¹⁰ of acknowledgement and recognition of past abuses.

Following allegations of ANC abuses of human rights, i.e. detaining and torturing dissidents, the ANC in 1991 appointed the Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees to investigate the allegations. In contrast with SWAPO in Namibia, which refused to engage the problems of struggles within the struggle (Beukes *et al.*, 1987; Saul, 1999), the ANC opted to confront the allegations of torture, murder and persons who had disappeared by instituting two commissions.

Hayner (1994) points out that the ANC was the first liberation organisation to venture in this direction. In contrast, organisations such as UNITA in Angola and ZANU-PF in Zimbabwe, following its war of liberation (Chimurenga), did not do something similar, although they all transgressed rights of compatriots in the struggle. In the case of Zimbabwe, Masipula Sithole demonstrates how “struggles within the Struggle” led to the death of Zimbabweans in the liberation movement(s). He dedicates his book, *Zimbabwe: Struggles within the Struggle*, to “comrades who have fallen on account of the Struggle and struggles within the Struggle” (Sithole, 1979: iii). He points out how ideological differences and differences on strategy led to the death of individuals. The work deals extensively with in-fights among the Zimbabwe

²⁰⁸ This view was confirmed by at least one person that I interviewed in the course of the study and several others during informal discussions.

²⁰⁹ Statement made by a person participating in an informal discussion at Eastwood Tavern, Pretoria (2002).

²¹⁰ One example is the edited work by Brian Rock entitled *Spirals of Suffering: Public violence and children* (1997). See chapters 4, 9, and 12. Two other informative works touching on the area discussed are those of Emmet and Buchart (2000) and Minnaar and Hough (1997).

African People's Union, the Zimbabwe African National Union and others such as FROLIZI and the Zimbabwean African National Council. No commission was ever asked to look into this rather messy part of Zimbabwean history (see Sithole, 1979).

The ANC in South Africa went through the motions to deal with its abuses of human rights, thus, in the eyes of many, attaining the moral high ground in South African politics. The ANC leadership stopped short of linking atrocities to individuals, but rather accepted "collective responsibility" for the human-rights transgressions.²¹¹

While the commission was instituted to do "a full and thorough" investigation and admitted that human-rights abuses took place, some felt that it failed to unearth the truth and acted as a cover-up (Minnaar, 1995: 2).

The fact that two of the three commissioners were ANC members called the commission's neutrality into question (Hayner, 1994: 626). The report was published and Mr Nelson Mandela accepted responsibility for the actions on behalf of the ANC leadership. No-one was named or held personally accountable (Hayner, 1994: 626). Although the ANC was the first non-governmental and liberation organisation that established a commission to study and report on its own past of human-rights abuses, the report did not silence all criticism.

Another commission was established in 1992 to review the cases of ANC human-rights abuses. The new commission, the "Commission of Enquiry into Certain Allegations of Cruelty and Human Rights Abuses against ANC Prisoners and Detainees by ANC Members", was headed by three commissioners: one each from the USA, Zimbabwe and South Africa. The new commission was regarded as more independent than the first one. The ANC accepted the report. The report was also positively received by, *inter alia*, Amnesty International.

The report called for a "process of national disclosure of all violations of human rights from all sides". A call was made for a commission of truth, "similar to bodies established in a number of countries in recent years to deal with the past". The ANC was certainly in a better position than the National Party to ask for such a process; not only could it show two attempts

²¹¹ This led to some critics arguing about this approach and the following TRC report: "I cannot help feeling that our TRC has betrayed a partisan inclination, accommodating ... to the 'popular party', relegating relative unknowns to the periphery of the TRC experiences and services ... how can the TRC believe that I will be satisfied by the edited report with blotted-out names purporting to be the ANC response to my plea? This account merely propagates the vilification of the dead, those who can no longer tell their story" (Saul, 1999: 4-5).

at investigating its “sins”, but these “sins” also did not match up to the systematic acts of oppression of the successive National Party governments.²¹²

Moreover, the Further Indemnity Act of 1992 that followed the Indemnity Bill (Act No. 35 of 1990)²¹³, one-sidedly enacted by the National Party government under President de Klerk, amounted to self-amnesty akin to what the authoritarian regimes in Argentina and Chile did following their retreat from political office.²¹⁴

At the end of 1992, repression and covert operations still existed in South Africa and the legacy of an authoritarian government facilitated human-rights abuses. Together with the previous decades of abuse (i.e. detention without due legal process, systematic torture,²¹⁵ and disappearances), it compounded the issue. In these cases, the attempts at unearthing the truth were not particularly successful. Nor were any concrete suggestions made to deal with the prevention of human-rights abuses or civil control over security agencies.

Given the lack of results of the government-appointed inquiries and the ANC reports as those of a “government in waiting”, it was not unexpected that the debate about a commission of truth and reconciliation gained momentum. In view of the international demand for disclosure of past oppression and violence in a variety of countries, and the awareness of state abuses of human rights in South Africa, it became imperative in the eyes of many. And the growing argument that human rights imply human security in its widest sense also became influential (this statement will receive more attention later on).

²¹² The *Sunday Independent*, 4 February 1996, for example, reported that the Attorney General of Gauteng, Jan D'Oliveira, is in possession of “shocking information about third force activities in the Eastern Cape under apartheid”. It follows: “If proved, these activities would amount to terrorism and destabilization on a massive scale”. For an analysis of front organisations and dirty tricks, see Minnaar, Liebenberg and Schutte (eds), 1994, part two, 170ff. See also Coleman (1994: 130ff) in Minnaar, Liebenberg and Schutte (eds), 1994. While vigilantes received attention in past studies with regard to their role in the apartheid regime’s “total strategy” against its opponents (see Nicholas Haysom in Cock & Nathan, 1989: 188–199; Ian Phillips in Minnaar, Liebenberg & Schutte, 1994: 239–253; and Jozette Cole (1987), the vigilante issue is still insufficiently studied and deserves more attention in research.

²¹³ Ironically – or perhaps planned as a cynical political statement – the Indemnity Bill was accepted on the same day by the joint committee on justice of the tricameral parliament that the Grootte Schuur talks between the unbanned ANC and the apartheid government took place (compare Hendricks, n.d.: 101).

²¹⁴ The Indemnity Act of 1990 did not elicit much criticism, as it flowed from negotiations between the ANC and the South African government. In contrast, the Further Indemnity Act of 1992 was seen as one-sided action by the De Klerk regime on the eve of the hand-over of power.

²¹⁵ For more detail, see the response of Dr Don Foster in Occasional Paper 12 of the Centre for Intergroup Studies (now Centre for Conflict Resolution). The report, *A Study of Detention and Torture in South Africa: Preliminary Report*, was attacked by *Die Burger*, in November 1985. An extended debate ensued in the letter columns of the paper. In the final analysis, claims could not be refuted that at least in certain areas (e.g. Eastern Cape) torture was applied regularly and even systematically by the Security Police.

4.8. The structure and workings of the South African commission

Asmal argues that “the truth must be acknowledged, proclaimed and exposed publicly and the worst transgressors removed” (Asmal, 1994: 27). Dullah Omar, in an interview with Lona McBlain, pointed out that “we do not want Nuremberg-type of trials”; that “there must be knowledge and acknowledgement”; and that he hoped that “we can come up with legislation which will be broadly acceptable” (*RSA Review*, 1994: 2–3).

In June 1994, the establishment of a truth commission was publicly announced. In June 1995, the Promotion of National Unity and Reconciliation Act (Act No. 34 of 1995) was promulgated. In brief, the nuts and bolts of the Act amounted to the following:

- The TRC must complete its work within 18 months (to be extended to two years by the president if deemed necessary), with a further three months to finalise its report;
- Operating through three plenary committees (one on human-rights violations, one on amnesty, and another on reconciliation and reparation), it was to have a budget of R50 million for its first year of work. The latter soon proved to an underestimation and was adjusted at least twice that amount; and
- In essence, the aim of the TRC was to hear the stories of the victims of gross human-rights violations, consider applications for amnesty from perpetrators of such violations, and make recommendations on reparation to the victims as well as measures to ensure that human-rights abuses are not committed again. Note again that the mandate seemed to exclude the issue of civil control over the military.

At the time, human-rights monitors estimated that over 200 political assassinations took place during the apartheid era, while over 15 000 people died in factional violence and dozens of prisoners died in custody.²¹⁶ More than 2 000 applications for amnesty were awaiting consideration by the TRC by early 1996. In February 1996, it was reported that the TRC committee dealing with human-rights abuses was expecting up to 100 000 cases to be heard – a task that proved (almost) impossible (*Beeld*, 6 February 1996).

²¹⁶ The TRC was not to investigate apartheid human-rights excesses in countries outside South Africa, such as the destabilisation of Angola and Mozambique or Namibia, nor was it to investigate the apartheid regime’s activities in countries outside South Africa. Literature on such activities outside the continent of Africa is available (Israel, 1998: 343ff). Some areas on the continent were not covered because they did not relate to human-rights excesses as determined by the mandate (gross shortcoming, in my view).

When the truth and reconciliation bill was passed, the ANC, National Party, Democratic Party and the PAC supported it, with the Freedom Front opposing it and the IFP abstaining. At the time, the South African public was divided about the bill. This is perhaps worthy of note. Minnaar points to research by the HSRC and others that reflects deep divisions in the South African society on the bill and its implementation (Minnaar, 1994: 14ff).²¹⁷ Some of the quantitative data available at the time will be referred to.

With the commissioners appointed, the commission could set about its task. Minnaar points out that the delay in appointing the commission resulted in growing frustration among victims and their families and “increasing public demands for retribution, trials and prosecutions of those guilty of gross human-rights violations and abuses” (Minnaar, 1995: 16). On the other hand, some ex-military personnel and politicians were apparently mobilising to counter what they perceived as a witch-hunt.²¹⁸

After the release of the report of the Motsuenyane Commission, the ANC called for disclosure of all human-rights violations by all parties (Hayner, 1994: 633). However, people like Kollapen argue that apartheid crimes and human-rights abuses are qualitatively different from abuses committed during the struggle for liberation.

Against these obstacles were pitched the collective experience of past commissions and the current argument that reconciliation needs openness and knowledge of the past – even if it is disconcerting knowledge. At the time Du Toit (1996: 7) cautioned: “This is not to deny that this kind of democratic discourse cannot be a cover for altogether something different, carrying the seeds of a totalizing project” (read: *legitimising a specific interpretation of the nation-building project and current power relations*). The process can be misused for propaganda, ideological manipulation and to enhance the consolidation of political power, i.e., it can be used by a dominant party to strengthen its position, thus enhancing the establishment of a one-party dominant system and *ipso facto* undermining the consolidation of a pluralistic multi-party democracy.

²¹⁷ Since 1998, the HSRC has never repeated any surveys on public opinion about the TRC. The reason for this is not clear. Other studies did survey South African opinions, such as Gibson and Gouws (1999, 2003).

²¹⁸ The Uruguayan, but especially the Argentinean, experience had shown that the military can successfully close ranks and put pressure on a new unconsolidated democratic government to water down the truth-revealing process. Especially the “justice phase” could come under pressure and concessions could be demanded, i.e. a stop to possible legal action against perpetrators of human-rights abuses (Hayner, 1994: 614–615; Zagorski, 1994: 425. Also compare Gillespie, 1992: 208 ff on Uruguay and Cavarozzi, 1992 on Chile and Argentina). Experience has shown, however, that usually the military does not have enough control over the political dynamics in a particular country to prevent at least a “truth phase” with (partial) revelation and public exposure of the past.

Chad can be cited as one example of a country where a committee was eventually misused to legitimise a new regime that was guilty of human-rights abuses and did disconcertingly little to establish structures for a sound future human-rights environment. This had a negative impact on legitimacy for the new regime, had few positive outcomes for better human rights, and failed to address the crucial issue of civil control over the military.

4.9. The SATRC: Clashing perspectives

I took part in one survey of the HSRC that included questions on the SATRC at the time. The data, released in October 1996, illustrated that there were indeed some divisions among South African respondents. Sixty percent of the 2 241 respondents in the random, representative sample of all race groups felt that the TRC “will promote reconciliation in South Africa”. When broken down in racial categories, the differences were sharper: 70 percent of black respondents felt positive towards the TRC, while only 53 percent of “coloured” people and 59 percent of Indian people believed that the TRC would assist in national reconciliation. However, white people were most sceptical, with only 26 percent of the respondents in the sample believing that the TRC would contribute to national reconciliation.

When asked whether they would have preferred “drawing a line through the past” (“let bygones be bygones”), or a public TRC-type process, or amnesty, nearly a third of the respondents (32 percent) favoured a general amnesty, while a further 45 percent were in favour of a qualified amnesty. Those favouring an amnesty of some kind thus amounted to nearly 80 percent of the sample. When respondents were asked about their choice of the TRC versus other approaches, 22 percent saw the TRC process as their first choice, 17 percent saw it as a second choice, with 60 percent opting for the TRC as a third choice (Press release prepared by the researcher, HSRC, October 1996).

The above is illustrative of the different perspectives and opposing arguments among South African citizens at the time. Unfortunately, the HSRC terminated the TRC-related part of its national surveys at the time, so no longer-term (longitudinal) data were collected. In this regard, the HSRC missed an important historical opportunity to monitor a process that was to have a profound impact on South African lives.

Other researchers embarked on quantitative research related to the SATRC. Towards the end

of 1998, research was undertaken by Gibson and Gouws on the attribution of blame and the struggle over apartheid (Gibson & Gouws, 1999: 501ff).²¹⁹

In their 1999 study Gibson and Gouws found that black, coloured and Asian South Africans were relatively optimistic about the SATRC, while whites held decidedly different and negative views on the entire process (Gibson & Gouws, 1999: 513). They argue: “The truth and reconciliation process clearly has divided South Africans and promises to do so in the future.” They also mention that the release of the SATRCR generated controversy and protest – including from the ruling ANC elite. They point out especially the diametrically opposite position of “whites” and “blacks” in a proclaimed non-racial democracy (Gibson & Gouws, 1999: 513–514). The two researchers conclude with an interesting and relevant point: “At some point, many South Africans want justice, not reconciliation, and justice within the fractured political landscape of the country is an extremely volatile concept” (Gibson & Gouws, 1999: 513–514). What their extensive study found is common knowledge when one moves around in South Africa, rural and urban. For many the question of justice remains. And perhaps more importantly; it is unlikely that the insistence on justice delivered will subside soon.

4.10. Conclusion

I argued that the previous regime in South Africa lost credibility but, within the transitional state structure, retained some military power (read: *influence*). Although the new democratic regime could take steps to unearth the truth, cognisance had to be taken of political constraints (for instance, the relatively influential position of the army, and significant support for the previous regime).

I also argued that the TRC option, given the circumstances (i.e. a negotiated transition), was a more likely option than some form of ICT. The undertaking of an internal judicial process had some support, but was eclipsed by the TRC advocates. Given the emotional impact and historical excesses of the apartheid politicians and their cultural allies, such as the Afrikaner AB, a “forgive-and-forget” approach also did not hold sway – which is not to say that the demand for justice may in future subsume the truth revealed.

I argued that TRC option opened up the past with various measures of success, but that, when

²¹⁹ At the time, the TRC received roughly 15 000 statements from victims and nearly 7 000 applications for amnesty. By December 1998, 216 amnesties had been granted, 160 rejected for applicants denying their guilt, and 3 031 rejected because the crimes were committed for personal gain or no political motive could be established (Gibson & Gouws, 1999: 502).

it came to resetting the stage for future civil control over the military, it seemed to be less successful. The limited success gained in the area of CMR should not be overestimated, according to the various observers and theorists quoted.

I also implicitly argued that, given the hindsight of other comparable TRC processes – and hence being in a position of having more foresight than the others – the TRC advocates in South Africa missed the opportunity to address the crucial nexus of CMR, reprofessionalising the military, and civil control over the military (some refer to the democratisation of the military – a somewhat more problematic concept).

Did the other TRCs in the case study fare better in establishing sustainable future CMR and the subservience of the military to elected politicians and the democratic constitution? Marginally, it seems, or not at all at this stage, but this question will be explored in chapters to come. If the TRC advocates were aware of this, why did they not use the hindsight of others' experiences with more foresight in our case?

These questions underline the research question in my study. In the next chapters, this will be addressed. However, before going there it seems necessary to take a closer look at the above cases, introduce the broader casing to make some comparisons, and bring the issue of truth and reconciliation processes closer to our continent. And most important of all, to re-search the necessary link between TRCs and CMR that have been achieved.

CHAPTER 5

DELVING DEEPER ON THE CONTINENT – TRUTH, RETRIBUTION, (RE-)CONCILIATION SHEETS AND CMR

Humans are... variable ...(in contrast) a chemist knows that the material he studies will always react in the same way ... a scientist studying human beings cannot have this security, because each person is different from the other; they learn from each other and are constantly changing in reaction to their individual and group experiences – Peil, 1978: 3.

Wat wij gemeenschappelijk hebben is onse behoefte aan vergeving. Translation: What we have in common is our need for forgiveness – Kenneth David Kaunda, former Zambian president, 1982.²²⁰

The very possibility that nemesis will one day strike the perpetrators of crimes against humanity, be their names Pinochet, Milosevic or bin Laden (or any other – my insertion), most human rights law can be said to exist in the real world as well as in the rhetoric of politicians as well as the pipe dreams of professors ... the rule is one of law not because it can be found in a treaty or a textbook but because there is a prospect that someone will be arrested for its breach – Geoffrey Robertson, 1999.²²¹

²²⁰ Because of his stature as a great statesman of Africa, President Kenneth David Kaunda's publications were translated widely. In this case, the source is a Dutch translation of his essays entitled *Kaunda over Geweld* (1982). I have fond memories of this edition of Kaunda's book that I bought in "De Rode Rat" in Utrecht in 1988. During a visit to South Africa in 2005 "K.K", as he is well known, signed the copy for me.

²²¹ The people mentioned here were guilty of human-rights transgressions and breach of law. The foreword to this book was written by Kenneth Roth (former federal prosecutor of the USA Attorney's Office in New York). The author of the work uttered some mild criticism against the American bombing campaign in Kosovo. Following these bombings the International Criminal Tribunal for Yugoslavia is still hunting Milosevic, as there were no other actors that perpetrated violence before the USA entered the scene – as if guilt and murder, unlike a coin, do not have two sides. The other side of Robertson's (1999) argument is also to be considered. Frequently only a selective few are labelled as guilty ... mostly they are dead civilians or loyal (lower-paid) followers of senior politicians when it comes to conviction after the collapse of an authoritarian regime. In other cases the military and political victor, the new hegemon, defines who the guilty was/is, in this case Milosevic. Robertson's epigraph at second reading reflects a universal message. Today's victors and killers could become tomorrow's vanquished. Or a majority opinion from people that stood on the receiving end of the powerful may come to a conclusion that the previous dispensers of justice have to meet justice themselves. Blowing winds can change things and times may be a-changing ...

5.1. Introduction

In discussing African case studies Peil makes an interesting point: “African students should have a text based on their own society. This is not to say that all African societies are alike, for there are many important differences within individual countries and large variations between peoples in different parts of the continent” (Peil, 1978: xi). Peil insightfully remarks that despite differences between African countries/societies common problems can be identified and that the sociologist thus assists in bringing about a greater understanding of problems faced by African communities in his/her focus on Africa. (Peil, 1978: xi). Peil’s argument holds value for me. Despite differences between peoples and countries on our continent, one should be careful not to elevate a specific problem or solution in a specific country to something so unique that it cannot hold value – or lessons learnt – for others. Frequently communalities arise in experiences, be it past or present. Investigating seemingly different cases facilitates insights that may lead to problem-solving in not only one, but also other societies – in this case the relationship between the military and the civilian order in the aftermath of oppression.

This discussion will deal with selected African cases in more detail. I could have looked at other cases on the globe such as the Netherlands,²²² France and Denmark after their liberation from Nazism, or Italy after the fall of Benito Mussolini’s Fascist rule. Or perhaps, I could consider Spain after the fall of Francisco Franco’s authoritarian regime, or Portugal after the fall of Caetano’s regime.²²³ I mentioned why I did not enlarge the chosen casing to East Timor or Cambodia.²²⁴ I believe that, to the extent necessary for this project, this has been dealt with in Chapter 3 and will be dealt with further in 4 and 5.²²⁵

²²² The Netherlands, for example, is an interesting case study. Many Dutch people joined the Nazi movement, especially Anton Mussert’s National Socialist Movement, before and during WW II and thus contributed to the oppression of their own countrymen. In dealing with these so-called *Foute Nederlanders* (rough translation: “Incorrect Dutch”), the post-Dutch society used mixed approaches. Some were put on trial and executed, others were interned, families were split in order to “re-educate” the young, and later a forgive-and-forget approach was followed, with the blame on the incorrect remaining ... (Romijn, 1995: 311ff; Romijn, n.d.: 101ff).

²²³ Excellent materials were published on how the Netherlands dealt with Nazi collaborators following WW II (Romijn, 1995a, 1995b). On Spain and Portugal, see for example Graham (1993).

²²⁴ For a useful discussion on East Timor see Tanter, Selden and Shalom (2000). The suggestion of a global or “international truth commission”, as an alternative to the ICC suggested by Niebur Eisnaugle (2003), however relevant, I skirt here.

²²⁵ At this moment it is too early to look at Zimbabwe “after Robert Mugabe”, or for that matter to look outside Africa. (Compare Kramer [2005] on the criminality of the most recent war against Iraq and the occupation of Iraq by foreign forces and the outcomes thereof.)

I follow the track further, or delve deeper here, because the selected case studies from the African continent are “closer to home” – in a way “more close-up and personal”. Consequently, the investigation as demarcated may yield insights, or pointers, aimed at “problem resolution” (or policy-making to that effect) in the area of research.

So far the broad context of the SATRC and its workings have been outlined. I also scrutinised some selected international TRC approaches. The reader was introduced to some countries that chose not to follow the TRC option (by necessity and in cases because of personal interest I limited the case studies in both categories to ones that are more “close-up and personal”). I referred to the interface of TRC options and non-TRC options vis-à-vis CMR and civil control over the military in (new/emerging) democracies following transition from authoritarian rule; thus matters for further consideration.

Since the conclusion of the SATRC, various other states on the continent have considered and/or chosen the TRC process, or processes that could be likened to the SATRC.²²⁶ In the case of Rwanda, at least one element of the approach in dealing with the genocide, namely the *cacaca* process, resembles a TRC approach (necessary qualifications attached: Admission of guilt or regret in the *cacaca* could lead to a prison sentence *or* forgiveness. The SATRC did not, despite powers of subpoena, have the authority to impose prison sentences). The broader interpretation of the mandate of the SATRC did allow for the prosecution of transgressors that did not apply for amnesty, one has to add. In any event, since the first TRCs were embarked upon nearly a quarter of a century ago, many followed. It is not surprising that, within the international context, the debate touched Africa, where, as in many other parts of the world, countries experienced major transgressions of human rights.²²⁷

I concluded the previous chapter with broad inferences. Less detail was provided on the effect of TRC and non-TRC approaches on bettering CMR and civil control over the military. This chapter delves into these issues.

The sociologist as a learner – if immersed in available data – and agent in the school of life, has a responsibility to co-assist in constructing a better world through his/her field of interest – even if others would call it human subjectivity. One trusts that the qualitative researcher, as but one research tool, will be able to do so without losing sight of the concrete as opposed to

²²⁶ I dealt with the case of Sierra Leone in an earlier conference contribution, ISA Congress, Durban, July 2005, a topic to which I will most likely return in further research later on.

²²⁷ It can be argued that in their fierceness many of these social experiments far surpassed the botched apartheid experiment in social engineering or transgressions by a ruling group.

ivory-tower analysis.²²⁸ In such an involved approach a humanist approach to science and insights from critical theory has a contribution to make, I argued earlier. At this point I cannot help but be reminded about one (peer) reviewer that remarked to me that the subjectivity of the researcher should be minimised (I think the person meant, “eliminated”). I beg to differ.

Numerous research approaches emerged with a critique on this type of *machismo* – the omnipotent muscular Academic-Researcher-Observer and Fieldworker (field-commander?). The scenario of the cool and calm, supremely collected detachment of the professional academic, a sort of 007 of Academia that takes it stirred not shaken, does not hold (compare Crang & Cook, 2007: 8–9). The *detached research account*, or what I call the DIS-tant or DIS-stanced researcher/academic, implores that the researching being is “a detached head – the Object of Thought, Rationality and Reason (much akin to a senior administrator/bureaucrat, a bureaucracy or an aloof senior manager – my insertion) floating from research site to research site (or managing site to managing site – my insertion again)²²⁹ thinking and speaking, while its profane counterpart, the Body, lurks unseen ... in the Great Hall of Academy” (Crang & Cook quoting Spry, 2007: 9).

Herman Hesse is quoted as saying the task of the individual in violent conflict situations is “To help mankind as a whole to make some small advance, to better a particular institution” and in so doing (perhaps) “to do away with one particular mode of killing” (Hesse, 1972).²³⁰ In this particular case, institution(s) that enhance CMR and civil control over the military are at stake. Some may say that Herman Hesse was too much of an idealist. It may be true. What

²²⁸ Somewhere I recall a former professor who referred to “mental aerobics”, which seems to be closely related to a type of ivory-tower thinking that does not aim at solving or alleviating social problems (or an attempt to do this) – the social “pain”, if one considers Karl Popper, or turning around society if one considers Saint Simon, Marx, Che Guevara and endless streams of people after them.

²²⁹ Such a belief, to be “the objective”, could be compared to where the objective assertion and belief infuse the rhetoric with a world view that ignores realities on ground level. For an interesting contribution, see Kotzee (2007: 163ff), in the *South African Journal of Philosophy* entitled, “Our vision and our Mission: Bullshit, Assertion and Belief”. In such a case elements of lying enter the picture as “transacting in fake truth” (Kotzee, 2007: 167). Kotzee’s work also reflects a worthwhile critique of ideological discourse, bureaucratic and business discourse and “post-modernist” discourse. See also among others an article that applies in this case (Stewart, 2007: 4-6). In his article Stewart looks through the spectacles of one person at the rhetoric used by the management of the University of South Africa (Unisa). His analysis is not so new but so to the point and applicable to the “old” and the “new” South Africa’s managerialists (both capitalist and racially orientated elites). Managerialists insist on benchmarking and performance evaluations, while ignoring involved society, equality and human interaction (such as ubuntu or humanity). Through their top-down self-imposed “transformation”/”brand-making”/”strategic re-alignments” instead of bettering the human condition by personal example, they impose again the Object of Thought in service of elite self interest.

²³⁰ I believe Hesse at the time of this work had not read Foucault. If he had, his statement in considering the *State* or *Senior Management* or *Bureaucracy* or *politicians out of control*, especially if backed by the *coercive arms of state*, assumes an ominous meaning that is worth contemplating and reacting against.

can be denied with more difficulty is that, at some level, idealism underpinned by conscious analysis and concrete action may assist in bringing about a better quality of life for some that are disadvantaged or even in danger. The same “idealism” can be blamed on the statement of President Kaunda above.²³¹ Idealism in action, I contend, may have positive consequences if filtered through critical analysis and human compassion ...

5.2. Writing/Reading a chapter without imposing the Object of Thought

In delving deeper we need to unpuzzle the research problem and questions further in context. Past experiences are closely knit as shared experiences into facing challenges concerning civil control over security institutions, nurturing human rights and the achievement of a just society where conflict is not solved by violence but deliberation and critical approaches to reconstruction of a society²³² Here the need for sociological imagination arises. I concur with Mills when he implores the USA to see that as images of human nature become more problematic, there is a greater need for imaginative attention to social problems and catastrophes (Mills, 1972: 12). The contention by Mills is relevant: “Sociological imagination is not merely a fashion. It is a quality of mind that seems most dramatically to promise an understanding of the intimate realities of ourselves in connection with larger social realities” (Mills, 1972: 12). His observations strike home and they certainly play a role in this chapter – as indeed in the whole study that I undertake.²³³

²³¹ Perhaps idealism is part of the “human condition”. However, if one is to assist through qualitative and applied research to better life, to assist in problem-solving and better conditions for people, one cannot escape some moral point of departure. The words by the logos therapist (himself a survivor of concentration camps and thus more than an observer-participant) are worth pondering: Work, involvement, research is “Thus not so much concerned with the sufferings of the mighty, but with the crucifixion and the deaths of the great army of the unknown and unrecorded victims” (Frankel, 1964). Again, the role and the values of the researcher and the research “subject” are closely interwoven.

²³² Compare Villa-Vicencio (1992) on South Africa and reconstruction. Villa-Vicencio deals with socio-political reconstruction following past violence in a Christian framework. I addressed issues about dehumanisation and coping with past injustices, and the potential role of democratic structures and attitudes in an earlier article (Liebenberg, 1999).

²³³ David Gray makes a telling point in one of his sociological contributions. Sociology is not (should not) be value-free. His rebuttal of the “value free” theoretical intellects (demagogues?) is sharp and uncompromising. “Neutrality”, or to be a “value-free subject” (and included here is the notion of the *ethically neutral sociologist*) serves little purpose. What is more, such an attitude amounts to a doctrine of hypocrisy and irresponsibility (Gray, 1972: 14 ff). Needless to say Gray’s argument invites degrees of social activism. I agree with his argument unequivocally.

5.3. “They were all killed”: Generic insights and the “Five Choices for Africa?”²³⁴

I would add to the heading, “What thereafter?” Communities in search of tolerance, a good human-rights record and constitutional stability – inclusive of civil control over the military and civil conduct of the military – are faced with various options to deal with a past of abuse and human-rights excesses.

Necessarily, when discussing the five options, values and morals, civil attitudes, institutional controls and deliberative processes of interaction between civilian politicians, the military as the “violence-holding experts”, and the citizenry or civil society (or what I prefer to call the *civil community*) are at stake. Least of all, individuals are involved. More accurately, they are the recipients of what went before and what transpired afterwards in moments of oppression and suffering. And they are the agents that may have an impact on future decisions to assist in solving problems.²³⁵

Apart from values and norms, notions such as civil control, public civility, citizen-participation and the pragmatics of achieving sound CMR underpin this chapter. One of the challenges in a study such as this has to do it with the awareness that, “The dilemma of democracy is that it demands a well armed military establishment that is at the same time subordinate to civilian control” (Hutchful, 1997: 48). This awareness, or knowledge, is crucial and I will return to it frequently in this chapter. In the realm of qualitative research it is also about “knowing” (getting immersed/experiencing/taking part in) the chosen field to the extent that a subjective human being, the researcher (assuming that she/he is but a research tool), can contribute to *embodied understanding* aimed at achieving, besides understanding, a contribution to problem-solving in the field of civil control over the military.²³⁶

²³⁴ The sub-title reminds me about a Leonard Cohen song that I once knew. The words paraphrased shares the following line: “... and the captain said, most are dead, the others in retreat, the rest (are) with the enemy ... here’s a medal, now you are in command”. The new appointee asks: “Captain where shall I stand ... and the captain said to me: There’s no decent place to stand in a massacre.”

²³⁵ In consulting the appendix on key concepts the reader will recognise that the above forms part of a civil community, which cannot be harnessed in a single definition of democracy.

²³⁶ Again, Thomas Hanna and his reflections on the somatic being (“me the bodily being”) become pertinent – especially when one considers the evolving nature of qualitative research: “*To learn* is to adapt to something. *To communicate* is equally an adaptational interchange. *To give or receive information* is adaptation ... what we have to understand is this: *The accommodative is another form of learning, of communicating and of receiving information.* It is (just) another mode of human experience” (Hanna, 1970: 237–238). Though he was foremost a philosopher and an existentialist, not a qualitative researcher, Hanna grasped the close linkage between body (*soma*), experience, critical thought and action as well as living-changing context. For this reason, I find both Hanna and Louis Liebenberg informative and part of a life-like subtext in this research project. In the exercise of tracking an animal or human being, sun and darkness, shadow and reflection play a role; without these elements tracking would stall in a simple trace not to be unravelled, nor worthy of following.

Communities in the past (and now) have had five options to deal with events after regime-change from authoritarian rule to forms of democracy.²³⁷ Let us briefly reflect on these choices again, in this case keeping the African setting in mind.

5.3.1. *To forgive and forget, or to draw a line through the past* (pejoratively labelled *amnesia*). This option was followed by Namibia and Zimbabwe after their regime changes. Southern European examples would include Portugal and Spain in the 1970s.²³⁸

5.3.2. *To allow or request the “international community” to impose an international judicial process upon the defeated dictatorships or leaders of the previous authoritarian regimes*. In other words, ICTs such as those imposed on the Nazi leadership at the end of WW II (the Nuremberg Trials), or the “International Tribunals”²³⁹ against Milosevic, and perpetrators of genocide in Rwanda. The institution of the ICC adopted in Rome furthers the concept (Rubin, 1999; Mendez, 2001; Green, 2004).²⁴⁰ The issue of international tribunals is far more complex than it looks. For example, as a result of an asymmetry in international relations, not all that are guilty of crimes against humanity are brought to book.

“The case of the International Criminal Tribunal for former Yugoslavia (ICTY) was supposed to judge criminals on all sides, but was from the very beginning ‘hijacked’ by the West” (e-mail correspondence, 7 November 2005). The bombing by NATO in Yugoslavia and its organisers were not on the agenda, nor was anyone charged (e-mail correspondence, 7 November 2005). While some argue that the case against Milosevic was rather weak, others do not doubt that Slobodan Milosevic should have been on trial, as Robertson (1999: 454) argued in the quoted epigraph. But, should he have been the only actor from only one side on

²³⁷ I have already implied that forms of democracy lie on a continuum of public and civil participation, and do not necessarily have to be blueprinted on multi-party democracy or “election politics” (see Liebenberg, 2002: 20–25).

²³⁸ The roles of military regimes are relevant. I found Thomashausen’s short article in which he compares Portuguese and Brazilian mechanisms for transition quite informative. Brazil was governed by an essentially military dictatorship from April 1964 and saw transition and acceptance of a new constitution by 1988. In the end a democratic constitution of 254 articles was accepted. “Both in Brazil and in Portugal, the necessary compromise on the constitution-making procedure was finally reached as a reaction to sharply increased public resistance and the immanent risk of a complete lack of governmental control, compounded by the risk of economic collapse” (Thomashausen, 1994: 15).

²³⁹ The trial of Milosevic is more complex and merits a discussion elsewhere.

²⁴⁰ On modernisation theory in practice, urbanisation and conflictual elites using “ethnic mobilisation” to achieve or hold on to power, which arguably played a role in the “Serbian case”, consult Olzak (1983: 355 ff). So-called “ethnic struggles” are not as ethnic as they seem when deeper socio-economic reasons for conflict and violence are investigated, despite what adherents of the ethnicity theory claim. For the dangers that limited thinking or “practical nationalism”(i.e. nationalist states that act unilaterally as “peace-makers”) pose to global justice as an imperative, consult Rodrigues (2007: 176 ff).

trial?²⁴¹ It was only later that others from this complex conflict were brought to trial (Mendez, 2001; Sieff & Wright, 1999).

International tribunals may want to achieve some form of post-oppression retribution and, in doing so, achieve some form of social justice. Thus, the issue is deeply underpinned by moral values that are supposedly universal.²⁴² However, these tribunals cannot be disassociated from simple power.²⁴³ It is often the conqueror that puts the vanquished on trial ...

Gigliotti argues that the genocide in Rwanda stands acknowledged, prosecuted and commemorated as genocide (Gigliotti, 2007). Given the date of publication of her article, these statements have relevance for the debate here. However, the genocide in Rwanda went largely unnoticed for a long time compared to what the world heard about what happened in Nazi Germany and Cambodia. The same is true of what the media shared with the world about apartheid oppression or what happened in Chile (these two cases not to be confused with attempts at genocide). Hutchful correctly remarks that African cases under study (by 1997) stand in contrast to Latin America, where the issue of bringing security agencies under democratic control has spawned a growth industry among academics, political parties and strategic research centres (Hutchful, 1997: 49). Fortunately in the past ten years the situation in Africa in terms of directed research in the area has been changing for the better, with research in this field becoming more salient.

One acknowledges the complexities of post-oppressive justice and morals in dealing with the choices to be made. What remains under-valued by sociologists is a continuous and increased direct focus on ways to deal with the armed forces and the politicians assisting or inviting them in terms of future control over the armed forces. Taking one of the options for reasons for unearthing the truth, retribution and punishment or reconciliation (at least social accommodation) is important. What needs attention in its wake or simultaneously is the foresight to address future CMR. To this we will return.

²⁴¹ Robertson makes an extensive argument that International Law and the UN Charter's Chapter 6 and 7 and its application in the case of the bombings of Yugoslavia were unclear – if not inapplicable. In fact, the whole bombing exercise “re-invented” the just-war concept (Robertson, 1999: 433). For his full argument, see Robertson, 1999: 427ff (especially 429–436 and 437–448).

²⁴² For more detail, consult the ICTY's website: www.un.org/icty/. In broad terms, the ICTY aimed at many of the things that TRCs also attempt to do. These are: (1) facilitate a move from impunity to accountability; (2) unearth facts about past transgressions; (3) give past victims a voice and bring about (some) justice; (4) “re-orientate” the current country/people, including the security forces within international law; and (5) strengthen the rule of law.

²⁴³ Following the creation of ad hoc tribunals, the Rome Statute followed to ensure that at least in international law, genocide and war crimes do not go unpunished. A permanent International Criminal Court (ICC) will have to see to that (Mendez, 2001).

5.3.3. Truth and Reconciliation Commissions as introduced in Chile, Argentina, Bolivia and South Africa that I discussed earlier. Other countries that established their own commissions to investigate past atrocities were the Dominican Republic, Uruguay, Colombia, Bolivia and the Philippines (Aldana-Pindell, 2002). However, not all these commissions mirrored the TRC type model and contextual differences have to be kept in mind. These approaches are relevant to this chapter as more and more countries, also on our continent, see such processes as of value, or at least introduce elements of such approaches in the ways they choose to deal with the past.

5.3.4. Government-sponsored commissions by ruling governments to investigate and report on the abuse of human rights by security forces. This happened to take place in most cases where governments remained in power following incidents of human-rights transgressions. This approach is distinct from “forgive-and-forget” approaches, ICTs and TRCs or what is to be expected from the more recently created ICC. Examples here would include Zimbabwe after the Matabeleland debacle and widespread abuse of people by Zimbabwean armed forces (1985),²⁴⁴ or Uganda with the commission appointed by Idi Amin (1974). In both cases, reports never appeared or were not released to the public.

Other examples include the commission appointed in Israel after the mass killings at Sabra and Chatila. This commission (1982/1983) was headed by Ariel Sharon, himself a person from a military background. In South Africa the McNally and Goldstone Commissions were appointed by De Klerk in South Africa to investigate violence and possible third-force involvement during the period of transition (1990s). See Chapter 4 for more detail.

5.3.5. Mixed approaches: A number of varied examples can be mentioned in this regard: The Netherlands after WW II, where court cases and internments of human-rights violators took place, violators were executed, some attempted “re-education” of “Foute Nederlanders” and their children took place, and later re-integration into society coupled with attempts at forgiveness formed part of the scenario; Italy following WW II – the summary execution of Mussolini and his mistress, Fascist civil servants denounced and fired from their positions,

²⁴⁴ At the time it was alleged that most of the abuses were perpetrated by a North Korean-trained Zimbabwean brigade. Part of this was propaganda, but the military played an important role in suppressing the alleged revolt. No doubt, other security forces were involved as well, i.e. police and intelligence services. As frequently happens, personalities also played a role. ZANLA/ZIPRA forces had a common enemy but Robert Mugabe and Joshua Nkomo seldom saw eye to eye ...

and later drawing a line through the past; Russia after the 1917 Revolution – execution of the Tsar and his family and revolutionary, centrally directed attempts to restructure society; Rumania – execution of Cheseșcau after by a hastily appointed parliamentary commission of enquiry; Surinam, the suggestions in 1996 of a low-profile truth commission after the fall of Bouterse’s rule and commitment sought for future tolerance, coupled with the forced retirement of some bureaucrats. This was all to be followed by an attempt to forgive and forget. In Iran the Shah and his collaborators were exiled, action was taken against loyalists that ranged from the loss of jobs to executions (1977), limited “integration” of previous supporters of the Shah took place but there was little attempt to forgive and forget. Chad saw the naming of perpetrators and used the report to discredit ex-President Habre and associates without a significant improvement in the human-rights situation of civil control over the new security commanders and structures. Eventually a case was made against Habre.²⁴⁵

5.4. Choices and outcomes

Different choices lead to different political options. Any action following a political choice will have in its wake the reframing or re-modelling of attitudes, structures of oversight and civil control over (as well as civil conduct by) the security forces, inclusive of the military. The African case studies under discussion fall within the parameters of the categories mentioned above. For example, Namibia did not have a TRC, while in Nigeria the Oputa Report followed very much the lines of a TRC in its process. But the proceedings of the Oputa Report, while fairly in the open, suffered from the restriction that the commission by virtue of its appointment resembled a government commission. Rwanda represents a mixed approach where elements of an internal judicial exercise, coupled with TRC-type public hearings (the *gacaca* process) and an ICT complement one another.

The implicit argument here is that steps to unearth the truth can be taken earlier (pre-emptively or pro-actively) or reactively (i.e. in hindsight). Steps can be taken earlier rather than in hindsight, simply because we share a warehouse of earlier experiences. These issues intertwine (even mesh), dovetail, and are relationally linked. It reminds us that the macro- and micro-levels of analysis are more complicated in practice than in stated theoretical definitions and in-detail-demarcated concepts. What remains, I argue, is that whatever steps taken now or in future, on the continent and elsewhere, should reflect on the warehouse of experiences

²⁴⁵ The epigraph by Robertson at the start of the chapter is worthwhile recalling here.

(including limited mandates) and venture into providing pointers, if not proposals or policy suggestions, for future civilian control over the military.

While doing so the researcher has to keep in mind that the forms of democracy that emerged on the continent differ in quality and depth and that caution is advised when assessing the significance of such transitions (Hutchful, 1997: 43). One area where awareness is necessary is where elections have merely been “constitutionalised” as legitimating for continued authoritarian regimes “military as well as civilian, with former dictators donning a thin mantle of democracy” (Hutchful, 1997:43). In the African case studies that I address the above needs to be kept in mind and I will return to references in this regard.

5.5. African case studies: Up close and human

For the purposes of this study, three African cases were selected to be investigated in more detail, viz Namibia, Nigeria and Rwanda. There are obviously other worthwhile topics of investigation, such as Liberia, the Ivory Coast, Sierra Leone and an earlier commission in Chad, but I limit the discussion to the afore-mentioned cases.²⁴⁶ There is a need for a cut-off point in a thesis! A case such as Zimbabwe would have been interesting following the post-Smith regime and a need for reconciliation and civil control over a newly integrated military (Alao in Bhebe & Ranger, 1995: 104ff). In terms of potential for a TRC, Rhodesia/Zimbabwe following the rule of Ian Smith could have been a candidate. TRCs were already a known phenomenon. The Smith regime was guilty of human-rights abuses on an extensive scale. The new defence force had to be created out of previously opposing forces (Ginifer, 1995). The same applied to the new to-be security organs, other than the military and relationships with the legislature. At the time a line was drawn through the past. (In the near future the rule in Zimbabwe after President Mugabe’s demise may become another study of value for some.)

Recent tendencies towards dictatorship, numerous reports of human-rights transgressions, and the role that the state is playing in overruling courts/the independent judiciary will not disqualify Zimbabwe from further discussions.²⁴⁷ Some critical observers in discussions pointed out that I should have included Zimbabwe as a case study exactly for the reasons mentioned above, rather than opt out of the challenge. But by that time, my research had

²⁴⁶ In an earlier contribution I discussed the commission in Chad in the aftermath of Habre’s rule (Liebenberg, 1996). I discussed the case of Sudan in an earlier unpublished paper (2004).

²⁴⁷ Future fault lines in Zimbabwean politics were observed earlier. Masipula Sithole pointed out already in 1979 the internal power struggles, clashing personalities and tendencies to authoritarian leadership approaches from the times of the *Chimurenga* or war for liberation (Sithole, 1979).

progressed too far to reconsider Zimbabwe, on which I wrote elsewhere (for illustrative purposes I referred to Zimbabwe in Chapter 3).²⁴⁸

5.5.1. Namibia

I cannot help, nor will desist from reconsidering Namibia here. As a child I experienced many visits to Southern Namibia with my parents. Small towns like Karasburg and farms in the vicinity became known territory. I spent time with family in Keetmanshoop, played around with cousins in the *koppies* and the dry river beds there, better known as *umarambas*. Few people did not know some family in the Northern Cape where an “Owambo” worker from northern Namibia worked part-time or full-time. Few children had no member of the extended family or friends that lived in Namibia. With my parents I visited one of my father’s brothers in Gobabis, friends in Karasburg, camped at Ai-Ais, a hot spring then with very few amenities, or travelled there frequently. The area, people and landscape left a deep impression on me. A hike through the Fish River Canyon, a large wound in a rough landscape, dry, intimidating, yet majestic as only Africa can be, followed in 1978. The river banks and the deep brown-greenish water-snake were countered by soft, deep sand and round stones, beautiful to touch, yet hard to walk on for a few hours. Halfway through the canyon palm trees marked a hot water spring, palms said to have been planted by someone that stayed there in the hope that the mineral-rich water would cure an incurable disease (hope seems to be a human condition; it springs eternally). After days of walking, the canyon opens up into a valley of rocks and an endless stony, sandy landscape and the warm water springs of Ai-Ais on its way to the *Grootrivier (Gariiep or X-ariiep)*, a source of life for human and animal through millennia in this barren land. For me Namibia is up close and personal.

In the Fish River canyon (the third day, if I remember correctly), one passes the grave of a German soldier, Lieutenant Thilo von Trotha, a family member of the notorious German governor of Deutsch West, Von Trotha. Ironically, Thilo died not storming the enemy as bold soldiers are said to do, but during crossfire between German colonial troops sent by his uncle, Governor Lothar von Trotha, and the Bondelswarts tribe led by Cornelius Christiaan. Thilo

²⁴⁸ For an interesting analysis of the evolvment of mirror images of power, consult Grundy (2005). In an in-depth article in *The Zimbabwean*, he argues that the once-principled Robert Mugabe gained from the farcical “détente” that Vorster attempted in order to settle the “Rhodesian problem” with Ian Smith’s regime’s minority rule. Grundy concludes with a quotation from Mugabe himself about the 1975 failed détente: “Power hungry despots cannot be talked out of existence, only blown away.” Grundy, pondering on this remark, states: “These (are) words of wisdom. Perhaps a new generation of Zimbabweans will read, mark and learn and inwardly digest them as they try to remove another unhinged, power crazy despot who lives in a place called Harare” (Grundy, 2005: 4).

died in a last-ditch attempt to prevent violence (Van Huyssteen, 1984: 57–58). In his own way Thilo von Trotha enacted military professionalism; to attempt to make peace, rather than enforce violence.

I saw Northern Namibia as a conscript and Citizen Force officer three times. Sectors 10, 20 and 70 it was. Commanding a platoon, 18 years old ... I have seen Namibia several times since then and return there regularly, by choice. In 1989 I went as an observer for IDASA during the Namibian elections with a friend, Daniel Malan. We met up with old friends such as André du Pisani, a Namibian to the bone, Chris Coetzee and foreign visiting researchers such as Heribert Weiland and rejoiced in the end of war. In 1990 I saw the South African flag in Windhoek lowered to be replaced by the flag of an independent Namibia. I could not help but feel relieved that the flag of white South Africa was finally being replaced by a new one. I bumped into a legendary story-teller, Jan Spies, who supported Namibian independence, but was vilified for supporting an “internal” solution”, which was contaminated by apartheid involvement. As a true Namibian he was clearly relieved at the end of war and attained independence, whatever differences he might have had with the SWAPO leadership. We exchanged a few words. I had a lump in my throat and a silent good wish for the people of Namibia in my mind. On this visit we were a bunch of university friends, Amanda Gouws, Marina Pretorius, Lizl Fichardt, Tanya Hichert, Stevie Dreyer, Dries Liebenberg and others – an odd 11 of us. Namibia, like the western part of our sub-continent, where my roots lie, never leaves one. One always returns ... if not, this vast land beckons one back. Its sands cannot leave on’s shoes or one’s shoes its burning sand ...

From the above experiences it is but a small step to become interested in Namibian politics and military history.

The Namibian people fought for decades against South African occupation and for their independence. The country became independent in 1990 as a multi-party democracy (though dominant-party) under the leadership of Sam Nujoma of SWAPO.²⁴⁹ Resistance to colonialism started much earlier, with the Nama people, Damara people, Herero people and the Bondelswarts resisting German colonial occupation²⁵⁰ and later the Smuts regime that

²⁴⁹ For an excellent article on the salient features of South Africa’s Namibian policies from 1971 onwards, see Du Pisani (1989: 26–43).

²⁵⁰ I referred earlier on to the German colonialist’s genocide of the Herero people. Genocide remains a contested term. At least today it is recognised that the action taken against the Herero can be classified as genocide, whatever the terminological nuances of the continuing debate (compare Abun-Nasr, 2005 and Melber, 2005).

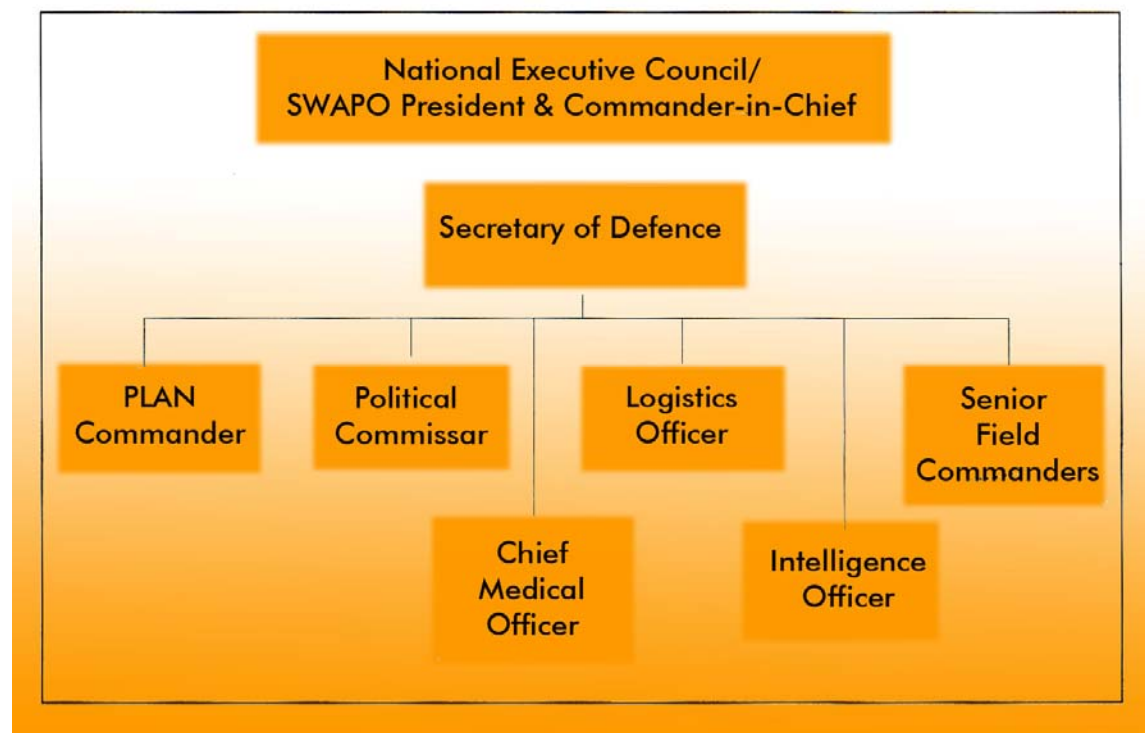
ruled South West Africa as a Class C mandate under the League of Nations (Katjavivi, 1988: 2–4). White Namibians, at the time following their loyalties to the white leadership in South Africa, started referring to Namibia (then *Suidwes*) as “our fifth province” (Afrikaans: *ons vyfde provinsie*). Namibia and its people, through sheer perseverance and the single-mindedness of one determined to rebuild ones own hearth, became a fifth column striking out at the extended frontiers of colonialism, even if arguably it was a “colony of a special type”.

The Namibians continued their resistance when the Union of South Africa gave way to the apartheid republic of Malan, Strijdom, Verwoerd, Vorster and Botha. Despite resistance by unions and a fledgling SWAPO, Namibia’s status remained that of a mandate. This happened despite protest by African states. The International Court of Justice (ICJ), in a controversial first ruling on the mandateship of Namibia, denied Liberia and Ethiopia “any legal right or interest in the matter of the SWA mandate” in 1966 (Du Pisani, 1988: 6). For the moment, South Africa’s mandate over Namibia “was confirmed”, as the ICJ could not hear the case. For SWAPO, this ruling by the international court confirmed the need to fight back through an armed struggle. At that time, the SWAPO leadership believed that there were few international cards to play. The only choice was to fight for the liberation of Namibia. SWAPO stepped up the armed struggle. At Ungulumbashe the first contact between South Africa and SWAPO guerrillas took place.²⁵¹ Ungulumbashe was the first of many. In a struggle in which the South African security forces time and again achieved a numerically superior “killing rate”, SWAPO continued its struggle. As we know, wars are not won by the highest killing rate or necessarily by the strongest or most sophisticated force ...

In December 1971 and January 1972, Ovamboland and the rest of Namibia experienced extensive labour unrest (Du Pisani, 1988: 7).²⁵² The Tanga Consultative Congress in Tanzania in December 1969 and January 1970 resulted in increased SWAPO activity. Infiltration of guerrillas, agitation and labour unrest made the point: SWAPO was poised to fight rather than flinch.

²⁵¹ In a pro-National Party newspaper, *Die Burger* (29 August 1966), the then premier of South Africa, B.J. Vorster, tells the public about the spoils of war taken at the “terrorist” base: In the SWAPO arsenals were among others “two submachine carbines, automatic pistols, hundreds of live rounds, assegais, bicycles, torches, ‘guerrilla documentation’ and bow – and – arrows”. The newspaper assured the public of Namibia (then *Suidwes*) and South Africa that “everything was under control”.

²⁵² See also Katjavivi, 1988.



SWAPO's Political and Military Structure

From the time of the first battle between SWAPO guerrillas and South African security forces in the 1960s the organisation became honed for the armed struggle which was to last until 1989. The military wing, PLAN, operated under the political leadership. Source: www.mod.gov.na

South African authorities responded with emergency regulations in the Ovamboland area that allowed for detention without trial (Du Pisani, 1988: 7). Large-scale detentions followed. South African security laws were made applicable in what the white regime and its supporters, as well as many white Namibians (*Suidwesters*), believed to be “theirs”²⁵³. International criticism continued, in fact increased. “South Africa maintained its position by force – underpinned by its powerful security forces and stringent security laws” (Namibian Peace Plan, 1987: 9). In 1969, the UN Security Council confirmed the revocation of South Africa’s mandate in Namibia (NPP, 1987: 9).

By 1971, the ICJ had re-affirmed that South Africa was illegally occupying Namibia and that it was in contravention of international law (Du Pisani, 1988:7). The Evangelical Lutheran Church of Owambo-Kavango and the Evangelical Lutheran Church in South West Africa wrote a letter to South African Prime Minister Vorster, in which they protested against the

²⁵³ I cannot but be reminded of a university friend who is a staunch Namibian. If people referred to the colloquial term Suidwes instead of Namibia, he would retort: “Praat met my oor Namibië, suidwes is ’n windrigting.” (Talk to me about Namibia, south-west is a wind direction).

unjust policy of apartheid. They were in support of the ICJ 1971 advisory opinion that the revocation of South Africa's mandate ship over Namibia was valid (NPP, 1987: 9).²⁵⁴

The scales were slowly – and excruciatingly for Namibians – shifting. A shock came for the South African occupiers. The UN General Assembly in 1973 declared SWAPO “the sole and authentic representative” of the Namibian people (Du Pisani, 1988: 7). Against this backdrop the SADF took over responsibility for counter-insurgency operations ... “from the perspective of a frontier army, it is important to reiterate that the SADF was introduced into an already highly charged political arena” (Du Pisani, 1988: 7). In Western Europe, the Scandinavian countries and others countries, SWAPO increasingly gained recognition (Bushin, 1989).²⁵⁵

Local government elections orchestrated by the occupying power in 1973 registered only 3 percent of the vote and sharply underlined the perception of illegal occupation. South Africa's later invasion of Angola and its use of Namibia as a springboard for regional destabilisation did not make things better. On the contrary: it was to enhance the regional cycle of violence and invoke increasing military involvement, also from non-African states. In 1978 the UN adopted Resolution 435. This time around, the so-called Western Five (the USA, the UK, the Federal Republic of Germany, Canada and France) were in agreement that Namibia's independence should be granted, and that a UN Transition Assistance Group (UNTAG) was to assist in the process to ensure free and fair elections.

An attempt at an internal settlement that excluded SWAPO faltered. It was tainted with apartheid. The *Turnhalle Beraad* (Turnhalle Consultation) failed, despite people such as Dirk Mudge that left the National Party and established the Republican Party among Namibians. The Turnhalle consultation itself, which evolved into the DTA, itself became fragmented. South Africa's involvement in Namibia, despite a tug of war between internal parties, remained an overshadowing spectre. A Namibian journalist interviewed in 1987/1988 in Windhoek pointed out how the South African government abused the DTA, especially the Republican Party of Dirk Mudge, for its benefit. There is also evidence that Mudge himself was deeply dissatisfied with the role of the apartheid government for not ushering in a political settlement. Mudge convincingly argued, even while strongly anti-SWAPO, that the movement would have to be a part of the eventual political solution. At the time Mudge used

²⁵⁴ In 1974, the UN adopted the name Namibia for South West Africa.

²⁵⁵ The slowly evolving increase in international support (even if at times qualified) for SWAPO is discussed in great detail by Bushin (1989). This theorist also gives extensive attention to the role of social-democratic parties in various countries in garnering gradual support for SWAPO, the MPLA and the ANC.

a simple but striking logic: “You cannot win a guerrilla war. If you win it (the guerrilla war) by 51 percent, still 49 percent of the people will continue to fight. If you have (... an election) ... and you end up with these percentages (normal) politics can continue”. Mudge made it abundantly clear that the National Party did not have support in Namibia despite what it said and predicted that the National Party, like smaller ethnic parties, would end up with virtually no influence in future Namibian politics (author’s archive).²⁵⁶

Military action took place between the SADF (as the colonial military force or “frontier army”) in conjunction with the South West African Territorial Force (SWATF), and the PLAN of SWAPO. The war was fought mainly in the northern war zone, where more than 12 000 people were killed and tens of thousands dislocated and forced into exile as refugees (Nathan, 1992: 1).²⁵⁷

“The struggle assumed the character of a civil war as Pretoria sowed divisions between ethnic groups and conscripted Namibians to serve in its security forces” (Nathan, 1992: 1).²⁵⁸ Nathan overstates the point somewhat. Bushin (1989) argues convincingly that the struggle in Namibia should rather be seen as anti-colonial. Since it was a war against an occupying force (South Africa), the war had more of the characteristics of an anti-colonial war (Bushin, 1989: 46ff). The fact that Namibians were conscripted and recruited by the frontier army to fight against the liberation movement does, however, resemble some elements of a civil war. (On a side-note; then and even now the struggles for liberation in Africa were frequently seen and analysed through a myopic Cold War perspective, which firstly was an over-rated concept, enhanced in mostly Western media, and secondly detracted from proper analysis of the historical origins and social processes related to the causes of inter-state regional, inter-state conflict and liberation struggles.)

In 1980 the South African government created the SWATF and conscripted Namibians one-sidedly. It also inaugurated the South West African Police (SWAPOL) in 1981 to assist South African forces in maintaining “law and order” – the euphemism for absolute political power (Du Pisani, 1988: 9–10).

²⁵⁶ Sources require anonymity.

²⁵⁷ For the moment, I will not discuss the Angolan war and the impact of the war on people north of the Namibian border/the Cunene. Again the micro and the macro meshed ...

²⁵⁸ Where colonial powers interfere or rule, elements of civil strife gravitate to a war between brothers and sisters. Many thousands of Africans fought on the Portuguese side in Angola and Mozambique, on the French side in Algeria, on Ian Smith’s side in then Rhodesia.

During the 23 years of war, some of SWAPO's sections operated in northern Namibia as paramilitary COINS, rather than as a regular police force. The activities of the police counter-insurgency unit, *Koevoet*, created mistrust, fear and animosity. Hard-handed action and abuse were commonplace (UNTAG, 1990). The *Koevoet* operations, it was said at the time, accounted for up to 80 percent of war deaths in Ovambo and Kavango.²⁵⁹ SWATF units such as 101 Battalion contested *Koevoet*'s efficiency and claimed greater efficiency in war against "terrorists" and the race to bring "ears" home.²⁶⁰

One observer remarked: "According to some accounts, the SADF was relatively restrained in comparison to *Koevoet* units", implying that *Koevoet* was more likely to waive the rules and not observe good conduct when dealing with civilians. This helped little, because many civilians and the media did not make a distinction between the police counter-insurgency units, special forces (*recce's*) and the military (mostly conscripts) deployed in Owambo. It has to be mentioned that moonlight operations were frequently undertaken in Owambo by South African special forces (*recce's*) and that frequently abuses were blamed on them (the current South Africa has not yet released/unclassified the outcomes or extent of these operations or civilians losses that occurred as a result of them).

The extent of the social disruption in Ovamboland²⁶¹ (discounting for the moment the negative consequences of apartheid's destabilisation and the CIA's involvement in the Angolan theatre by supporting Savimbi's renegade forces) can be judged from the following:

²⁵⁹ In the notorious "nine days" of war when SWAPO moved into northern Namibia just prior to elections, *Koevoet* was to gain further notoriety. It was one of the first units to deal with the incursion that inflicted heavy losses on SWAPO (Engelbrecht, 2005: 11). Somewhat more recently the "discovery" of mass graves in northern Namibia hit the headlines again (*Pretoria News*, 22 November 2005; *Sunday Sun*, 20 November 2005: 4; *Son*, 18 November 2005: 10). That the graves were there because of the "nine-day war", is not new. In the aftermath of the discovery, accusations started flying around. The UN representative at the time, Marthi Athisaari, blamed the apartheid forces. Magnus Malan *et al.* argued that Athisaari and UNTAG knew – which also happened to be true. The SWAPO leadership also knew about it, it was said. There are many questions about the then "invasion" and the recent (re-)discovery of the mass graves. Did SWAPO instruct armed guerrillas to move south? Did the SWAPO troops do so on their own accord believing that, since there was a ceasefire, nothing would happen? Were SWAPO detachments, perhaps through dirty tricks (such as the one that led to Samora Machel's death), connived into moving south? Did UNTAG know about the earlier movement southward? If so, why not act earlier to prevent bloodshed? In the aftermath: Who stood to gain from the new "discovery"? Some already speak about a TRC on the issue. If so, how will SWAPO escape questions about its own detention, torture and disappearance of followers during the struggle years? And if the issue is re-opened, will South African politicians and military commanders of the time step forward to give a picture of the scenes behind the scenes? As always, politics remain volatile and unpredictable. So do its (un)intended outcomes.

²⁶⁰ Sources to remain anonymous.

²⁶¹ Like Ungulumbashe/Omgulumbashe/Ungulumbashe, Cassinga (Kassinga), Ovamboland/Owamboland are/were spelled differently by different sources or persons. The sound lies on the tongue, not necessarily in the writing. I chose Ungulumbashe here.

Many Namibians fled during the war. Some fled to Angola, where the situation was not much better because of South African and UNITA activities in large parts of Southern Angola. Estimates ranged from 50 000 to 70 000 Namibian people who became refugees (UNTAG, 1990). Most of the refugees went to Angola, Botswana and Zambia. Refugees were airlifted back to Namibia on 452 flights in 1989 (UNTAG, 1990). In the final stages of the UN airlift, excluding Namibians that made their way home on their own, 42 736 people of all ages returned (UNTAG, 1990).

Thousands of Namibian (mostly Ovambo) people were forcibly removed from a strip between one and four kilometres in breadth to ensure a no-go zone along the Angolan border (SACBC, 1989). A dawn-to-dusk curfew was imposed, resulting in civilian people who broke the curfew being killed.²⁶² One has to mention that SADF incursions frequently forced refugees to become refugees again, Operation Reindeer (Cassinga) being one example.

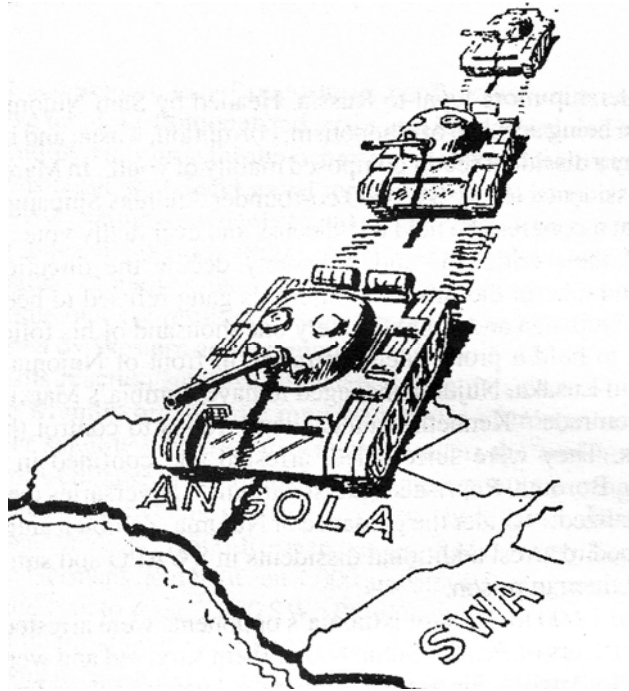
People forced off the land by the raging war were “urbanised” in sprawling townships. Lack of services increased the occurrence of typhoid, tuberculosis, measles and other diseases (SACBC, 1989). Among others, the spread of bubonic disease was reported (SACBC, 1989). In one year in the late 1980s more than 400 cases were reported (CDNIG, 1988. *Namibian Resource Package: Social costs of the war*. Soutrivier). At some stage, shanty dwellers accounted for more than 200 000 people in the immediate areas of Ondangwa and Oshakati, nearly a quarter of the Namibian population (SACBC, 1989).

After years of struggle the tide changed and South Africa finally withdrew from Namibia in 1989 following the implementation of UN Resolution 435.²⁶³

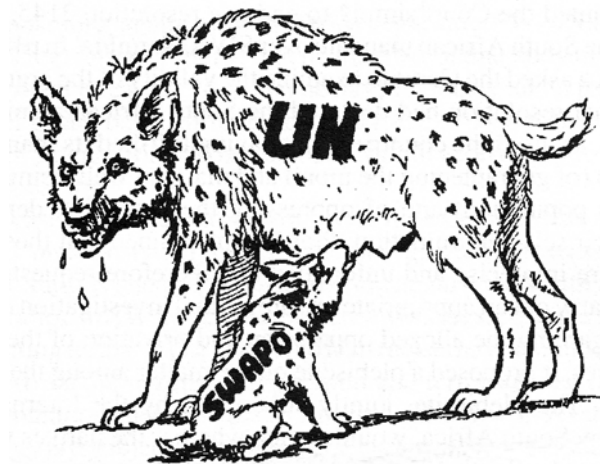
Before the implementation of the political settlement, Swapo’s executive committee formulated a broad plan for reconciliation. It motivated this policy as necessary to heal the wounds of war and a precondition for peace, stability, economic reconstruction and development (Nathan, 1992: 4). During the election campaign a “general pardon” was issued and “a hand of reconciliation was extended to those who were misled and misused by the colonial powers to prevent independence” (Nathan, 1992: 4).

²⁶² Even today, it is difficult to get to exact numbers about civilian deaths. Neither the previous apartheid government nor the current government has “de-classified” this important information.

²⁶³ The last contingent of 1 500 South African troops withdrew in 1989, one week after the certification of the November elections.



NAMIBIA: THE BAD, THE UGLY AND THE GOOD ... Above: The Soviet danger from the north via Angola. South West Africa as the last bastion. Propaganda pamphlet of the *Defence of Tradition, Family and Property Foundation*. The booklets were printed in Johannesburg funded by secret funds aimed at strategic communication.



From the same series of propaganda pamphlets of DTFPF. The mindset of apartheid resulted in peculiar views on the United Nations and in this case SWAPO. Note the symbolism of Hyena feeding Hyena. Source: Author's archive.

COMMUNISTS ARE ATHEISTS.
THEY HATE GOD...



SWAPO represents the symbol of ultimate evil. Virtually no references were made to SWAPO's origins as a nationalist movement fighting colonial occupation. DTFFP Booklet – Author's archive.



The GOOD ... Those that protect the Namibians and South Africa and Christianity. Buffel armoured personnel carriers (APCs) of the SADF heroically depicted in northern Namibia/Ovamboland. Source: DTFFP Booklet – Author's archive.

SWAPO's election manifesto (1989) did not say much about the future defence policy, or the armed forces, or civilian control. The issue was dealt with only in three brief paragraphs. The main points were that a national army would be established and that the new government would pursue a policy of peaceful co-existence with its neighbours. It was mentioned that soldiers of PLAN – SWAPO's armed wing – “will form the core of the new army” (SWAPO, 1989: 23). The general pardon issued at the time was a clear indication that no internal judicial process or a TRC-type exercise would follow. Criticism against general pardons was addressed in Chapter 4. Therefore, it will not be repeated here.

The Namibian constitution was unanimously adopted by all parties that were represented in the Constituent Assembly, and guaranteed an independent and sovereign Namibia. “The constitution provided broadly the parameters for the rights of persons and groups. It guaranteed a democratic society, a multi-party system, a state policy that strives for reconciliation and reconstruction, fundamental freedom and rights, a non-tribal, non-ethnic and non-sexist society and equality before the law” (Töttemeyer, 1991: 66).

When it came into power, SWAPO upheld this principle. People who held public office were to “hold this office unless and until he or she resigns or is retired, transferred or removed from office in accordance with law” (Nathan, 1992: 4). Nathan argues that: “Despite problems, the policy of reconciliation had considerable and numerous positive effects. It has promoted a sense of nationhood and increased the confidence of opposition parties, minority ethnic groups, foreign investors and the business sector who feared the consequence of SWAPO coming to power” (Nathan, 1992: 4).²⁶⁴ The fears of the minority political parties were understandable. Despite a liberal constitution SWAPO came to power as a dominant party and fear of what Hutchfull describes as “strongmen that donned a thin mantle of democracy” played a role (Hutchfull, 1997: 42). For some minority parties, despite a multi-party system, the potential problems associated with a dominant ruling party remained a spectre. However, things turned out for the better, rather than for the worse at the time.

Most importantly, the military was integrated peacefully and showed an attitude of principled co-operation under the new constitution after the departure of the occupying powers. This was far more amicable than the previous dispensation, where extremely unhealthy relations between the citizens and the occupying and top-down-created “indigenous” security

²⁶⁴ Nathan's argument should be weighed against that of Saul, mentioned earlier about the need for a TRC in Namibia.

establishments existed. Ironically, SWAPO's coming to power as a dominant party may have assisted in the peaceful integration of the Namibian armed forces.

The debate on reconciliation, however, remained more problematic. Nathan, in his evaluation of the Namibian situation, sidesteps the negative perceptions about such reconciliation pointed out by Dobell (1997), Saul (1999) and Beukes *et al.* (1987). Much of the unhappiness relates to the chosen mode of reconciliation ("forgive-and-forget") vis-à-vis other options, the above-mentioned authors argued.

The choice against a TRC-type process was not an unqualified success. Some groups inside Namibia and external observers remained dissatisfied about the so-called torture camps and human abuses committed by SWAPO. One example is the members of the SWAPO Youth League who returned from SWAPO internment camps and took to publishing accounts of their trials and tribulations, and their attempts to make public the SWAPO leaders's actions against their own members (Beukes *et al.*, 1987).²⁶⁵

The argument about the detention camps and that the "truth was not unearthed" by the SWAPO leadership can be looked at from different angles. Simplistically speaking, someone may argue that Beukes *et al.* just wanted to discredit the new incumbent government and that their arguments benefited the apartheid rulers. Some others, going further, but in the same vein, may argue that such persons knowingly played into the hand of the racist apartheid coloniser. Secondly, it could be seen as an appeal by aggrieved people to the new government to start with a clean slate after acting with *liberatory intolerance* during its anti-colonial struggle²⁶⁶. Thirdly it could be viewed as a demand/appeal or assumption that new leaders in a new democracy should be willing to discuss past problems openly. Fourthly, it could relate to the instinctive foresight that past transgressions by a liberation movement would not be repeated if its future use of the armed forces as coercive arms of the state should be discussed early. In other words, it could be seen as a public proposal by critics to implement, civil control over the military in a newly declared democracy early. Whatever angle the analyst

²⁶⁵ Beukes and others were allowed to return to Namibia, according to an observer, "with the blessing of South African authorities" (private discussion, 7 November 2005). Under such circumstances, many people doubted their allegations and witnesses.

²⁶⁶ The term liberatory intolerance was coined by Pallo Jordan, ANC member during the Dakar Conference in 1987. In resistance to structural and oppressive violence, liberation movements themselves become violent and intolerant and this leads to loss of life. Such violence that is enacted against violence that leads to the death of informers ("impimpis"), pro-government leaders and/or innocent persons or the incarceration of members of the guerrilla movements by the leadership of the movement is termed liberatory intolerance.

takes on this, the issue is complex. It holds moral as well as practical implications for civil control over the military, hence the application of and operationalisation of future CMR. In the case of South Africa the ANC appointed two commissions to investigate its past of liberatory intolerance; SWAPO as (new) incumbents did not do this. Some may argue that the ANC was forced by realities to declare past abuses to retain the moral high ground when coming to power. Others may argue that the ANC itself and its older generation of leaders, such as Oliver Tambo, Walter Sizulu, Nelson Mandela, Wilton Mkwayi and Raymond Mhlaba (“Oom Ray”) and persons like Beyers Naude (“Oom Bey”) may have exerted influence on some of the returned exiled leaders of the ANC to come into the open. Others may argue that the influence of prominent church leaders, such as Bishop Desmond Tutu, or ANC aligned practitioner-scholars, such as Albie Sachs, played a role. Whatever the case, the ANC ended up with two “internal truth commissions” and SWAPO none.

Saul argues: “Despite the best efforts of former detainees, relatives of the victims, and human-rights activists in Namibia to get the full story of those Angolan days on the table, not much happened during the early years of independence” (Saul, 1999: 5). The matter was complicated by the fact that the Namibian Patriotic Front (NPF), on the eve of the first free and fair elections, jumped on the bandwagon of the “camp abuses” while being secretly funded by the South African regime.²⁶⁷ The fact that “international societies”, vehemently anti-communist and conservative and receiving foreign funding (if not internal South Africa funding), such as the Society for the Defence of Tradition, Family and Property, published endless streams of newsletters and pamphlets against the “Marxist and atheist” SWAPO did not help much to create a favourable atmosphere for open discussion and rational discourse.²⁶⁸ To criticise SWAPO at the time was tantamount to supporting the apartheid oppressor. Thus,

²⁶⁷ The South African regime meddled in Namibian affairs up to the last moment, for example by financially supporting, with covert funds, political parties that otherwise would not stand a chance to gain seats, one being the NPF. Pik Botha, then Minister of Foreign Affairs for South Africa, on this particular issue was involved in/aware of this funding and transfer of support. Since then, Botha has retired and has become a member of the ANC, like many other National Party and AB (now Afrikanerbond) members. In politics, memories are frequently short and highly selective when new opportunities beckon.

²⁶⁸ At the time publications by the “The Societies for the Defence of Tradition, Family and Property”, which called itself “an international network of sister organizations whose prime goal is the defence of these three basic values of Christian Civilization against the communist and socialist offensive” appeared. The booklets, distributed en mass in Namibia, were printed in Johannesburg. Many people assumed that the funding came from foreign sources. Some suggested the CIA. Others saw involvement of SA government funding in it. According to these publications, among others the UN was an organisation hell-bent on revolution, the Council of Churches in Namibia was SWAPO’s religious arm (SWAPO being a willing partner in “international Soviet strategy”. Namibian church leadership was compared to the Ayatollah Khomeini in one leap of imagination (SDTFP Booklets, 1988/1989). The propaganda spread by organisations was crude, but bedeviled social relationships further.

not much resulted from pressure to open up the past. This choice certainly benefited the politicians and military commanders of apartheid that left Namibia. Human-rights transgressions by the occupied forces certainly took place, and the Namibians' choice not to unearth the past must have left them with sighs of relief.

In my view, Saul correctly argues that: "It is hard not to feel that Namibians have been denied an important opportunity to learn from their own history, not least the story of their movement in exile, by the failure to instigate a TRC-type process in their country. Whether other turns of the political wheel will eventually allow the full story to be told remains to be seen" (Saul, 1999: 8). Saul's argument should be balanced by the phenomenon that the newly created NDF did not at any time attempt to take over the government, nor dictated to the politicians. From an observers' perspective, it confirmed to a military establishment that was at the same time subordinate to civilian control (compare Hutchful, 1997: 48). As always, one trade-off which for some is negative may have borne some positive fruit. Namibia, it seems, is not set for praetorianism despite criticism of its government and style of governance from left or right.

During the late 1990s and early 2000, some unrest occurred in the Caprivi Strip and the NDF was allegedly involved in human-rights abuses against Caprivians. Court orders and injunctions forced the security forces to abide by the Namibian constitution and the Bill of Rights (Dzinesa & Rupiya, 2005: 227).

Namibia registered progress, starting with the successful integration of the armed forces and the acceptance of a multi-party constitution and a Bill of Rights. Arguably there have been downsides. The closeness between the dominant party (SWAPO) and the military echelons tends, at least in the case of the Caprivi, to allow for some interpretational boundaries being overstepped by the military. In the case of the Caprivi, it led to a clash with the espoused values of the constitution. Hence, courts had to interfere to re-direct CMR (Dzinesa and Rupiya, 2005: 227). Much of this "closeness" relates to previous relationships between SWAPO's political leadership and PLAN. Again one has to mention (as can be seen from the two figures above) that PLAN did not have the independence, much like MK in South Africa, to overstep the control of its political masters. Arguably there was political oversight and where power was overstepped it could be ascribed to the political leadership and not the "armed" forces or armed wings. Thus, some form of internal control and checks over the armed forces existed from the times of the liberation struggle and was carried into the new political regime.

Lamb (2002: 35) reports that these were a marked reduction in human-rights abuses since independence, but abuses were still reported. Some of the abuses at the time relate to Angolan refugees and people in the Kavango and Caprivi regions (Lamb, 2002: 35).

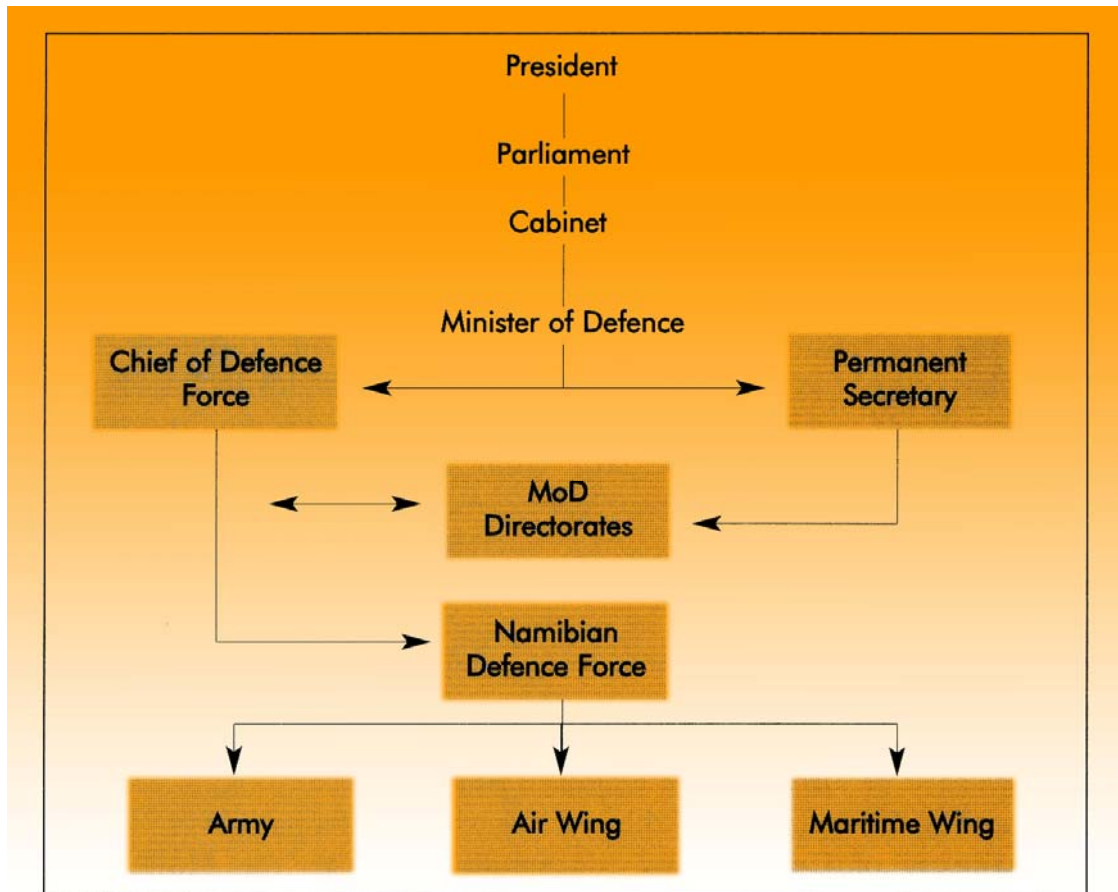
The attempted secession of the Caprivi by the Caprivi Liberation Movement in 1998 resulted in retaliation by the NDF and the Special Field Force or SFF, a paramilitary force. Numerous human rights abuses took place under a declared state of emergency (2 August 1999–25 August 1999). The Namibian Police (NAMPOL) was also implicated. Some of the people that suffered abuse took to court action. In some cases successfully and in some not at all (Lamb, 2002: 37). Abuses reported ranged from assault, rape, torture and extra-judicial killings.

In Namibia there are a handful of institutions “whose primary role is to ensure that citizen rights, as enshrined in the Bill of Rights, are not violated by government” (Lamb, 2002: 38). These are the Office of the Ombudsman and the Inter-Ministerial Technical Committee for Human Rights (IMTCHR). The office of the Ombudsman finds itself limited in autonomy because it resides under the Ministry of Justice. Likewise the IMTCHR are based within the same ministry. Both institutions are under-staffed and under-resourced (Lamb, 2002: 38). Thus much of the monitoring human rights and advocacy of citizen’s rights are within civil society such as the Legal Assistance Centre, and others. Consistent efforts are made to provide human rights training for members of the security forces (Lamb, 2002: 40).

These observations also relate to the current situation in Namibia. It is a one-party-dominant system within a constitutional democracy that has had a multi-party basis ever since the first elections, yet current structures allow for oversight over the military as a coercive arm of the state in Namibia.

The forgive-and-forget approach had the advantage that, to a degree, it prevented previously divided Namibians (divided by foreign occupation and interference to a great degree) from going through a public process of truth and reconciliation. For a young nation such an exercise may have been divisive and sparked further mistrust, while alienating more conservative or radical elements. If the fault-line of divergent opinions had been opened, such divisions may have had a negative impact on the military and relations with civil authorities or *vice versa*.

Despite criticism of the lack of a TRC in Namibia, the choice can be rationalised. Namibians were caught up in the politics of a frontier army and an occupier/colonial power and primary agent of oppression that left Namibia, and a different process may have unjustly pitched Namibian people against one another. After all, the “collaborators” were technically also victims of apartheid domination, or in a longer-term view Western colonialism. For some the choice not to deal openly with the past was a good one. For others, what transpired was not so positive, as they was felt it lacked the “truth”.



Source: Political control of the Namibian Defence Force, <<http://www.mod.gov.na/>>

Organisational chart of civil-military control of the NDF

In following a policy of national reconciliation the Namibian government did not investigate human-rights transgression after apartheid forces left Namibian. The Namibian government also rejected a request by the SATRC to hold hearings in Windhoek, arguing that it will “not contribute to our own efforts to bring about reconciliation” (SWAPO communiqué, 1999 quoted by Lamb (2002: 37).

However, if one compares Namibia with, for example, apartheid South Africa or contemporary Zimbabwe, Namibia did not fare at all badly in the realm of civil control over the military and social reconciliation. One may be tempted to argue that the Namibian integration process proceeded with less racial tension than those of Rhodesia/Zimbabwe or South Africa. In my view, the Namibian civil-military situation appears to be workable and fairly stable/sustainable. A look at its constitution, Bill of Rights and the relationship of the legislature, the judicial system and civil-society to the military and *vice versa* presents a rather positive picture.

Dzinesa and Rupiya (2005: 216) argue: “The Namibian Constitution has been largely upheld since independence and is regarded as one of the most liberal and progressive constitutions worldwide. Institutionalised checks and balances have enabled Namibia to preserve stable CMR since independence. Democratic values and respect for civilian institutions by the NDF are evident.” Structures of civilian oversight can be sketched as follows:

The elected president of Namibia is commander-in-chief of the Namibian Defence Force (NDF). The president appoints the chief of the defence force, who in turn is charged with the maintenance of a balanced force, discipline and efficient administration of the armed forces. The chief of the defence force is answerable to the president. A civilian-led and dominated Ministry of Defence supervises the NDF.

All this happened without, or even despite the lack of, a TRC. Did the Namibians do relatively well in these areas exactly because they chose against a TRC and in favour of drawing a line through the past?

In my opinion Namibia fared well in establishing civil control over the military in the absence of a TRC. Seen in the context of my argument related to the research question, working CMR and civil control over the military were established in Namibia, despite moral criticism about the failure to “unearth the history”.

5.5.2. Nigeria

I mentioned that, in the early phases of my studies of TRCs and non-TRC approaches, I focussed mostly on Latin American states and the Southern European states, the latter being part of the “third wave of democracy” that transition theorists refer to. These states and their democratic transitions provided a source for a multitude of publications (Aguero, n.d.; Giner

& Sevilla, 1984; Linz, 1993; Higley & Gunther, 1992; Graham, 1992; Graham, 1993). The changing status of the military in democratised states also deserved ample attention (Cruz & Diamint, 1998; Hutchful, 1997; Koonings, 2003). Comparative studies in the areas of transition and truth and reconciliation attempts, including some by South African theorists, also deserved attention (Du Toit, 1990; Thomashausen, 1994; Du Toit, 1994, Liebenberg, 1996).

I mentioned that reading about one case called up another in order to strengthen the comparability of the cases. As I progressed on the case study of South Africa, I became convinced that the comparative insights would have more value if I exploited more than just one, two or three. Presumably, it could also provide some potential for generaliseability or as better known in contemporary qualitative approaches, transferability. However, the above and simple curiosity are not the only reasons that caused further tracking of the African *spoor*). Tracking over the globe may bring one back to one's own territory, not necessarily home but to areas known/more familiar.

Someone once remarked that “theories, like beer, do not travel well”.²⁶⁹ Strangely, this observation, or rather platitude lurking somewhere in the back of my mind, has to take part of the responsibility for starting to read “closer to home”. A friend and well-known Africanist also pointed out that a study such as this one, in order to have added value, should give more attention to African case studies, thus bringing the experience close to home²⁷⁰.

Interaction with scholars such as Dani Nabudere, the Director of the Afrika Studies Centre²⁷¹ in Mbale, Uganda, also confirmed this weakness in my study.

²⁶⁹ I cannot remember when and where I heard it the first time. However, the analogy struck me as quite a true observation. I happen to think that the person that coined this, or then at least used this rather vividly, was Jannie Gagiano, a colourful political science lecturer who taught me at the University of Stellenbosch in our pre-graduate years during the 1980s.

²⁷⁰ This experience is an example of what intersubjectivity entails. We have known each other for about 18 years. She/he is an African scholar, not from Africa but in solidarity with Africa. I am an African, yet I was trained (in contrast to educated) to think that knowledge should be obtained from the Harvards, Essexes, Stanfords, Cambridges, Princetons *et cetera* and that one should feel inferior when the these learned persons “pop around” as esteemed academics and scholars to interpret on one's behalf what one experiences and knows by living it daily. Interaction with persons such as this Africanist confirmed that knowledge is not limited to the selected (Western) few.

²⁷¹ Nabudere chose to name the institute *Afrika Study Centre* rather than Africa Study Centre.

Various discussions with a trusted friend and colleague, Michael Cloete, and earlier Ruhr Martin and Rocky Williams over a fair period further accentuated this.²⁷² By that time, after all, TRC-type exercises were known and debated in the African context. Also, the SATRC was discussed from time to time when Rocky, Solly Molo (MK friends integrated into the new SANDF), a journalist friend of mine, Dries Liebenberg, Margot Pienaar and others met one another.

I mentioned that Rocky and I wrote an article on the possible effect of the SATRC on the new SANDF. Journalists interviewed me on various occasions and invariably asked questions on other African cases. This also served as a pointer that the developments (or then, rather, future developments on the continent) in this area had to become a pertinent part of my studies.²⁷³ I set about reading and tracking further on the *spoor* of comparable cases on the continent. In doing so I picked up on the cautionary note of Hutchful (1997: 49) that armed forces and security institutions and democratic control over them need research with more depth and consistency in our endeavours to understand developments on the continent. Research and qualitative research more so, is a journey, but in travelling afar one does invariably return to one's "home turf".

The study progressed (or completed a circle?) back to our Africa. Nigeria became another focus in a broader casing or setting.

Nigeria and its tortuous history with military regimes, coups d'état and counter-coups represent a challenging and rich case study. Other theorists much earlier not only remarked on

²⁷² The discussions between Michael Cloete and myself touched on "indigenous" knowledge and the role of philosophy in the African context. Obviously the imperative of *principled non-racialism* as a basic *core of humanity* (South Africa is an interesting country where Europeans that inherited euro-centrism and as added value racism, are mirrored in the reflection by "new" Africans (our "elite") educated in Europe that espouse racism towards their country people that did not go into exile. Current political leaders and the economic elite still stick to racial categories (apartheid racial categories are still retained on official documents.) The likes of these people also perpetuate the myth of South Africa consisting of a "rich white nation" and a "poor black nation". In their adherence to an ideology of inherited racial discourse they have not noticed that that the rich-poor gap in South Africa has become non-racial since 1996. On another point: it is not strange that some of the then exiled leadership and students from universities when in "exile" supporting the current government, still talks about "white racism" and deny that other forms of racism still flower – or indeed exist. In my own experience the then black consciousness persons and Pan-Africanists are far more non-racial than the current government elite (especially those that went into exile without having experienced military/guerrilla training and deployment as such). From there it is but a small step to reflect on the value of possible application of this study if we talk about a humane society and the role of politicians and the military.

²⁷³ I remember Willem Pretorius, a journalist from the Afrikaans newspaper, the *Beeld*, who made an appointment for an interview. It was one of those rare cases when someone interviewed one for more than half an hour, made no notes, went to the office and quoted the interviewee correctly without putting words in his mouth. It was indeed an experience that one does not see repeated every day.

the need for analysis of the case, but ventured into solid studies in this regard. (See Nagel [1981] on the politics of collective action in Nigeria between 1960 and 1975 and Adebayo and Otite [1997] on case studies contributed by various authors. Lewis [1997] on the role of civil society, political society and democratic failure(s) in Nigeria is also of relevance here.) Nigeria as a case study cannot be dealt with in full. That would call for a second thesis! Nor can I do justice to all the complexities of Nigerian politics, here except where relevant to the arguments put forward here.

The role of military involvement and attempts to unearth the truth through among others the Oputa Report in Nigeria, do have relevance for this study. As far as this study is concerned, I will highlight main themes and then deal with the issue of human rights and the military/civilian interface in contemporary Nigeria. I will deal in more detail with a recent attempt to deal with past excesses in Nigeria, namely the Oputa Panel Report.

The spectre of military rule and coups is not new to post-colonial Africa (Khadiagala, 1995: 61). Nordlinger points out that, by 1966, civilian governments had been overthrown in Togo, Congo/Brazzaville, Zaire, Ghana, Dahomey, the Central African Republic, Upper Volta (Burkina Faso) and Nigeria. “By 1976 coups had occurred in more than half of the African countries, and in that year the military occupied the seat in government in half of them” (Nordlinger, 1977: 6). Kieh, in looking at coup statistics in Africa from 1950 to 2000, points out that Africa suffered 85 coups. Fifty-eight coups were against civilian regimes and 27 against military regimes (Kieh, 2004: 44–45). Hutchful also cautions that coups may seem to re-arrange politics rather than transform to democracies and that the struggle against military authoritarianism has often spawned not democracies, but particularly debilitating new forms of militarisation and militarism (Hutchful, 1997: 44). Moreover, many military regimes, he cautions, were ousted to be replaced by a *parti militaire* that only partly realised democratic freedoms (he quotes among others Ghana, Burkina Faso and Mauritania as examples – Hutchful, 1997: 43). Hutchful’s remarks need to be kept in mind in the case of Nigeria.

Not all succeed: Pathways from military rule – Africa in 1997

Cases differ. (1) In some cases *complete demilitarisation* took place, such as Benin and Mali by 1997. (2) In others regime *rearrangement* took place with the military remaining influential. Ghana, Burkina Faso and Mauritania are examples of this. The new civilian leaders are frequently ex-military men in civilian clothes. (3) *Aborted transitions* occur, such as those in Algeria and Nigeria by 1997. (4) *Successful regime resistance and deflections of democratic pressure* may occur, with Zaire and Togo as examples. (5) Transitions take place that involve a partial *collapse of the central state and the emergence of new political entities*, such as Eritrea and Somaliland.²⁷⁴ (6) Transitions sometimes regress into the *emergence of warlordism* (Somalia and Liberia) and (7) *Peace pacts and constitution writing* could be followed by an election with victory for former liberation movements, such as in Namibia, South Africa and Mozambique [Derived from Hutchful, 1997: 45].

Lewis makes a telling point: “Since independence from Britain in 1960, Nigeria has been ruled by the military for a total of twenty five years (Lewis wrote this in 1997). Following the overthrow of the First Republic in 1966, there has been only one civilian interregnum, the short-lived Second Republic of 1979–1983” (Lewis, 1997: 139). In nearly all cases the military in power have, in Lewis’s view sought legitimacy for their rule by promising a transition to a democratic order (Lewis, 1997: 139). In this regard Nigeria is an interesting case. Military strongmen regularly justified their role as midwives to democracy.

Ojo argues that despite military interference, “the idea of democracy is not new to Nigeria” (Ojo, 2004: 63). The separateness imposed by colonial rulers, the strengthening of ethnic differences caused by it and patronage also contributed to a political economy of separate inequalities (Ojo, 2004: 65). Ojo argues: “In that way, colonialism emerged as a disruptive force in the evolution of democracy in Nigeria” (Ojo, 2004: 65). Ojo divides Nigerian politics into phases: (1) The colonial era spawning patronage and social division through colonial administration and these divisions in turn spawning future economic, political and social fault lines; and (2) the post-colonial era between 1960 and 2003, marked by coups and attempts to get the military to disengage from politics.

The post-colonial era is again sub-divided into the following epochs: (1) The military seizing power from civilians in 1966 and the Murtale/Obasanjo Transition Programme (1975–1979)

²⁷⁴And one may add, the continuation of regional conflict and intra- as well as inter state tension.

that ended with civilian rule, the military having disengaged from politics. The Second Republic came into being in 1979. It seemed that the military was willing to relinquish power. However, the influence of the men on horseback remained an important factor (Ojo, 2004: 66–67). (2) Four years of civilian rule came to an end in 1983 in Nigeria's fourth coup d'état. General Babangida's Transition Programme followed from 1985 to 1993. Political parties were unbanned though in a limited exercise of the "liberalisation of politics". The election, demonstrating only a 35 percent vote, was controversial and was eventually annulled. This led to a prolonged crisis and power was transferred from Babangida to an interim national government. This was to lead to what Ojo calls (3) Sani Abacha's Transition Programme between 1993 and 1998. National elections followed, but Abacha himself "refused to follow his own self imposed program" (Ojo, 2004: 73). A reign of terror followed, which resulted in trade union leaders such as Frank Kokori being imprisoned, possible military contenders being put in jail and escalating state repression that included the assassination of opponents. Press freedom was drastically curtailed, newspapers were closed and media people harassed. "In a nutshell the regime simply unleashed terror on the polity and was at the same time in self delusion claiming to be mid wifing democracy" (Ojo, 2004: 75). (4) Abubakar's transition programme took place between 1998 and 1999. General Abdulsalam Abubakar took power in June 1998 after the mysterious death of his predecessor. It was announced (again) that the military wished to exit politics with a hand-over date to civilians promised for 1999. Elections indeed followed, with Obasanjo elected as president (Ojo, 2004: 76). (5) Transition to civilian rule was confirmed with the inauguration of the Fourth Republic. Possibilities for praetorian tendencies or another coup saw more than 100 retirements of 'potential political persons' in the military hierarchy. In 2003 Nigerians went to the polls for the second time since the military gave way to civilian rule and Obasanjo was re-elected. Ojo points out that the elections were marred by several irregularities and electoral fraud (Ojo, 2004: 78–79). "Nigeria's march to democracy has been a torturous one" (Ojo, 2004: 79).

Nigeria: A closer look at coups and transition – sides to a disengagement coin

Because of the political and economic influence of the military disengagement from politics is not a simple issue, nor a foregone conclusion. Nigeria is/was no different. Amuwo notes that, following the return to civilian rule in Nigeria, in 1979 many wondered aloud about the longevity of the military-engineered democratic experiment. By 31 December 1983 it was no

longer necessary to ponder this, as the military returned as mentioned before²⁷⁵ (Amuwo, 1995: 1).²⁷⁶ As mentioned, the first “military republic” lasted from 1966 to 1979. Civilian rule returned in 1979 amid uncertainties about the future. On New Year’s Day 1984, Nigeria was under military rule again. For Amuwo the Nigerian state was classically caught up in a “coup d’état syndrome” and the “cyclical mechanism of civil-military rule” (Amuwo, 1995: 6, 12).

Contributors to the work of Kieh and Agbese (2004) note that the issue of military disengagement, the *man on horseback* (referring to the military) withdrawing from civilian politics and “returning to barracks” is of relevance in MS (Luckham, 2004: 91ff). Ironically, in the 1980s when theorists wrote about the so-called *Third Wave of Democracy*, the military re-engaged again in politics in Nigeria (Kieh, 2004: 121). Like Adejumobi and Momoh (1995), Kieh in my view rightly links the coup syndrome to political economic issues such as: (1) the state of the economy in the neo-colonial state and the need to transform the neo-colonial state; (2) the inability of civilian governments to deal with economic transformation and equality and a redistribution of scarce resources; (3) corruption or the problem of kleptocrats; and (4) lack of a conscious strategy to build public participation irrespective of citizens’ backgrounds (Kieh, 2004: 123–124). However, he notes that military regimes fared little better once they (re-)engaged with civil politics.²⁷⁷ The Oputa Report of 2004, which I will discuss somewhat later, seems to confirm this.

²⁷⁵ There are manifold reasons in the case of Nigeria for the return of the man on horseback. Among others, Adejumobi and Momoh state that the civilian administration of the Second Republic (1979–1983) “displayed brazen economic recklessness, financial imprudence and a general misdemeanour for electoral and political processes” (Adejumobi & Momoh, 1995: i). They also remark that the return to civilian rule of some and “often created the context for the enthronement of civil regimes which have some semblance [to] military authoritarianism and which reflected the praetorian character of military regimes” (Adejumobi & Momoh, 1995: i). Agbese, in a chapter in a book written by himself and Kieh, considered the reasons why the military in various states argued for interference (or re-interference). Comparing quotes of coup leaders that rationalised the overthrow of the civilian governments from countries such as Uganda, Ghana, Burundi, Ivory Coast, Gambia, Liberia and Nigeria, he demonstrates that the reasons mentioned by Adejumobi and Momoh seem to be a general prelude for military intervention (Kieh & Agbese, 2004: 62–64). The paradox was that: “... these civilian regimes lacking the force of arms, the desirable democratic ethos and nuances and the capacity or political will to improve the general well-being of the people usually set the context for the return of the military into power ...”

²⁷⁶ For more detail on the “Fourth Coup d’état” consult Ikoku (1984; Reprint, 2002).

²⁷⁷ Kieh mentions several theoretical models as intellectual tools to understand coups. These include the personalist model, the corporatist model, the manifest destiny model, the Marxist model and the integrative model (Kieh, 2004: 40–43).

*Nigeria in 1993 was the archetype of acute political instability and the attendant economic breakdown that have come to characterise the African continent most pointedly since the 1980s. At the end of the year the country had its third national government in 12 months – two military and one military-inspired. The economy ground to a halt as tension and social insecurity attained unprecedented levels ... External reserves dwindled rapidly and by the end of the year were barely enough to service one month's imports. Economic growth crashed to about two percent (according to the Federal Ministry of Finance, 1994) ... extra-budgetary spending had pushed the nation into an official deficit of N 75.21 billion ... a virtual economic standstill (Nahzeem Oluwafemi Mimiko, in **Social Justice**, Vol. 22(3), 1995: 129).*

Muhammadu Buhari's ousting in 1985 and Gen. Babangida coming to power promised the reinstatement of democracy and raised expectations in Nigerian civil society. Despite his elaborate programme the government kept strict control over the process. Civilian politics returned, but under restrictions. By 1991 civilian politicians were allowed to enter the political arena subject to various conditions. The political transfer date was postponed three times before it was set for the second half of 1993. Babangida also established a civilian Transitional Council, partly under pressure, as he was criticised for harbouring hidden strategies to uphold power and partly perhaps as a goodwill gesture. The election took place "amidst confusion but was viewed as credible and fair" (Lewis, 1997: 141). Although Abiola, a wealthy business figure, gained nearly 60 percent of the vote, no transfer of power was forthcoming. Widespread protests and strikes followed. Babangida resigned and installed the Interim National Government (based on the Transitional Council that he had formed earlier in 1993). The interim government floundered amid a national strike (Lewis, 1997: 141).

Gen. Abacha took power. Abacha seemingly tried to placate the opposition, among others Abiola. However, opposition to the regime escalated and eventually culminated in a nationwide petroleum workers' strike that lasted nine weeks. Abacha, under pressure, resolved not to submit to demands.

The trade union leadership was decapitated by mass detentions, media houses were closed and anonymous attackers harassed members of the opposition – the usual reaction by authoritarian states, even if considering/promising to embark on transition to democracy (the political

Rubicon is frequently postponed in many states).²⁷⁸ Abiola was detained. Rumours of a counter-coup led to the imprisonment of Brig. Gwadabe, Gen. Yar'Adua and Gen. Obasanjo. Secret military tribunals followed. The chill in Nigerian politics deepened when Ken Saro-Wiwa and eight fellow activists were executed. Indeed, Lewis argues that "Abacha has gone further than any previous Nigerian ruler in abrogating basic civil liberties and political rights" (Lewis, 1997: 147). The man on horseback was not only on the scene but acted this time like a fiery tempest. Before military rule was terminated in 1999, things were to get worse.

The Nigerian military's re-engagement in politics fortunately came to an end in May 1999. Fayemi points out that: "The scale, scope and intensity of conflict in Nigeria since the end of military rule challenge the assumed link between military disengagement from politics and the demilitarisation of Nigerian politics" (Fayemi, 2003: 57). Rather than recede, social violence increased. For Fayemi, this presents the practical challenge of "effective and accountable security agencies" (in pursuit of community safety and individual rights) and the "effective governance of the security sector through the empowerment of civilian supervision mechanisms" (Fayemi, 2003: 57). For Kieh, using an integrative analytical approach, as he calls it, the situation demands that the problem be solved through a multi-layered approach covering the state, civil society and the military/security institutions.

Some of the issues to be addressed include ways to manage a politicised but de-institutionalised (read: *back to barracks*) military, the problems of the personalisation of militarist politics and the quest for power. Furthermore, reform and democratisation advocates have to deal with the weakened state of accountability and proliferation of intelligence agencies as a result of the authoritarian and military rule of the past, the past and current link between business elite and military managers/commanders, which has led to widespread corruption, and the potential for a large-scale emergence of ethnic-regional tension (and presumably religion and class issues as well). In addition to this the legacy of societal militarisation and violence remains ever present (Fayemi, 2003: 59–63).

The problem of the militarisation of sectors of civil society and resultant political militancy among contenders to the state (i.e. white and black people that grew up and lived through the

²⁷⁸ Even liberal or established democracies may reach a state where they re-cross the Rubicon, back to elements of authoritarian rule, and where organised elements of civil society or the civil community, such as trade unions and religious groups or movements protesting against government policies that leave communities worse off than before are curtailed. Democracy is never guaranteed; it needs to be established, enhanced and fought for from day to day under any government, however liberal that government may claim to be.

1970s and 1980s in South Africa) and the effects of being collectively socialised-through-militarism among different communities in Nigeria, is potentially explosive much like South Africa (at the time). Any attempt at political reform with democratisation and security governance will have to reckon with these social fault lines. The scope and extent in the case of Nigeria is arguably far greater and potentially more disruptive than in South Africa.²⁷⁹

Following the military's latest disengagement from politics in Nigeria, the state accepted the 1999 Constitution and the April 2003 elections followed. Olusegun Obasanjo, himself from a military background, of the People's Democratic Party came to power. The election results were highly contested. The opposition attempted to overturn the results legally but did not succeed, even though some argued that the judiciary in the new state was somewhat more independent (DAWODU, 2005, <http://www.state.gov/g/drl/rls/hrrpt>). The Human Rights Report on Nigeria for 2004 reported on the new state's record as follows: "While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of security forces acted outside the law" (DAWODU, 2005, <http://www.state.gov/g/drl/rls/hrrpt>). The report does not specify the number of cases and whereas it states that "in some instances" forces acted outside the law, it also says that "Members of the security forces committed numerous human-rights abuses" (DAWODU, 2005, <http://www.state.gov/g/drl/rls/hrrpt>). The report refers to the restrictions on freedom of the press and speech, and notes that the government's human-rights record remains poor. The report states that security forces committed extra-judicial killings and used excessive force, but at the same time states that there were fewer reports of "incidences of torture" (DAWODU, 2005, <http://www.state.gov/g/drl/rls/hrrpt>). Prolonged detention and lack of speedy trials are also mentioned.

While the wording of the report is somewhat contradictory, the conclusion that I reach is that civil control of the military did not prevent instances of abuse of power and transgression of human rights. This does not auger well for the maintenance of democracy and enhancement of human rights in the said case.

As can be expected in a previously militarised society, state-inspired vigilante action still encroached on human rights. One example is the case where according to various reports Kaduna residents discovered ten or more bodies in a grave in 2003 (Country Reports on

²⁷⁹ The linkage between patron-client relationships and corruption as subversive elements that undermine a proficient military relationship and professional soldiering is not unique to Nigeria. Nor is the comment that such patronage and corruption do not necessarily undermine military effectiveness in the short term (see Young, 1997: 133 ff, 143–145, on the case of Zimbabwe).

Human Rights Practices, 2004). Residents suggested that the bodies were those of activists who had been involved in a fuel strike a week before. The Kaduna State governor insisted that those killed were armed robbers and promised an investigative panel. Nothing came of the expected report. It is important to note that in this case, it was the police who were implicated rather than the military. Also pertinent is that the Country Report explicitly mentions that “Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization and inter-ethnic violence”. The report further relates that summary executions, assaults and other abuses were carried out in the Niger Delta (Country Reports on Human Rights Practices, 2004). Both the police and the military were deployed in the Niger Delta region in response to civil unrest and violence. Amnesty International estimated that roughly 500 casualties occurred in the Rivers State owing to civilians and youths clashing with the military and police task forces in this region (Country Reports on Human Rights Practices, 2004).

On the positive side, the report points out that the Nigerian National Human Rights Commission, tasked with monitoring and protecting human rights, was enjoying greater recognition and cooperated with other bodies and NGOs. The commission was chaired by a judge, had 15 other members and had affiliates in each of the country’s political regions. It is said that domestic and international human-rights groups “generally operated without government restriction, investigating and publishing their findings on human rights cases” (DAWODU, 2005, <http://www.state.gov/g/drl/rls/hrrpt>).

After the killing of 200 civilians in Benue in 2001, the government in 2002 appointed the Benue Commission, whose report was to be released in 2003. However, the report held no-one accountable for the transgressions and proposed no corrective action (this, in my view, a fairly persistent problem with government-appointed commissions. Despite various commissions in South Africa following violence in the 1990s, the truth did not come out (see Chapter 3).

It is important to note that these reported incidents happened under civilian rule and the new constitution of Nigeria. Section 1 of the constitution professes respect for the integrity of the person, including freedom from arbitrary or unlawful deprivation of life. The constitution prohibits cruel, inhuman or degrading treatment or punishment (section 1.a). The constitution also provides for an independent judiciary. It provides for non-arbitrary interference with privacy, family, home or correspondence and respect for civil liberties (section 2).

I have discussed elsewhere the complexities of guaranteeing civil and human rights in one-party states and the resultant challenges (see chapter 3). I referred, among others, to the involvement of the ICJ (1978). Rather than focus on this here, I will now discuss the current situation in Nigeria, especially with regard to an attempt to deal with past human-rights transgressions.

An issue of potentially great importance arose after the transition to democracy and the appointment of the new president of Nigeria. Two weeks after his inauguration, Obasanjo announced a seven-person commission called the Human Rights Violations Investigative Commission (HRVIC). It was to be headed by Justice Chukwudifu Oputa. The Oputa Panel was to investigate human-rights abuses dating back to the days of military rule. In October 2003 formal hearings started (www.rnw.nl/humanrights/html).

Despite some similarities between the mandate of the panel and the SATRC, there was one major difference: the Oputa Panel was appointed by the president himself and not through a bill. The SATRC Bill was put to the South African Parliament and enacted by Parliament in 1995. As such, it had a higher stature, being legally enacted by the legislature as outlined in the South African constitution. This proved to be an important, if not crucial, difference. The Oputa Panel and its activities resided more in the realm of a government-appointed commission than a TRC in terms of the earlier typology that I deploy in this study. (For more detail see the earlier distinctions made on different approaches in dealing with human-rights excesses; Chapters 3 and 4.)

The HRVIC's report, consisting of six volumes, was completed in 2004. The report was not released after its submission to government. The ruling government argued that the Supreme Court had found the panel's mandate unconstitutional. Therefore, government planned no further action related to the findings of the report (DAWODU, 2005, <http://www.State.gov/g/drl/rls/hrrpt>). The fact that President Obasanjo refused to release the report in which Chief Justice Chukwudili Oputa analysed the contemporary situation caused a public debate, if not an uproar (the report was eventually posted on the web on 30 November 2004 as <http://www.dawodu.com/hrvic1.htm>, without being "officially" released).

The Oputa Panel faced difficulties similar to the SATRC: compromises between interests and truth, horse-trading and blaming "the other" all had an impact on the outcome of the exercise. Like the TRC, the panel summoned previous heads of state, such as Abubakar, Babangida and Buhari. They refused summons and did not appear before the panel, like President P.W. Botha

in South Africa. Obasanjo appeared before the panel and gave his testimony on 11 September 2001 (<http://www.dawodu.com/hrvic1.htm> and <http://www.state.gov/g/drl/rls/hrrpt>). In South Africa, horse-trading and compromises between the National Party as previous incumbents and the ANC as future rulers, some argued, ensured that for example President P.W. Botha (the *Groot Krokodil* of Total Onslaught fame) did not have to appear before the TRC.²⁸⁰ There is no doubt that he, together with some others, such as the “political generals” and AB advisors since at least 1972, should have been prime witnesses in an exercise of the intended magnitude of the SATRC. One crucial difference remains between the two reports: despite dissatisfaction expressed by the ruling government in South Africa and the previous National Party incumbents, the SATRCR was released.

To a large extent South Africans were short-circuited when it came to revealing the past because of the political compromises (or is it consensus based on mutual benefits and self-interest?) But, South Africans had their report. It came about by legislation, it remained a more or less open process and the report was released into the public domain. The Oputa Panel’s Report is not yet in the public domain to the extent that it may influence policy-making. In not releasing the report, the potential impact of the report on public discussion and debate (and hence potential influence of future policy decisions) on civil control over the military was drastically watered down.

In view of my earlier arguments this was not surprising, perhaps it was even predictable. Government-appointed commissions suffer three shortcomings or restrictions: (1) as the commissioners are appointed by the government of the day, they have less freedom to unearth the truth, or may succumb to pressure not to “let all out” by some degree of self-censorship; (2) frequently their mandate and powers are limited by the incumbent government that appoints them; and (3) despite work done by the commissioners, the reports may not see the light. At least on this level it seems to me that TRCs hold more potential to unearth the truth about past abuses than government-appointed commissions. In taking a look at cases in Africa, this seems quite clear. As a result, despite criticism of TRCs, it seems that at least marginally “more” truth can be unearthed and the likelihood of these reports reaching the public domain is greater.

What about a new civic culture and renewal of CMR for Nigerians? Agbese refers to a statement by Obasanjo: “We are at the dawn of a new era where the military is subject to civil

²⁸⁰ For more detail, consult Wilson (2001: various pages).

authorities. At all times, your (referring here to the military) obedience to civil authorities must be unquestionable. The 1999 Constitution clearly states the goals and objectives of the Nigerian Army and I expect all of you will adhere to the relevant provisions therein in all your undertakings” (Agbese, 2004: 183).²⁸¹

Indeed, the new civilian government brought about some changes:

- (1) Military persons in political appointments were retired,
- (2) Corrupt military staff were dislodged from their loot and corrective action taken in some cases; and
- (3) Attempts were made to reprofessionalise the armed forces through training and seminars.

It may still be some time before Nigeria can claim civil control over the military; or the “new” constitutional military can claim “reprofessionalised” attitudes and civil conduct, notwithstanding the progress made so far.²⁸² With or without the Oputa Report, the new civil order still faces gigantic challenges in terms of civil control over the military and likewise civil control by the military over themselves as bearers of the arms of the state. The man on horseback may be out of politics, but not yet into principled civil conduct by the military.

Again the question remains: did the Nigerian attempt at truth and reconciliation succeed in enhancing the situation, as is the perception of some observers and theorists? Would the situation not be better, in any case, because of the transition and the new constitutional imperatives, whether the Oputa Panel was appointed or not?

If the two approaches were complementary, why does it seem that the Oputa Report was not well received by the powers that be? Many questions remain unanswered. The Nigerian case does not give conclusive evidence on either side when the research question is posed. Neither has the civil-military situation made a complete around-turn, yet. Many difficulties remain. If

²⁸¹ Interestingly, Agbese notes that Uganda’s 1995 constitution goes further than Nigeria’s in that it states that the government may not be removed or ousted by non-constitutional means. Similarly, he suggests that Ghana, Ethiopia and Eritrea have similar explicit utterances in their constitutions (Agbese, 2004: 195ff).

²⁸² Agbese contends: “Ali Mazrui categorises Nigeria as a coup-prone country ... Ihonvbere argued that ‘the military coup has become part of the country’s political equation’”. In short, in a country like Nigeria, the military frequently intervenes in politics and “while soldiers in such countries may relinquish power to civilians, they do not stay away from politics for long. In effect, transferring power to civilians does not guarantee that the soldiers will stay put in their barracks” (Agbese, 2004: 203).

Nigeria is to achieve stable CMR and civil control over a re-professionalised military, would it be due to civil society action, the constitutional imperatives, the military staying out of politics, the politicians refraining from inviting the military (again) into politics, or the Oputa Panel experiment? Or would it be by the vigilance of concerned citizens, the media and principled approaches by politicians in opposition or government?

In my view, it is simply too early to predict the long-term outcome. The case study of Nigeria does not yet seem to provide enough concrete evidence to either side on the research question(s) I posed earlier on. At the same time one can argue that the Oputa Report, owing to its relatively public stature, may have kindled reflections that could lead to the enhancement of civil control over the military.

On a more positive note: The Oputa Panel may well have contributed to greater awareness among military and political leaders that their past actions may be investigated eventually, thus putting a secondary control measure in place – albeit as a re-active measure rather than a pro-active process. Secondly, the level of disruption of civil liberties and the negative effect of this on the image of the military through the extremities of Abacha’s rule may have made Nigerians and the military conscious of the dangers inherent in interfering in politics. Lastly, civil society in Nigeria may have been strengthened through its experiences, which may create favourable conditions for vigilance and action to keep military strongmen out of politics. Things may have taken a turn for the better despite Hutchful’s warning that Nigeria resembles a rearrangement of politics rather than full-blown democratisation.

Frequently positive notes are confronted by the less positive or perhaps an a-tonal note: Following the latest elections (which were contested from various corners) a new president was elected, but again a person with connections to the military. The second contender, Buhari, was a former military ruler (I referred to him earlier). Thus civil control with or without the Oputa Report seems to be *de facto*, but not a reflection of a democratic body politic where the military may remain in the barracks or politicians may be tempted to invite them “back in” – on the continuum of what I will call invited praetorianism or perhaps more direct intervention, even if rationalised as upholding the newfound democracy.

5.5.3. Rwanda

There is no doubt that the Great Lakes region had, and still has, a critical impact on Africa. Even more so it has a crucial effect on the current human-rights debate. What happened in the

Rwandan genocide surpasses many other abuses of human rights in Africa and elsewhere.²⁸³ Some theorists relate the triggering of this conflict to the issue of economy, exploitation and neo-colonialism, rather than ethnic conflict (Pritvorov, 2002: 25; Nabudere, 2003: 10).

Magubane, a historian and sociologist, offers a considered argument on conflict in Africa: “The structural cleavages based on racial, ethnic and cultural differences are built into colonial situations just as much as neo-colonialism as a system of economic, political and ideological control is woven into the colonial situation at independence.” He continues: “... From the above it is obvious that the roots of modern conflicts in tropical Africa reach very deep. The present outbreak of conflict cannot be attributed to primitive identities like tribalism, but should be traced back to the socio-economic structure inherited from long periods of colonial rule and exploitation” (Magubane, 2000: 53).

Others, like Dani Nabudere, link the colonial past to current capitalist exploitation. Nabudere refers to a UN report on illegal exploitation of natural resources and enduring conflict in the Great Lakes region. The report makes it clear that some African elite “had done this in league with a dozen reputable foreign companies and financial institutions registered in Belgium, Germany, Malaysia, Canada, Switzerland, the Netherlands, Britain and others (Nabudere, 2003: 10).²⁸⁴

Peter Uvin makes a similar argument. He contends that the international community played, and still plays, a major role in the current conflict – either intended or not.²⁸⁵ Uvin suggests

²⁸³ Maogoto illustrates a telling point about the 1994 massacres in Rwanda: “The dead in Rwanda escalated at nearly three times the rate of Jewish dead during the Holocaust. It was the most efficient mass killing since (the USA) bombed Hiroshima and Nagasaki” (Gourevitch, quoted by Maogoto, 2003: 66). As in the case of the Holocaust and the bombing of the two Japanese cities, the genocide was well organised, aimed mainly at civilians, co-ordinated and administered with precision. It was not spontaneous or random (Maogoto, 2003: 66).

²⁸⁴ Nabudere goes further. He points out that Yoweri Museveni (Uganda) and Paul Kagame (Rwanda), two close allies of the USA during the Clinton administration, were “on the verge of becoming godfathers of the illegal exploitation of natural resources and the continuation of the conflict” (Nabudere, 2003: 10).

²⁸⁵ In a popular work, not highly controversial and in no way theoretical, written in an auto-ethnographic style, Perkins points out how capitalist companies or what he calls *corporatocracy*, through their targeted involvement to ensure profit, cause social alienation and war (Perkins, 2005). For an early South African view, again popular in nature, about the conflict over scarce resources aimed at profit and its role as cause of WWI and WWII, see Scholtemeijer (1950). Scholtemeijer’s arguments on resource wars for capitalist profit, though less succinctly argued, reflect later conjectures of theorists (see for example Pritvorov, 2002). For the role of Western capitalism in the continued conflict in Namibia under South African occupation, see a work edited by Cooper (1988).

that in the majority of cases it is intended (Uvin, 1998).²⁸⁶ Uvin's argument is supported by Nabudere (2004). Nabudere, however, goes into the background and the sustained reasons for the conflict in much more detail by analysing the political economy of the Great Lakes region, a conflict that has become known as Africa's First World War (Nabudere, 2004: 1). He points out how Western interests, primarily those of the USA, created instability by maintaining the dictator Mobutu Sese Seko in power for years, how enforced structural adjustment programmes played a role and how exploitation of scarce resources in the area under the glib mantra of globalisation enhanced the conflicts in the region (Nabudere, 2004: 5–7).²⁸⁷ He points out the involvement of large transnational corporations (i.e. Sominki held by USA and Belgian magnates) that fuelled conflict through their resource exploitation. Concurring with Nabudere, Unwin and Magubane, Juma goes further in tracing what he calls 'shadow networks' and 'transnational conflict networks' that in furthering international markets cause greater conflict, with specific reference to the Great Lakes region (Juma, 2007: 2–5). His article makes for telling if not chilling reading.²⁸⁸ Neklessa is to the point in his analysis. He relates much of the conflict in areas such as the Great Lakes region to "the risk that real control over social and economic activities on the African continent may in the long run pass on to foreign donors and international organisations thus (forming) the context of a rather peculiar north centric macro-colonialism" (Neklessa, 1997: 5).

But, back to the issue of trials and crimes against humanity: the genocide in 1994 where conflict between the Tutsi minority and the Hutu majority resulted in the genocide of roughly 800 000 Tutsi people (Stremlau, 1998: 32).²⁸⁹ This number is disputed, with some suggesting many more victims. Ferstman puts the number of people eliminated in the course of the

²⁸⁶ See a book review by Bonny Ibhawoh (2000: 321–322) on Peter Uvin's publication, *Aiding Violence: The Development Enterprise in Rwanda* (1998, West Hartford: Kumurian Press).

²⁸⁷ Observers will recall that SeseSeko's regime also played a crucial role in the destabilisation of Angola following the failing of the Alvor agreements between the MPLA, FNLA and Unita. Zaire acted as the launching platform for CIA and South African military incursions into northern Angola (1975/1976). Roughly 1 500 Zairean troops also formed part of the invasion force, which was eventually repelled (Ciment, 1997: 13; Gleijeses, 2002: 252, 290ff).

²⁸⁸ Juma's academic work confirms what other works, such as the auto-ethnographic tale of Perkins, *Confessions of an Economic Hitman*, tell us about what shadow networks and transnational capitalist interference caused in Latin America and the Middle East – alienation, conflict and poverty. Earlier research that links exploitation and trans-national capital worth reading includes Engdahl's *A Century of War* (1993). A more recent work that analyses trans-national capital, exploitation through the market and the much coveted glibpeak/newspeak, globalisation, is Eric Toussaint's *Your Money or Your Life* (2005).

²⁸⁹ In general, Western observers see the conflict as an ethnic one. Analysts tend to overlook the issue of asymmetrical power, class and status, as well as the struggle to control scarce resources and foreign involvement for profit through exploitation. The conflict took, one may argue, the form of extremists of one group against moderates that represented both Tutsi and Hutu. More research is necessary to understand the root causes of conflict in terms other than ethnic analysis.

genocide at 1 000 000, that is, one seventh of the population of Rwanda (Ferstman, 1997: 859).²⁹⁰

The earlier mass murders in Burundi in the 1970s are overshadowed by the Rwandan genocide. Lemarchand argues: “Nowhere is this more cruelly evident than in contemporary Rwanda and Burundi, the only states in post-independence Africa to have experienced human-rights violations on a genocidal scale. Though largely overshadowed in public attention by the magnitude of the carnage in Rwanda, the 1972 Burundi genocide, causing the deaths of anywhere from 100 000 to 200 000 Hutu, must not be forgotten. Not only because of the appalling nature of the crime – that it occurred on a lesser scale than the killings of Tutsi in Rwanda, and 24 years earlier, does not make it less offensive ...” (Lemarchand, 1996: 1–2).

The UN National Assembly approved the Genocide Convention (full name: UN Convention on the Prevention and the Punishment of the Crime of Genocide) only in December 1948. The Convention’s decision came into effect in 1951 and described genocide as “acts committed with intent to destroy in whole or in part a national, ethnic, racial, or religious group” (Laska, 2001: 82).

Lemarchand argues that “To this day however, and despite subsequent efforts at clarifying the essence of the phenomenon, considerable ambiguity clings to the term” (Lemarchand, 1996: 1). Stremlau argues that lack of intervention by the international community in the Great Lakes region resulted in a comprehensive and complex refugee crisis, apart from the incredible loss of human life. It is estimated that approximately 50 000 refugees had died in Eastern Zaire by 1994 from cholera, dysentery and dehydration alone (Stremlau, 1998: 33). Another uprising of Zairian Tutsi with evident assistance from Rwanda, Uganda and other neighbouring states against the militia of Hutus (*Interahamwe*) forced them to flee, which led to the return of many people. Ferstman argues: “The international community, despite desperate calls for assistance, proved either unable or unwilling to take the necessary measures to halt the genocide” (Ferstman, 1997: 859).

As late as 1997, campaigns of ethnic cleansing were still reported. The armed forces of Zaire were implicated in these activities that were meant to eliminate many refugees before they

²⁹⁰ The term genocide was coined by the legal scholar Raphael Lemken (1900 – 1959), a Polish Jew who escaped the holocaust (Laska, 2001).

could return to Rwanda (Stremlau, 1998: 34). Rwanda, apart from appalling loss of life, suffered the incapacitation of institutions, the death or refugeeship of most of the skilled people and being regarded as a state without legitimacy (Sidiropoulos, 2002: 77).

Among the institutions that suffered virtual destruction was the Rwandan justice system. The absence of such a system exacerbated conditions in Rwanda. The UN Security Council established an international tribunal for Rwanda, formally named the International Tribunal for the Prosecution of Persons responsible for Genocide and other serious Violations of the International Humanitarian Law Committed in the Territory of Rwanda, in 1994, with the acceptance of Resolution 955 (Ferstman, 1997: 860). (If the above holds true for political institutions and the legal system, it is not too difficult to imagine what it meant for the civil-military dimension.)

In broad terms Resolution 955 aimed at restoring justice, maintaining peace and ensuring that similar occurrences of mass violence directed against all or part of a community were prevented (Unwin & Mironko, 2003). Unwin and Mironko (2003: 219 ff) argue that the tribunal with nearly 800 staff members had mixed success. A slow rate of bringing people to trial was one problem (by 2003 seven trials out of 17 were in process and two appeals were pending at the time). Some argued of that the tribunal was a hypocritical show (the imbalance between the extreme evil of genocide and the “refined judicial afforded to perpetrators”), while some observers suggested that it was merely a show of Western disapproval and lay in the realm of symbolic politics driven by guilt feelings about initial and shameful inaction by the West and belated attempts to be seen to be involved in humanitarian matters in the Great Lakes region (Unwin & Mironko, 2003: 219). The authors also point out the relative lack of interest in Western media and from researchers in general to become involved in investigating the genocide.

In Rwanda, the Organic Law (Number 08/96) passed by parliament in September 1996 also tried to constitute institutions for an independent special tribunal. The law purported to preserve the rights guaranteed by the Rwandan Constitution, Code of Criminal Procedure and the international agreements to which Rwanda was a party. The first domestic trials began in late 1996. By the end of 2001 approximately 6 500 people had appeared in court and a few thousand had been freed because of lack of evidence. Unwin and Mironko echo the arguments of Wolters (mentioned elsewhere) that it may take dozens of years to try the more than 115 000 persons involved (Unwin & Mironko, 2003).

Ferstman argues that a long and difficult road lies ahead and that numerous hitches have occurred. “Clearly, changes in many areas beyond the legal arena will be required to bring about lasting reconciliation in Rwanda” (Ferstman, 1997: 876). She further argues that the long-term success of the trials is predicated on their legitimacy and on whether they can facilitate fair procedural justice (Ferstman, 1997: 877). Unwin and Mironko, in a sobering note, state that “the quality of justice” may be lacking (the skills levels of judges, their payment, possibilities for corruption, neglect of exculpatory evidence, file processing, etc). They also point out undue “silent pressures” by sponsors that deal with the issue in a technocratic approach, such as the number of cases completed (“measurable outcomes”) and require stress on “results” rather than the quality, efficiency and justness of the process (Unwin & Mironko, 2003). In contrast, Rwandans are divided on whether justice (including punishment for a severe transgression), nation-building or community reconciliation should be prioritised – similar to the choices faced by other post-conflict societies. After all: “Post genocide justice of course, is deeply political, not technical” (Unwin & Mironko, 2003). Of course the commentary by these two theorists is relevant. Human-rights transgressions are immanently political. I was somewhat taken aback when a South African journalist asked me earlier this year (2007) whether the renewed attempt to prosecute a former apartheid minister (Adriaan Vlok) and a senior police person “is not politically inspired” (especially since the SATRC has completed its proceedings). Politics cannot be divorced from justice in the aftermath of a reconciliation process, because abuse of the polity, human beings and individuals stem from political ideology and structures. Moreover, some see reconciliation as a unifying process of nation building, others seek vengeance and most of all, attempts at managing post-conflict social reconstruction can be interrupted by unintended political dynamics (in this case South Africa and Rwanda share the same challenges).²⁹¹

The Rwandan trials are one identifiable process. Establishing long-term stability and protection is another. The genocide started as a result of the action taken when extensive planning was carried out by the Presidential Guard, the *Gendarmerie*, local police force and other civil servants. The *Interahamwe*, the youth wing of the president’s political party trained by the Presidential Guard, was responsible for a large number of the killings. One has to note here as military sociologists that CMR and human-rights transgressions become much more complex in a society where local militia, self-defence units or youthful militias (some forcibly co-opted) enter the picture. The last groups mentioned are not necessarily under military

²⁹¹ Wilson (2002) in his case study on the SATRC argues convincingly, in my view, that there were/are social pressures (then and now) on the SATRC to be a totalising symbol of unity and/or a mechanism for state legitimating in post-apartheid South Africa. All post-oppressive societies, whatever process they choose, face this calamity.

command, or nominally so. They may be loosely or closely affiliated to political and/or regional loyalties, or simply in it for their own gain or vendettas. This adds a multi-layered and technically complicated dimension to the restoration of sound control over the military because the “military” is not exactly the military.

To complicate the situation, following the genocide, all was not quiet between Rwanda and Burundi. In 2003, an African peacekeeping force was dispatched to Burundi to monitor a fragile ceasefire. Troops were despatched from South Africa, Ethiopia and Mozambique (*The Citizen*, 28 April 2002: 1). Let us return to the case of Rwanda.

Given the historical context, Rwanda could choose to forgive and forget.²⁹² Given the magnitude of the transgressions, this would have been difficult. A TRC would have been an option. But again, the micro- and the macro-contexts meshed. Many of the perpetrators left the country. Others would not have come forward if a TRC were the choice. Scharf points out the options for Rwanda. His alternatives closely resemble the typologies that I developed earlier on, namely (1) assisting internal legal processes to prosecute offenders, (2) TRCs, or (3) amnesty, in other words drawing a line through the past (Scharf, 1999: 621ff). To an extent, the Rwandan people were forced to choose a mixed approach: for perpetrators that left the country an ICT, for those still inside the country who refused a TRC-type process, internal judicial proceedings and for those that were willing to come forward, the *gacaca* process.

The ICT for Rwanda (ICTR) came into being when the new regime in Rwanda requested the UN to bring perpetrators to justice. Thus the ICTR came into being when the UN invoked its powers based on the concern that the severe and extensive human-rights transgressions in Rwanda would disrupt international peace and security (Maogoto, 2003: 57).²⁹³

To re-iterate: “Although the trials of genocide suspects have been under way since 1996, according to some estimates it could take the Rwandan judicial system up to 150 years to try the over 100 000 people already detained on charges of genocide” (Wolters, 2005: 67). Faced with this problem of no small extent, the Rwandan government also embarked on the *gacaca* process. It was first introduced in a small number of pilot areas in 2002 before it was introduced on a national level during 2005 (Wolters, 2005: 67). The process is aimed at

²⁹² Maogoto describes in great detail the historical background to the 1994 massacre, colonial influence, the role players and the subsequent challenges faced by the ICTR. It is impossible within the limitations of this thesis to go into this at length. The case study as I deal with it here will have to suffice.

²⁹³ Serious human-rights violations relate to Chapter VII jurisdiction of the UN.

eradicating a culture of impunity that many argued would persist if perpetrators of the 1994 genocide were not punished. If impunity is not addressed, justice and reconciliation will remain impossible. According to Wolters, the *gacaca* process is based on a traditional form of community conflict resolution; *gacaca* courts are essentially grassroots courts presided over by nine judges elected by the relevant community. The court meets once a week. The judges gather, collate and to an extent verify information about what happened during the genocide (Wolters, 2005: 67). Thereafter, the court goes into a trial phase.

Since then, the two trial phases have moved on to a national process, making the *gacaca* process part of a TRC-like experiment. The *gacaca* process that started off with a draft document distributed in 1996, when the scale of the judicial process became clear, was to become “an unprecedented community based conflict resolution mechanism” (Unwin & Mironko, 2003). The idea is that eventually all over Rwanda courts/communal gatherings would come into being – some say thousands. The process clearly breaks with other domestic and international formal systems.

There are various fears about the process. What if people became involved just out of curiosity? What if people abuse the process for furthering personal vendettas? What if it exacerbates tension, rather than resolving conflict and helping to attain a measure of justice and reconciliation? If one is aware of the unpredictability of socio-political dynamics in any sensitive context, these issues are realistic fears. There seem to be more questions than answers in tackling the past.

What about possible misgivings among participants – or even judges? What about human-rights excesses committed by the Rwandan Patriotic Front against Hutu post-1994?²⁹⁴ What if people came to the process to reduce sentences, rather than showing remorse and commitment to a new, more just and reconciliatory social order? What if (and it is a real risk) the *gacaca* cannot deal with the numbers of people to try? Wolters argues that informed guesstimates suggest that it may take up to 20 years to complete the *gacaca* process only (Wolters, 2005: 68).

Many of the questions and fears are similar to the type of fears that any society experiences (as well as individuals in such a society, living in the aftermath of mass violence) when embarking on a historical project where the unintended consequences cannot be foreseen. For

²⁹⁴ The process, like the SATRC, had a cut-off date for transgressions committed.

example, when South African respondents in 1996 were confronted with similar questions in a national HSRC survey, 60 percent of 2 241 respondents believed that the TRC would promote reconciliation. Forty percent of the respondents did not. A political party analysis was even more revealing: 75 percent ANC and SACP supporters believed in the reconciliation thesis, 68 percent of PAC respondents felt likewise, but the National Party respondents²⁹⁵ followed behind the DP's 39 percent with a score of 37 percent. Supporters of rightwing parties were more sceptical, with only 15 percent of them believing that the TRC would contribute to reconciliation (author's personal archive, 1996).²⁹⁶ Another predictable point of contestation enters the picture; would people rather see reconciliation than justice? A pertinent question is whether admission of guilt would terminate the tendency to blame others and not act in revenge against the "blameworthy".²⁹⁷

Given the early stages of the Rwandan project, other questions remain. Will the process have a positive effect on CMR and civil oversight over the military and other security institutions? Will it lead to a reprofessionalisation of the new military? Will politicians and the new military in future abide by the rules of the game in which the *gacaca* process will presumably make a contribution?

Clearly, in the aftermath of the genocide a major impetus was, and still is, to realign, (re)professionalise the military and paramilitary in such a way that CMR are improved and civil control over the military and constitutional and civil behaviour from the military are soundly established.

Malan offers a cautionary note: "When analyzing CMR, it has become essential to distinguish between political systems that are integrating and those (systems in) the process of disintegration ... (only) so long as there is a recognisable institution that is military, the problem of civil control arises" (Malan, 2000: 155). The Rwandan case is complicated in that the military was not exactly the military during the genocide. Civilians, communities and youth groups, as well as paramilitary groups, were being declared as, or chose themselves to

²⁹⁵ It would be interesting for future research in the South African case, for example, to do qualitative interviews or focus-group interviews with then National Party/New National Party (NNP) supporters about their current feelings about the SATRC and reconciliation, given that the NNP was absorbed in the ruling ANC – or rather the leadership of the NNP under Marthinus ("Kortbroek") van Schalkwyk chose to enter the ANC fray pragmatically.

²⁹⁶ At the time, I was working at the HSRC and responsible for the analysis of the TRC-related questions.

²⁹⁷ For an analysis on truth and reconciliation in South Africa and the links with attribution of blame following the struggle for liberation, consult Gibson and Gouws (1999).

become arms of the state. Clearly, the challenge for Rwanda lies in exactly how this legacy can be overcome in hindsight and in partnership with other states and governments in Africa, and within the international community.

In view of a variety of institutions being created, such as a National Human Rights Commission, the Unity and Reconciliation Commission, and the government's emphasis on Rwandan nation-building, there is a long way to go. Previous schisms still exist. The transformation of the military has been attempted, but, warns Sidiropoulos, "senior elements of the military and intelligence services continue to feature prominently in government decision making circles ..." (Sidiropoulos, 2002: 83). The integration process has not been completed yet and it is unclear whether it will create a military that serves the constitution, rather than a political party.

A new police force was trained and established. Again, the outcomes are less than clear. Security (or rather, intelligence) services were streamlined and integrated into a central office during 2000. However, some reports of abuse by the intelligence services came from the Human Rights Commission (Sidiropoulos, 2002: 86). Rwanda remains a polarised society and, seemingly, not yet on the verge of becoming a stable, human-rights-orientated democracy where civil control is instituted in structures and attitudes.

The mixed approach that has been followed clearly aims at national reconciliation, but with the emphasis on nation-building (the critical reader may remark that social reconciliation/accommodation may differ from nation building). Will this three-headed animal set in motion in post-genocide Rwanda achieve its goal? Could civil control over the military perhaps be achieved without these pathways?

In short: while Rwanda has shown some successes on the path of reconciliation (yet too early to provide a verdict) and on armed-force integration as well as instituting bodies of oversight, there is a long march ahead. It is too early to say whether the Rwandan experiment of mixing an international tribunal, an internal judicial process and a TRC-type exercise will bring about stable CMR and civil control over the military.

On a more positive note, it should be mentioned that it seems as if the potential for future mass conflict has decreased, the military has become more prone to be in a subservient role and the human-rights context more favourable. Rwanda may turn out to be a positive lesson

learnt, rather than be relegated to a warehouse of negative and destructive lessons on the continent.

5.6. Reflecting on the case studies

The project started off by suggesting a sub-text of “systematic thinking that (aims to) maintain and improve the conditions of life of some human population” (Meehan, 1988: 8). This particular chapter started off with a quotation from President Kenneth Kaunda on reconciliation and a remark by Hesse that suggests that to do away with one particular (potential) mode of killing and to improve a single institution is a good starting point. In tracking answers to various questions, I frequently reflected on issues such as this – in a way, a track within a track: the latter track being the betterment of some societies somewhere, also on our continent; to strengthen democracies by instituting CMR that allow for civilian oversight or control of the armed institutions through the contribution that an involved researcher can make. A society is formed by institutions and society in turn spawns institutions. The challenge is to make them humane and through this, to affect attitudes and actions that benefit a democratic order. (This also applies to policy conceptualisation, planning, implementation and evaluation.)

The epigraph by Robertson implies that one possible constraint in human-rights transgressions, whether we discuss international humanitarian law or human rights within a state, is that those responsible will be brought to justice. Robertson’s remark is worth reflecting on in this research.

The reciprocal influence mentioned above leads one to the contribution that I as researcher can make to the construction of a socially evolving entity that accommodates people and restricts violence against others. In other words: to reconstruct a society upon a mode of societal accommodation and tolerance advances human rights and assists in restraining abuse of power and inculcating control over those who were/are constitutionally appointed to protect the people of that *self-chosen nation of citizens*.²⁹⁸ At the heart of the matter are methods of controlling and inculcating attitudes concerning the purpose and use of the coercive arms of the state – and *vice versa* to nurture the attitudes of current and future ruling politicians to ensure that they are committed to keeping the armed forces out of partisan politics; in short, for politicians, to abide by the rules of the game, namely to deploy the

²⁹⁸ I borrowed the term from Habermas.

military in its primary and secondary functions only as outlined in the democratic constitution.

My focus then turned to three African case studies, namely Namibia, Nigeria and Rwanda. I detailed, as far as possible, in each study the historical setting and the context of human-rights abuses and came to tentative conclusions.

These case studies inform us that in Namibia some progress has been made. Namibia, as far as this study is concerned, is in the process of inculcating a reasonable measure of civil control over the military. It can be argued that CMR – with the exception of the Caprivi incident – are generally seen as workable and mutually beneficial for the civil and military stakeholders, upholding the constitutional values and the maintenance of human rights.

On the other hand, it remains clear that not all participants in the liberation struggle were/are satisfied with the lack of reflection on human-rights abuses (Beukes *et al.*, 1987). But it is not only participants and participant observers who noted this. I referred to Saul (1999) who observed the same, and questioned the lack of a TRC-type exercise in post-liberation Namibia. I pointed out, however, that despite the lack of a formal process in dealing with past transgressions in Namibia, the country currently exhibits a good human rights record and boasts CMR that preclude military interference in politics. The case of Namibia reflects a positive lesson learnt in civil control over the military in a young democracy on the African continent.

The case of Nigeria – a large and densely populated federal state – is more complex. The military intervened several times in civilian government in the past, thus postponing democratic evolution. Moreover, the military remains in an influential position in the Nigeria of today. Some arguments were made in the past for military rule. Current research that I consulted seems to be unanimous in disavowing military rule and typifies it as a negative development. The Oputa Report, submitted on 21 May 2004, was meant to address human-rights excesses of the past. This HRVIC and its members heard over 11 000 petitions during an extensive decentralised process. Hearings took place in Lagos, Abuja, Port Harcourt, Kano and Enugu. Despite the timely submission of the report, the Nigerian government did not release it. The government argued on legal-technical points that it should not be released. In this case I argue that government-appointed commissions to investigate past human rights afflictions have in numerous other cases been stalled; either not all the truth comes out, or the

report itself is suppressed. In this regard I mentioned several other examples earlier, such as Zimbabwe, apartheid South Africa and Uganda.

Perhaps the problem resides with the mandate of government commissions, namely searching for the truth and pointing out culprits, or maybe none of the aims of the commissions was to make clear to people what their rights were in relation to security agencies that previously oppressed people. Or the shortcoming may lie in the principal or sponsor of the report. Who guards the guardians? If a ruling government investigates itself by appointing a panel or commission, it remains likely that if the report unearths too much, implies neglect or abuse of power, the principal would be less likely to make the report public. The Oputa Report suffered the same shortcomings. Whatever the reasons, the report and whatever value it could have had are not in the public domain – it cannot yet become part of public discourse or civilian pressure to be exerted on policy-making bodies.

The military in Nigeria remains in an overtly influential position, or as elsewhere argued, remains a notable “underground actor”. Some of the action taken by the military against civilians after transition to democracy testifies to this. Similar to Latin-American cases, the new democracy is limited by what action it can take against the military – which because of its “underground” influence, cannot simply be dismissed, particularly in a vast, regionalised state such as Nigeria with its complex class, religious and ethnic composition.

While the freedom (call it a liberty or an opportunity) was granted for a report on human-rights abuses, the new government did not open up space for the report to enter the public domain and civic discussion. Hence, the recommendations in the report are also prevented from “filtering” through to the military, the public and regional governing institutions. This, arguably, happened to the detriment of nurturing and sustaining human rights and deepening the Nigerian democracy. In following through earlier arguments, if a problem is not identified and recognised as a problem, decisions cannot be deliberated. Without consultation, deliberation – even contestation – policies cannot be formulated and implemented to ensure civil control over the military (and other security institutions). Without policies being formulated and implemented, it is unlikely that working structures for civil control over the military can be installed and attitudes changed in order to attain what Hutchful calls “a well-armed military that is at the same time subordinate to civilian control” (compare Hutchful, 1997: 48). Without clear-cut policy decisions and implementation, it is unlikely that structures/conditions can be set to prevent future interference. It is also unlikely that past prerogatives of the military can be adapted to new democratic standards and values and that

political behaviour can be changed and a commitment be honed for a subordinate military. In such conditions accountability and security governance in terms of democratic practice remain problematic (Luckham, 1996: 11–13).

In this context, there is an observable need to expand civil influence and civil control over the military in general, despite the advances made; as I pointed out earlier. In reference to Nigeria, there is still an asymmetrical power relationship between the Nigerian citizenry through their legislative bodies *vis-à-vis* the military. Future policies, programmes and civic actions will have to address this in pursuance of proper civil control over the once powerful and still highly influential Nigerian military machine. Added to this, as the Oputa Report convincingly argues, “politicians must accept the rules of the game”. This statement by the panel is perhaps the crux of the matter. Just as the military as a professional constitution-bound force should abide by the restraints set out in the constitution, so the politicians should refrain from placating the military – or worse – inviting them into politics. (In this respect the Oputa Report went further that the SATRCR; it openly urged the incumbent and future military, but even more so, civilian leaders and future politicians, to abide by the rules of the game.)

However, at the moment it seems as if the situation remains as described in the words of a petitioner to Obasanjo, “You still appear to be refusing to condemn publicly (the military) or to give a firm, unambiguous commitment to bring those responsible to justice” (Peter Takirambudde, 2002: <http://.dawodu.com/nigeria3.html>). An attitude such as that described by Takirambudde is to the detriment of human rights, the deepening of democracy, and the development of a sustainable social constitutional contract on CMR in Nigeria.

“It is clear that post-colonial democratic experiments in Africa do not reflect a proud and successful history. Instead waves of democracy have (frequently) been countered by counter waves” (George, 2003: 7). George further cautions that the African human-rights system still lacks enforcement capacity within states and wider (George, 2003: 3). According to all available literature, as well as interaction with observers and Nigerian academics, this is especially true of Nigeria.

The more recent transition to civilian rule is an important step. It may lead to eventual consolidation of a democratic system and civil control over the military. However, incidents, as pointed out earlier where security forces were involved in human-rights transgressions, leave little to be content with. The election of ex-military persons into civilian political

positions in democratic elections, including the president, also leave much to be desired. In such a case, it seems that military leaders through a mechanism of election politics, merely exchange their uniforms for civilian suits.

With or without the Oputa Report, Nigeria is still far from the envisaged state where CMR are operationalised to the extent that civil control over the military is guaranteed. My conjecture is that Nigeria remains relatively coup-prone, perhaps even more prone to regression than Rwanda. In this regard Nigeria stands in stark contrast with Namibia, which formed part of the casing in this study. In comparison with South Africa, which I discussed earlier, this contrast is also notable.

Assuming that Rwanda did not have the choice of forgiving and forgetting because of the magnitude of the genocide, which in numbers surpassed the Namibian and Nigerian experience, and had to choose a mixed approach, future outcomes for civil control over the military, much as in Nigeria, remain uncertain. The case is complicated because the transgressions by the military included more than the military, but also the active involvement of self-formed (or declared so by powers to be), paramilitary, armed and youth groups. Not only the military enacted transgressions, it was “the armed”, solidified by the objective to exterminate opponents. The mixed approach of internal legal proceedings, the *gacaca* and the ICT for Rwanda is in process. Attempted reforms in order to oversee human-rights protection and actions by security institutions were put in place. But the process is a long-term one, especially when dealing with the number of transgressors and the limitations/lack of resources within the judicial processes. Social and political dynamics are unpredictable when redressing of past injustices is at stake. Unintended consequences may come into play. The stable social contract that will inculcate and sustain democracy, human rights and civilian control over the military and *vice versa* keeps politicians from of tempting the military back in still beckons in the future rather than being a *fait accompli*.

5.7. Conclusion

Referring to the case studies on the African continent, it was argued that with or without TRC-like options there is a need for consistently addressing CMR, reconstruction and re-designing civil control over the military. From the discussion above at least, it is not clear that on the continent TRC approaches resulted in better CMR and democratic control over the military. Nor does it seem that government-appointed commissions such as the Oputa Panel (or the appointed commissions in South Africa before the advent of democracy) assisted in

achieving civil control over the military. The counter-side remains: there is no certainty that truth and reconciliation approaches (even mixed approaches) will result in better civil control over the military and sustaining human rights.

Conversely, there is (so far) not an unqualified argument to be made that non-TRC/ICT/mixed approaches cannot attain civil control over the military, or for that matter better civil control over the armed forces.

One has to mention that case studies from outside the continent, i.e. Spain and Portugal, seem to suggest strongly that TRC-like processes are not necessary to achieve stable CMR.

On the African continent it seems, at least as far as I could ascertain in this study, that there are no qualitative differences between countries that had TRC processes and others that did not. Rather, the difference lies in the form of transition that the countries underwent from authoritarian rule (or civil war) to an emerging democracy.

This tentatively supports the research question's assumption posed in Chapter 1 that the choice of TRC or non-TRC approaches (at least as derived from data in this study) does not have an effect on the quality of post-transition CMR and civil control over the military. Stable CMR are to be realised by both institutional practices and a change in individuals and the collective (read: *the citizenry, the politicians, the community and soldiers as servants of the constitution*). This seems to be possible with or without TRCs. Differently put: in the absence of a TRC approach, stable CMR can be achieved.

Luckham argues that, "The relationship between the military and democracy is inherently problematic, even in advanced democracies, but more so in developing countries, including those where transition to democracy have recently taken place. Such transitions usually were speeded up by the fracturing of authoritarian regimes and their military and security structures – which are seldom monolithic" (Luckham, 1996: 1).

Necessarily, this problem is exacerbated by African conditions where a weak state – or even a suspended state (read: an under-resourced state prone to unpredictable political dynamics) – is an arguable phenomenon. Foreign interventions, especially by market forces aimed at exploiting scarce resources and human capital, worsen the issue. Add to this the lack of economic capacity of states on the continent, and the collage is set for a complex configuration of socio-political conditions when it comes to CMR, the protection and

enhancement of human rights and institutionalising attitudes to civil control over the military or *the armed*. In my view it is not clear yet whether TRC approaches (even ICTs or mixed approaches) will guarantee civil control over the military and, conversely, the professional soldier telling politicians to abide by the constitution or the social contract of the established democracy.

The implication? “Democracies (or the transition to some form of democracy – author’s insertion) remain at risk so long as the manifold legacies of authoritarian rule are not confronted, including privileged, non-accountable military and security bureaucracies. The dangers of authoritarian rule within a formally democratic shell may be as great as, and more difficult to detect, than those of direct military intervention” (Luckham, 1996: 1).

The preliminary findings of this chapter are that the three case studies leave little to be complacent about (also for me, the “I” of the project). CMR and civil control over security institutions – whether these go hand in hand with TRCs or special courts, or even attempts to establish international tribunals – have not necessarily contributed to the civil conduct of the military, nor civil control over the military in the long term as yet. This strengthens the argument that the focus should be on institutionalising civil control over the military and establishing attitudes that facilitate this.

Parsons argues: “A definition of a problem is part of the problem ... The fact that we share the same data, or at least believe that we share the same data, does not mean that we see the same thing. Values, beliefs, ideologies, interests and bias all shape perceptions of reality” (Parsons, 1995: 88). This chapter leads me to recognise that truth and reconciliation processes, special courts and ICTs, in aiming to affect either retribution or “national reconciliation”, are instituted reactively (after human-rights violations have occurred). It does *not* prove that civil control over the military depends on a TRC or ICT.

This chapter may tentatively question whether TRCs **do necessarily** translate into workable CMR. I suggest here that future CMR that work in a “young” democracy **do not** depend on TRCs or ICTs or mixed approaches of retribution. CMR and civil control can be attained without TRCs/ICTs. It also seems clear, at least to me, that government-appointed commissions seldom open up the past and do not translate into the substantial curbing of military influence. It seems that forgive-and-forget approaches stand as good a change of success in establishing civil control over the military than mixed approaches (ICTs and TRCs). Negatively put, forgive-and-forget approaches face similar challenges when it comes

to the institutionalisation of civil control over the military. Southern Africa boasts one positive example of this, namely Namibia. Unfortunately another example, namely Zimbabwe, is contrary to this one.

Ensuring that human rights are enhanced is necessary; more so, it is an imperative in any society. It does not matter whether a society (as I argued earlier on) turns against 'the other' or turns against its own population. The protection of a sustainable democracy in whatever format runs hand-in-hand with *CMR that work* and *civil control over the military that works*. It also implies that politicians stick to *civil politics that work* and accept that the military should NOT work for their partisan ideals – and likewise, a military leadership that tells politicians that military involvement on behalf of politicians does NOT work. Attitudes have to be nurtured collectively and individually within the community of citizens to enhance civil conduct. Moreover, the last two can be facilitated proactively – in other words, before human-rights abuses occur.²⁹⁹

The cautionary note that Galbraith directed to the USA political leadership nearly 40 years ago is relevant here as much as there. “The goal is not to make the military power more efficient or more righteously honest. It is to get it under control” (Galbraith, 1969: 74).³⁰⁰ Galbraith’s main criticism against what became a real scenario of evolving USA militarism remains important. It conceivably also applies to the macro- and micro-contexts, namely within and among states. For this reason, the sociologist and, specifically, the military sociologist should not only be interested in *grand theory*. And, I dare to contemplate, not

²⁹⁹ I will not add my view to the above. Why not? The reader will recognise my earlier argument (or its implication). Human-rights abuses can be stopped, with or without TRCs and ICTs or even mixed approaches. Human-rights abuses are not restricted to governments and a constitution of people within a geographical area that deploy violence against “the other” in the (pre-) determined state. Human-rights abuses can also be deployed against “the other” by a self-chosen nation of citizens as defined by their elite in an outward projection of violence usually manifested in foreign policy. The difference is that the more powerful (those with arms) is likely to continue projecting military power. In short: if there are universal laws or sanctions that can be applied to all, most imperial states (at least since 1880) should be requested to submit themselves to an ICT or at least an international TRC-like process ...

³⁰⁰ Galbraith’s work – even from his rather conservative liberal framework – proved to be prophetic. Following American aggression and defeat in Vietnam, the USA embarked on overt and covert operations worldwide to enforce its notion of liberal democracy and the free market. Governments were toppled at will or isolated for the greater good of “good” American values. Afghanistan and Iraq are merely examples in a seemingly endless “democratic operation” to install a new global order of authoritarian liberalism. What about the outcomes of such actions? “... The USA will also use every economic, technical, political, psychological, and subversive method that can be contrived. This nation must refuse to be bound by the dogmatic principles of statesmanship while its enemy lives by the law of the jungle. The stakes to humanity (sic) are too high” (Gen. Nathan Twining (Ret), quoted by Galbraith, 1977: 93). These words sound hauntingly close to apartheid-time securocrats and politicians.

build models too early, or export untested models uncritically despite the temptation to do so. Conversely it implies dealing with prevailing problems case-by-case and step-by-step.

The sociologist has to have a concern with power – its use and abuse, as I interpret Mills (1977: 35) and others (Marshak & Andrejev, 2006: 40–42). Dominant sets of institutions can control a whole society and superimpose even its values, violence and the threat of violence on it (Wright Mills, 1977: 39). In this lies the challenge and the art of establishing sound CMR and the continuous maintenance of civil control over the military (and in fact all other security agencies), established by the constitutional law of the citizenry in a specific country.

“The challenge of a sustained oversight capacity remains an unresolved issue” (Ngoma, 107). The conjecture made in this project is that civil control (or call it democratic control/control by civil society) over the military need not be an unresolved issue. On the contrary, one should resolve that such controls can indeed be developed and honed to the benefit of a democratic society and sustaining human rights – even *ubuntu*, if you wish.³⁰¹ The involved researcher as agent and learner has a responsibility to co-assist in constructing a better world in his/her field of interest and expertise.

In the following chapter, as a critical reflection on my reflections here, I will deal with the structured interviews, e-mail schedules and unsolicited data in delving deeper (or immersion) into the topic. I will further demonstrate an attempt to enter the life-worlds of people that lived through these experiences, or to return to an earlier metaphor to read *into* the sand, rather than just read in the sand in the tracking process. For the qualitative researcher, the chapter to follow may provide the researcher (one of the tools of research) with insights or a potential life-embedded heuristic key to answer some of the questions set. It may perhaps also illuminate some of the subsequent questions that evolved in the course of the study.

³⁰¹ On agency and responsibility in sociological theory, see Barnes (2000: 82ff).

CHAPTER 6

DISCUSSING HUMAN INTERACTION: (RE-)CONSTRUCTING – NOT CALCULATING – PROCESSES, EXPERIENCES AND COLLAGES OF CIVIL CONTROL

So long as logic is given absolute pre-eminence in philosophy, and the logical mind placed first in the hierarchy of human functions, reason seems inevitably caught up in the fascination of static and self-identical essence, and existence tend to become an elusive and shadowy matter ... So far as he logicizes, man tends to forget existence – Barret, 1961: 271.

I am convinced that autoethnography as a “blurred genre” has much to offer researchers and graduate students who are also researchers socialized into different communities of practice – Maguire, 2006.

6.1. Introduction

The spoken word in our view on, and feeling into, the experiences of fellow humans, where we live, what we reflect upon and contribute as material human subjects to a better the concrete world stands central. So does sharing, writing up and interpreting the spoken word. As Ricoeur (1982: 208) rightly remarks: “A work does not only mirror its time, but it opens up a world which it bears within itself ... the meaning of human action is itself something which is *addressed* to an indefinite range of possible ‘readers’ ... It is because it opens up new references and receives fresh relevance ... human deeds are also waiting for fresh interpretation which decide their meaning ... All significant events and deeds are in this way, opened to this kind of practical interpretation through present *praxis*”.³⁰² It is here that human interaction, context(s) and intersubjectivity become relevant. And this relevance ties in closely with this chapter on the interviews and feedback received from research participants.

Pondering on Barret’s statement in the above epigraph and the implied critique against objectivists and quantifiers or for that matter persons that relate political developments only to

³⁰² Ricoeur in this context makes another interesting observation: “The judges (of a text or texts or living works and human *praxis*) are not the contemporaries, but ... history itself.” (Ricoeur (1982: 208).

institutions and structures is relevant too.³⁰³ His statement then begets meaning relevant to this chapter. Especially if one replaces the terms “logic as pre-eminent in (social) philosophy” or the human sciences in the first sentence, with *human life, life attitudes or life-styles* and *social processes*. More so if the latter concepts are seen to be woven into social processes in which human agents take part through experience, his critique levelled so skilfully against “hard” logics is relevant. In doing a study such as this with modernist, humanist and socio-critical qualitative elements, the researcher is confronted by, or more so, immersed in a rich collage³⁰⁴ of personal and human histories and experiences. As Maguire correctly remarks auto-ethnography has much to offer for author and reader as being part of and woven into socialised communities (Maguire, 2006). One’s own life experiences as individual and as part of communities play a part.³⁰⁵ Against this background, the logistics of this/any study stumbles upon and yet investigates and represents (il)logical events, views, perceptions and life-practices that confront each other, dovetail, mesh or intertwine with each other, or even contradict each other.³⁰⁶ Despite this we define, and redefine problems and also attempt to offer solutions to problems. The above statements and the epigraphs, I contend, applies to both individual and social experiences when trying to “feel” a way (in contrast to The Way) into the life-world of role players, and the convolutions and permutations of social contexts and processes, the trials and tribulations of being a human animal within ever-changing contexts.³⁰⁷ In doing so the researcher needs to be aware and reflect upon his/her actions and writings (narratives, if you like) because the outcomes of the study need to despite of, or perhaps exactly because of the above, reflects what Maguire calls *answerability* and

³⁰³ Barret makes a choice against positivism in the social sciences. During the 1960s and 1970s a positivist approach dominated the articles in major sociology journals in the USA. While this trend declined sharply in Europe “the approach remained in position of dominance in North American journals” (Compare Gartell and Gartell quoted in Neuman, 2000: 66). In contrast to positivist approaches alternative approaches such as interpretive social science (with its roots in hermeneutic approaches such as Dilthey and Weber’s thought) and critical social science (with roots in the works of Marx, Freud, Adorno, Fromm, Marcuse, Freire and Bourdieu) came to the fore (Neuman, 2000: 70 ff; 75 ff). Innovative works in critical social science which impacts on human sciences appears regularly. I found Hanna’s (1970) work on the somatic being and bodily revolt referred to earlier and Gay’s work (1987), *Freud voor Historici* informative. Notes by Collins (1952: xii, 29, 129,134, 196 – 197, 229, 243, 235 – 236) are relevant too. Consult also Collins and Makowsky (2005: 242ff).

³⁰⁴ We were taught that *collage* is a loaded term. It may be as collages fade more quickly than rock art ...

³⁰⁵ It is among others in this context that the notion of thick description plays a role (Neuman, 2000: 73, 348, 377, 521).

³⁰⁶ Genres, complementary and conflicting, are of relevance here. Compare the Maguire epigraph on the previous page.

³⁰⁷ Experiences within various cultural contexts play a role here. So does the existence – or the observation of – social identities (on social identities see Mathebe and Liebenberg, 2007).

responsibility in, and towards the *authoring self* and others in the social sciences and humanities (Maguire, 2006).³⁰⁸

Answerability and responsibility as used here need also to be seen as influenced by the mode of what Velazquez calls transformative research: “Transformative research is not (strictly – my insertion) a methodology. It is an orientation toward research that is defined by its outcome: producing a more just and equitable world. It begins with a problem posing phase characterised by a process of critical reflection about the problem [in order to define it]” (Velasquez, 1998: 65). Perhaps more important is that experience plays part in the definition of the problem, as with traditional research data that is gathered, but unlike traditional research the process does not end after the findings are reported. There remains the “excess” value (added imperative rather, I will suggest); to stimulate a critical awareness of power relationships and empowers researchers and participants to enter an emancipatory praxis should they so wish (Velasquez, 1998: 65–66). In this sense qualitative research is not a panacea for all social ills but “give attention to human rights, social justice, reconciliation, and the preservation of ... sustainability ... it is directed towards ethical ends in the public interests” (Velasquez, 1998: 66). It remains an ongoing process in a world of practical challenges and arising crises underpinned by a desire to make things better – at least as far as humanely possible within the constraints we live in as human and historical agents.

One has to keep in mind though, as Walsh argues, that the qualitative narrative, the research reflections and outcomes of what we bodily “author” remains incomplete. [“Our stories will always necessarily be incomplete”] (Walsh, 1998: 193).³⁰⁹ He applies this statement of his with special references to face-to-face interviews, and suggests that the “necessary incompleteness” invites the continuing dialogue on betterment of society through critical engagement and social orientation. It is here that Velazquez, Walsh quoted from deMarrais (1998) holds value, not only for this study, the literature review and the interviews discussed here as well as other human interactions referred to. It also holds hope and advice for future researchers in the qualitative research exploration.

³⁰⁸ See Maguire (2006) on the answerability and responsibility of the authoring self and others in social sciences and humanities. Also consult Wiesenfeld (2000) on the interactive linkage between theory and practice in qualitative enquiries. Also relevant is Lincoln’s article on emerging criteria for quality in qualitative (and interpretive) research (Lincoln, 1995: 275 ff).

³⁰⁹ As historians like Geyl and Mansergh remarked (Van der Westhuizen, 2005: 300; Snyman et al, 2005: 8) history and socio-political processes are part of an unending experience.

The afore-going arguments explains the initial choice – and confirmation of this choice in my view – for the approach I chose for this work. I choose not to opt for the quantitative “snap-shot” approach. Studies on TRCs and the SATRC in South Africa and by outside observers are replete with these approaches. In many ways, the “snap-shot” cannot hope to go beyond (despite the sincere efforts by such theorists) number-crunching and immediate (but rather static) interpretations that tend to lack the immersion in political dynamics.³¹⁰ In qualitative research it is required that the researcher/social interrogator tracks human experiences and social processes. It demands more from the “I” of the researcher and participant. I mentioned earlier the stated preference (need for?) by various researchers for the qualitative approach and others (including in some cases sociologists and political scientists) for the auto-ethnographic approach (De Burnier 2006). Examples of involved sociologists in socio-political life in South Africa were mentioned (Gelderblom & Liebenberg, 2003: 6, 7 and 9). I did so to lay stress on the inextricable interwovenness of the questioning researcher in concrete social processes, also in this field under study.

It is no surprise that in a study such as this, the involved human agency leads to the necessary complimentary meshing of induction and deduction. And, as many a time in life, such a venture imposes the realisation that the micro and macro is far more intertwined than we tend to think when we theoretically demarcate them (or shall one say *impose a static – and likely pre-determined – discriminatory intellectual framework* on them). By the nature of the research approach, this work in “deleting positivist nuisance variables” remains exploratory although I believe the study holds the necessary elements of transferability or validity.³¹¹

Being in contact and interaction with other subjective human beings, the researcher (sometimes observer, sometimes observer-participant, sometimes participant-observer and sometimes active

³¹⁰ I have no written source for this statement except my observation of, participation in and co-ordinating of quantitative research projects between 1991 and 2003. Yet the attempts that I partook in, co-ordinated or experienced had some impact on my choice for this study. I missed in these quantitative exercises the living being and frequently felt that these approaches resembled recipe-like or worse, technocratic simulations by detached beings. Even in interpreting a quantitative study (longitudinal or not), very little understanding of the life-world of people(s) and the real impact or outcomes of social dynamics comes to the fore – at least in my view. Neither social dynamics, nor the history or consequences of being human, can be imprisoned in regular snap-shots frequently computer-assisted if not determined (dictated).

³¹¹ On criteriology and its limits consult (Schwandt, 1996). See also relevant notes on analytic auto-ethnography (Ellis & Bochner, 2006, as well as Denzin, 2006). I also would like to remind the reader of the work by Holliday (2007) on doing and writing qualitative research, and again Lincoln’s work on the emerging criteria for quality in qualitative and interpretive research (1995). The contributions by these authors enriched qualitative research immensely.

living participant) remains but one of many subjectivities, and him/herself a research tool.³¹² The “I” of research cannot form or mould the study. On the contrary, many a time the study forms and moulds the “I”. This applies to this chapter, in which I analyse the interaction with many people over time such as the selected interviewees, unsuspected interaction with role players during the research process, colleagues, peers, peer debriefers, promoter and co-promoter and literature (secondary and primary) or observers and theorists and even insights gained through friendships or in comradeship, or perhaps in sharp difference with some³¹³.

6.2. Living and interacting with – not looking/staring at ...

The data for this chapter was obtained over an extended period. My earlier experiences existentially inform this study. I will briefly recall these here as I believe that these experiences set the context and re-emphasise for what I discuss in some detail in this chapter.

Frequently politics enter the individual’s world, and not the individual politics. Before I went to primary school I observed the resettlement of so-called coloured people in Keidebees as the result of the notorious Group Areas Act.³¹⁴ The “Rooi Lokasie” a small township two kilometres from us were also removed to the west of the town (some years later a drive-in theatre was erected there. When drive-inns fell out of business with the introduction of television in the late 1970s the area became derelict, the lonesome empty projector room and the large screen whitewashed by the sun standing for a while against a backdrop of red Kalahari sand and steppe grass until demolished piecemeal for the bricks, metal and wood it held. Today there is a truck stop in the vicinity). Our next-door neighbours, the Du Randts were moved without choice from Keidebees where we lived because they were “coloured”. The old Indian uncle, Mr Surtee and his wife had to give up their café in Scott Street (my

³¹² I mentioned earlier that the philosopher Wilfrid Desan pointed out that human beings can only grasp – or get a hold on – *angular optics* of a highly subjective nature and, thus, generally live in a realm of “angular truths”. For him, *absolutisation* of a singular vision, one angular truth, leads to war and/or the destruction of the environment (Desan, 1987: 66). He qualifies this statement later in his work. However, the above insight seems to be relevant for this study and the areas under study.

³¹³ As Walsh so strikingly remarks: “Going face to face presents different challenges from those confronting my colleagues who do their research at a more comfortable distance. Computer terminals are not always friendly, but they never yell ...” (Walsh, 1998:188).

³¹⁴ The Group Areas Act was passed by the National Party following its coming to power in 1948. A racial classification act passed in 1950 formed the bases for separate living areas for separate groups. Other acts passed by the white Christian Nationalist parliament prohibited marriage or sexual intercourse between white persons and persons of other racial classifications (1949, 1950). The Group Areas Act to which I refer above was passed as part of an extensive social engineering program based on racism and superiority. It confined different racial groups to different living areas. Black and coloured people were allowed in white areas as part of the daily labour reservoir and had to get special permission from the authorities to stay over in “white” designated areas (See Horrel, 1982 & Liebenberg, 1990: 30–31).

farther used to buy his Sunday newspapers there after church. The first Easter Bunny – dark rich brown chocolate – that I ever got was bought at Surtee’s Café).

As to other personal experience, I mentioned earlier involvements as a school cadet and commando member (i.e. growing up in a racist and militarised society with all its contradictions); military service and some “camps” (in some of these deployed on the “border” in Sectors 10, 20 and 70, Namibia). As a child seeing assaults by police or white citizens on people of colour with little provocation, during military service before becoming a candidate officer and later junior officer hearing a permanent force major lecturing/preaching to us that there are good “Kaffirs” and bad “Kaffirs” (the good ones are on our side). When two of us after the lecture expressed our reservations, he dismissed us with the words: *Julle sal nog groot word*” (English: “You will still grow up”, i.e. become mature). Sitting through lectures on the Geneva Convention and then being told by an officer that SWAPO guerrillas when captured are not prisoners of war is another vivid experience. I have to add that I also trained under a company commander in 1979 that was the living example of a professional and ethical soldier (He is a general today in the new South African National Defence Force). Our company sergeant major at the time (we nicknamed him “Vaalvalkie”) was a compassionate person with as far as I know no racial biases.³¹⁵

I had three operational deployments, none in Angola or in “townships” inside South Africa – all of them in Northern Namibia. Eventually I objected to further military conscription on political terms, not universal Christian pacifism. My personal experiences are not necessarily comparable with those of long-term, exposed-to-war-and-struggle guerrillas and soldiers deployed outside South Africa/Namibia, but brought me in close contact with the soldiers experience – especially in the mustering deployed as infantry – workhorses of armies they say. I met MK members, in cases closely associated with them – one of them assassinated in early 1991 another one murdered in the Eastern Cape in 1987 by security police. Myself and other fellow activists received our share of mud-slinging, death threats, etc.

³¹⁵ Roughly translated as “a small grey falcon”.

I mentioned becoming increasingly politicized³¹⁶ and taking part in the One Million Signatures Campaign initiated by the UDF in 1983 and involvement with *Aksie Sosiale Geregtigheid* (Action for Social Justice); the National Union for South African Students; playing a role to establish the United Stellenbosch Front (USF)³¹⁷; objecting to further military service on political grounds and some involvement with the End Conscription Campaign (ECC) in Stellenbosch.

“Student radicalism” was followed by working for a democracy-advocating group, IDASA. Later I remained active in union activities in my workplaces. I was able to further link up with various people in the liberation struggle and visit several countries becoming exposed to other societies. In between, I wrote popular and other articles critical of apartheid policies and (racial) capitalism for publication. These appeared in newspapers, bulletins and accredited journals (frequently I gave preference to the popular media, because such writing has – at least marginally – more potential to contribute to the public discourse and possibly effect policy debates). I completed my first and only sole-authored work on South African politics during this time and co-edited a few works. As for radicalism, I guess one never loses that part of your somatic being ...

During my term at the HSRC and lecturer at the University of South Africa (Unisa) my interest covered the SATRC, democratisation and public participation and to an extent what I would call “democratic nation-building”. In 1992 I became involved with research on the TRC and CMR. With others I investigated/published on covert operations, civil-military issues and others. Policy studies also entered the picture partly as a result of my earlier activist occupation, my research at the HSRC³¹⁸ and later part-time lecturer at the University of Pretoria for masters students and earlier at the University of Johannesburg for second and third year students (the same applies to my interest in public participation that frequently formed part of research undertaken).

³¹⁶ Strangely enough, this had its roots during school (which is another story) and during my two years of military service and immediately thereafter, because of exposure to critical-thinking conscript officers such as Bob Fülcher and Bruce Durham, then fellow junior officers. My interaction with highly competent permanent force members of the then South African Cape Coloured Corps (SACC) also played a role. Prominent was then-Lieutenant van Scalkwyk (Skallie), with whom I did my officer’s course at Infantry School, Oudtshoorn during 1979. The SACC men were professional soldiers, patriots, (com)passionate about their work and other people. Most of all these officers, even while serving in the apartheid army, were critical in their observations about the social processes around them. They lived under apartheid rule and could relate their experiences as second-class citizens in detail. One border-stunt with the SACC also played its role, but that is a story for another day ...

³¹⁷ Not a very innovative name, for the UDF a national popular movement had virtually the same acronym. And we espousing the same ideals, chose USF.

³¹⁸ At the HSRC we were frequently involved with reports for stakeholders that related to policy issues.

Heading a research project on public participation in politics in South Africa and research on demobilised soldiers and policy options to re-integrate veterans into civil society also played a role. It all forms part of a narrative that brings one to this chapter.

6.3. Structure of the chapter

I will highlight main themes here, amongst others, the origin and value of interviews and take a closer look at each of the interviews. I will also discuss the e-mail feedback. Following this, I will reflect on the “qualitative moments” and insights gained and “lessons learned”, including critical reflections. In conclusion, the chapter deals with the insights gained and its application to the study and the set outcomes as a prelude to the conclusion in Chapter 7. The structure of this chapter can be summarised as follows:

- The use of interviews in social science
- A report-back on the interviews, contents and insights gained during interviews. I will firstly discuss the responses of the South African interviewees and secondly the international responses. In dealing with each interview, I will discuss the question of truth and reconciliation processes first. (The interview schedule is provided in the appendices.)
- A report-back on issues pertinent to CMR and civil-control over the military. In this case, as above, I will firstly discuss the South African case and secondly the comparative (international) units and interviewees selected for the study.
- A report back on the e-mail feedback received. Here I will follow the same order as above.
- A discussion of unsolicited materials received. This will also firstly deal with South Africa, and secondly the other cases and again be demarcated on the topics of SATRC/TRC issues and then civil-military related issues.
- Following each discussion in each category I provide a short summary of the main insights gained and eventually will revisit them in the conclusion of the chapter.

I will entertain the main themes and insights of the qualitative data and its possible application. Where applicable, I will make references to the possible replication or transferability of the study as well as future research possibilities and/or imperatives, again as a prelude to the last chapter. In the process I will touch upon emerging criteria for quality in qualitative and interpretive research (Lincoln, 1995) and answerability and responsibility

related to the authored self and others in the human sciences (Maguire, 2006). [I will deal with foreseeable policy implications for other societies faced with challenges similar to South Africa and the other cases in the last chapter of this exploration].

Before I deal with the interviews *per se*, it is relevant to note the following regarding qualitative interviewing and field research.

6.4. Social science, participants and interviews

Field research which in many – if not most cases – include interviews in various forms (in many cases unstructured or loosely structured or probing) in addition to observation has a long history. Neuman links it to reports of travellers to distant lands. Academic field research started off with anthropology in the 1890s (Neuman, 2000). What I would call “unintended field research” by becoming observer, later observer participant and eventually participant (observer) through human commitment is apparent in a memoirs of Sophia Izedinova, a Russian nurse in the Anglo-Boer War, *A Few Months with the Boers*, published in 1903 in St. Peterburg and translated by Moody (1977). The work provides examples of verbal interactions and questions posed by Izedinova. She did not set out to study another land or culture, yet through her human praxis and verbal enquiry/involvement/curiosity/passion her book became a study in itself.³¹⁹ In some cases such as Malinoski other cultures were mainly studied. In cases people studied their own societies such as Booth and Webb (Neuman, 2000: 346). The Chicago School of Sociology was to give a further impetus to field research (Neuman, 2000: 346–347). Neuman suggests that participant-observer approaches in the social sciences may have originated in 1890 when Gohre provided detailed descriptions of his experiences as an apprentice in a factory (Neuman, 2000: 346).

The tradition of interviews used in qualitative and even quantitative research work goes back quite a while. Platt (2001: 33–34) points out that in the USA several works following application of the interview as part of methodology appeared such as Garrett’s (1942), Gallup (1944), Goode and Hat (1952), the Survey Research Centre at Michigan University (1954) Kinsey, Pomeroy and Martin (1948). Earlier guidelines for interviews stem from Young (1939). Young stressed the importance of the interview as a “living source” and advises that where possible an interview should be completed in one sitting, the latter which are not

³¹⁹ In the same vein, but a different and much later example: In his work on the origins and practice of karate Masutatsu Oyama frequently made use of his practical exposure in, and enquiry into the martial arts, much of these being shared with him by masters – and he points out, numerous students – as part of the book-making (Oyama, 1965: foreword).

always advised in more recent approaches (See Platt, 2001: 36–37).³²⁰ Cannel and Kahn around 1953, following their war-time experiences as researchers suggest that where data or the call for information is beyond the individuals power, “the interview is often an effective means of obtaining the desired data”. They pointed out that Theodor Adorno also used the interview as technique in his studies on anti-Semitism and the authoritarian figure (Platt, 2001: 38).

It is important to note that not all works done on, or application of interviewing falls in one genre, nor fits a clear historical pattern, although as early as 1930 the distinction was made between interview and questionnaire (Platt, 2001: 49). Platt reminds us that the interview reflects areas of diverse activities and the interview in all its applications remains rich a practice where few convincing generalisations can be made (Platt, 2001: 51). Gubrium and Holstein makes a point well worth remembering by the qualitative researcher: “The interview has created as well as tapped into, the vast world of individual experience that now constitutes the substance of everyday life ... (more so) the modern template gives us the interview as a significant means for realizing that subjectivity and the social contexts that bring it about” (Gubrium & Holstein, 2001: 8–9). Taylor and Bogdan argues that interviews offers the researcher access to peoples ideas, thoughts and memories in their own words rather than in the words of the researcher him/herself (Platt, 2001: 41). Perhaps this is the strongest argument for an interview in qualitative research and within an auto ethnographic approach, not only because it offers the researcher, rare personal insights and a feeling of “living into” the experience of the interviewee. Moreover, for me the interview with a person or various persons act as a corrective on views that I as researcher hold, assists in verification and certainly has the potential to facilitate self-critical analysis and reflection. Added to the interview as a human endeavour at understanding and empathy: “We have to deal with our own emotional responses and how these fit into the story we are telling” (Walsh, 1998: 188).

Related to the “comparison” or broader setting (interrogating various cases), the following is relevant: Comparative research in qualitative research is not new. While little comparative research was executed between WW I and 1950, there were exceptions such as Bloch, Homan and Merton (Neuman, 2000: 380). Between 1960 and 1980 comparative research, including historical comparative research “grew into a vital force” (Neuman, 2000: 383). In many cases it was historians and economists that (re-) introduced comparative approaches. In sociology it became one of the important sub-fields (Neuman, 2000: 383). The comparative approach as

³²⁰ See also Warren on qualitative interviewing (2001).

pointed out in Chapter 3 is also far from new in military sociology. The same applies to qualitative research approaches such as I use here. I pointed out my choice for a broader casing, or comparative moments, as I refer to it. The interviews here within this tradition, reflect comparative moments.

6.5. “Venturing in ...”

6.5.1. General notes on interviews

As indicated earlier, there are two practical limitations to the study. Due to a lack of funding, I could not do research on site in all the countries mentioned in the case studies.³²¹ Although I was fortunate to visit some of the countries that I refer to Namibia was the only country forming part of the case studies that I frequently visited. I had opportunity to visit Portugal once, Spain twice and Zimbabwe three times during the 1980s and 1990s. In the case of South Africa, I had ample experience and immersion in the area under study. I was in loco, even if and when in transito or involved with other teaching and research duties or projects.

Another limitation of the study (hence also having an impact on the selection of interviewees) that I frequently regretted and became frustrated about was my inability to speak French, Spanish or Portuguese, even if with difficulty I read some basic Spanish and Portuguese – not significantly enough I believe to fully understand and interpret dense academic texts. These languages are the lingua franca in some of the cases in question, i.e. Argentina, Rwanda, Spain and Chile³²². Necessarily, this shortcoming cut out very important ways to enter the

³²¹ When I started preparing for the study (in fact, part of my then research proposal referred to it), I intended a quantitative element. Lack of funding made this impossible. In retrospect, I am content (if not happy) about it. If I embarked on such an approach where the qualitative and quantitative complemented one another, I would most likely have spent a lot of time on the latter and “entering the life-worlds” of subjects would have received less attention. In the end, the study reflected less of a mechanical or imposed content, and more of people’s involvement, their hopes, fears, failures and successes. I believe the study was enriched by “dropping” the quantitative element.

³²² In Southern Africa if one intends to understand socio-political dynamics over many years, Portuguese reading abilities are essential. The previous colonial rulers of Angola and Mozambique inculcated the language in these areas. South African military “advisors” fought/acted/interacted with the Portuguese colonial soldiers in Mozambique and Angola. Many of the ex-Portuguese speaking soldiers became integrated in South African units, i.e. 32 Battalion. The Portuguese community, in this case “white people” (refugees from Angola and Mozambique) became integrated in small business in South Africa following the 1974/1975 collapse of Portuguese colonial rule. While, many of them are conservative, conceivably even racist, valuable insights escape the non-Portuguese speaker in our daily interaction in South Africa.

socio-cultural environment of informants and actors in the political processes. It denied to some extent the “write of passage” that Noy refers to (Noy, 2003).³²³

The face-to-face interviews were conducted between 26 August 2003 and 29 September 2005 with further ones during 2006 and 2007. I would like to share some general remarks and feelings with the reader before I discuss the interviews in detail.

My first interview (“venturing in”), in which I tested the schedule, was with a noted international academic Prof. Dani Nabudere from the ASC in Mbale, Uganda. He pointed out that I was free to use his name, which I do here. He was a vice-president of the International Political Science Association; twice in exile (under the rule of Obote and Amin). Following the fall of the Amin regime, during a brief Ugandan period of (attempted) democracy, he became the Minister of Justice. He is a prolific author on issues pertaining African politics, war and conflict, as well as a jurist. He also had an intense interest in the SATRC. My interaction with him, while acting as coordinator of a one-month visit to Unisa during August 2003, allowed ample access and opportunity for discussion. I also participated in panel discussions with him on issues of truth and reconciliation and civil-control over the military (some of them I tape-recorded and used in this study. I will refer to this amongst others in this chapter).

During an extensive discussion with Nabudere, I developed a tentative schedule for future interviews. I was to refine the schedule as the project progressed. Critical remarks by colleagues and interviewees (in one case Prof. Deon Fourie, a military expert and academic, in another case a peer from the military academy and also one of the peer debriefers mentioned earlier on) assisted me to reflect on possible weaknesses in my approach and enabled me to adapt the schedule when necessary.

³²³ Noy deploys a linguistic “trick” here: Rights and/or rites of passage becomes “the write of passage”.



Above: Professor Dani Nabudere played an important role during earlier discussions on the topic. A much younger Nabudere appears on the far right, during the Non-aligned Movement Summit in Havana, Cuba in 1979 (*Source*: D. Nabudere, Centre for Afrika Studies).

In order to make up for possible weaknesses in data-gathering, I attempted to find persons to interview who were from some of the countries in the selected case studies. For obvious reasons, they had to be English or (in the case of South Africa) Afrikaans speaking. The selected interviewees had to have knowledge of their countries, or preferably personal experience in the field. I chose as far as possible persons with practical exposure. Some of them straddled the world of practical expertise as well as academic training, while others lived as human subjects through oppressive regimes.

I interviewed persons from Argentina and Rwanda amongst others. In the case of Argentina, I was able (more by co-incidence, as I gave up hope on the matter) to find a person that fitted the profile. By personal experience she was more than just an observer/observer- participant during the “dirty-war” against activists and leftists when Argentina was under military rule. For the purposes of this study I will call her Maria. She had exposure to the extreme dehumanising side of military rule. Her partner, a medical doctor, was killed by the military. She herself as well as next-of-kin were threatened with death (she had a small daughter and her family lived close to her). As a further form of victimisation she was denied a job in the

country until a friend of the family interfered on her behalf by stressing to the relevant authorities that she was not a “leftist”, and probably became “unknowingly associated” with them. This landed her a junior clerical position, though under constant surveillance³²⁴.

It was a time in Argentina when friends and family would come together knowing that one of them disappeared, yet would not mention it (interview, 27/09/2005). Maria eventually left Argentina, and settled in a managing position in a different country. She is a kind and open person. I had the opportunity to interact with her in 2003, when we discussed her experiences during an informal and incidental meeting. I requested an interview that she kindly granted. It was only in 2005 that we were to have the “formal” interview. The interview for her, must have been a painful experience. As interviewer, I myself was emotionally deeply touched. For her it must have been far more painful and disturbing.

In the case of Rwanda, I attended a talk by a researcher on the *gacaca* process in Rwanda arranged by the ISS in Pretoria, and was able to meet the then Rwandan Ambassador. He agreed to an interview. The interview was very valuable as I could first-hand check my data in this area that was mostly of a documentary nature and discuss at length the unity and reconciliation process in Rwanda.³²⁵ It also allowed for reflection on this case study.

While I did not “formally” interview one person that I interacted with, the experience proved more than fruitful. He was Raphael Banon, a civil-military expert during a visit to Spain (Ortega y Gasset Institute, Madrid). We discussed extensively the transition from authoritarian rule to democracy in Spain and the role of the (new) military. However, I could not interview him afterwards in the period 2003–2005 as no further visit to Spain was possible. I found the then discussion with Banon useful and it left some impressions that I could clearly recall, even still today. Most important, Raphael provided me with unsolicited materials that proved helpful and highly informative. These materials are reflected in the source list.

³²⁴ For the political situation under military rule in Argentina consult Philip (1985: 128 ff), Makin (1985: 151ff), Dunkerley (1985: 171ff) and several contributions to Varas (1989). For a vivid reflection of similar experiences see *Uruguay – Nunca Más: Human Rights Violations in Uruguay, 1972 – 1985*. This report makes for disturbing reading and is not advised for bedtime reading in contrast to the analytical approaches by Makin, Dunkerley and others.

³²⁵ While South Africans referred to *truth and reconciliation*, Rwanda refers to *unity and reconciliation*. This semantic difference is of no small importance. The objective for the Rwandans is to affect a united nation once the “blaming” stopped. National unity, as envisaged, would follow the unburdening of the past as far as possible.

The age or gender of the selected participants were of less importance to me. I was interested to interview people with military experience, civil-military expertise, practitioners or keen and informed/involved observers and persons that lived through oppression in countries where the military played an important role. Some was to be from countries outside South Africa selected in the casing and some from South Africa.

In the case of South Africa, I approached South Africans that had experience of the pre-and post apartheid South Africa and which kindly shared their experiences with me. I was less successful in interviewing current top politicians, partly due to their busy schedules and perhaps partly due to some disinterest in the interface SATRC and CMR. Or, perhaps due to other pressing matters, some of a controversial nature that regularly crops up in South African politics.³²⁶

The South African persons selected for interviews had to be from the pre- and post 1994 era, in other words, the time of apartheid rule and after the institutionalisation of the Interim Constitution and the new Constitution in 1996. In the case of South African interviewees I had ample success, mainly because of my political involvement during the 1980s, and post-1992 involvement with various role players, theorists, military people and comrades. The persons approached whatever their background, were more than willing and sincere to share their views, experiences and expertise. I remain thankful to all of them, though for the purposes of this study they will remain anonymous. Thus, access was not a stumbling block.

I conducted one interview with a retired senior staff officer of the SADF. Another interview was conducted with a military practitioner, then and now active in the military, and also well known as a theorist in the field. The former provided close insight into the apartheid times, and the latter actually breached the past and present (the transitional stage and the current period of transformation included).

I had the opportunity (again access was no problem) to interview an old colleague who came from a military background, lectured at the Military Academy in Saldanha, and was for a while attached to the Defence Secretariat. This interview proved to be of great value.

³²⁶ Perhaps for the better, as I may have received official standpoints (read: party political views) as feedback. And for these views/standpoints and criticisms of such official positions, I had ample access to other data i.e., accredited articles, non-accredited articles, monographs, in-depth newspaper articles, pamphlets and other sources (oral or written).

In one case, I set up an interview with a trusted colleague. He is a senior staff officer in the SANDF and an ex-MK commander. We agreed to meet in his office in Pretoria. Due to interruptions, we concluded that the interview situation was far from ideal and terminated it after 20 to 30 minutes. We rescheduled a few times, but work and other pressures made it impossible to fulfil this. However, at a meeting in Cape Town we succeeded in fitting in a rather free-flowing discussion related to my (and his previous) research/experiences in the field. It lasted an hour. He also provided me afterwards with unsolicited material including his unpublished Master's Degree mini-dissertation that he completed in the USA on CMR in South Africa.³²⁷ Reflecting on this aborted attempt at conducting an expected more-than-useful interview, I concluded that the interactions and unsolicited materials added value to my data-gathering process (One does not get despondent about “losing” an interview and then slogging to attain another one. For qualitative interviewers such experiences are run of the mill). It all turned out for the good as he eventually read parts of an earlier draft of the thesis and commented on it.

Eventually I substituted this attempted interview with a top-ranking official from a “struggle” background closely involved with CMR and civil control over the military. He also had a good background on the establishment and workings of the South African Defence Secretariat. Again it proved to be an extremely useful interview.

A further interview was with a previous member of the parliamentary opposition in the tricameral parliament. In this case I was more interested in his experiences around the shifting locus of power from parliament to the security minded political leaders of the apartheid regime (the so-called securocrats). As this person was and still is a well-known public figure, we knew each other for years and I greatly valued his insights, I requested that he kindly consider that his name be used. He agreed without hesitation. The added value in this case was that the person was not only intimately involved with South African politics and an advocate of a negotiated settlement; he was also a sociologist by training.³²⁸ I will deal with this interview later in the chapter (the Afrikaans version of the interview is supplied in the appendix, while in the text I use the English translation).

³²⁷ Though it was classified as “open distribution” at the particular war college, I did not pick it up in my literature searches.

³²⁸ For more detail on the organization that the participant established in 1986 to further a negotiated solution to the cycle of violence and repression that marked South Africa in the 1980s, consult Carlin (1989).

6.5.2. Data solicited from experts, practitioners or informed observers through e-mail

During the course of the study, I sought a way to complement the interviews. This idea was strengthened by the advice of a then peer-debriefer who was involved in previous qualitative studies on a regular basis. I sent out the schedule, slightly adapted for e-mail use together with a letter of approval from the Chair of my Department.

As the majority of the selected national and international participants for this exercise were persons who had an open public profile (such as military sociologists, political scientists, journalists versed in the field and retired military officers), I gave them a choice on whether they want to respond anonymously or whether their names could be mentioned. The majority chose the latter option. Their insights added value to the study I eventually treated them anonymously.

6.6. “Getting into detail”: Face-to-face interviews

Interview 1

The interview was held during 2005. The officer had more than 30 years’ experience in the SADF, having been trained in infantry, later parachute battalion, and later a lecturer at the military academy at Saldanha. Among others, he did several military courses outside South Africa and was exposed to the then Portuguese commando’s who fought in Angola before Angola’s independence. Thereafter, he became a serving officer in military intelligence. In this capacity, he was responsible for interaction with inter-departmental workgroups (the latter referring to civilian-state bureaucracies). He was also responsible, during the Namibian/Angolan war, for the submission of information and situational reports to the Administrator-General of Namibia.

The person selected was an excellent choice. I provided him with the schedule beforehand. We partly followed the schedule and in other cases, as he knew the “territory”, he provided well-informed answers to questions simultaneously linking it up with other questions. I could not have hoped for a better person to interview in this case.

His views on the SATRC will be discussed first and civil military relations in South Africa second.

The research participant's views on the TRC

The respondent argued that, for the majority of South Africa, the TRC-exercise may have been necessary and useful. It perhaps had (could have had) an element of catharsis and healing. However, he made a very interesting argument suggesting that without a TRC, South Africa would have been able to develop and hone workable CMR and efficient civil control over security institutions because South Africans had the capacity to do so.

Instead of the SATRC which comprised of an extensive public process with all the costs involved, he reflected that large public investment of funding by the new government into social reconstructive programs would have been more beneficial rather than spending the money on the SATRC. Such projects (be they educational, health orientated, upgrading of residential areas or in the form of bursaries for victims' children) could have been termed a South African Truth and Reconciliation Project and the completed projects accredited to this, he suggested.

The interviewee commented that he had mixed feelings about the SATRC. However in retrospect the TRC-exercise may not have been worthwhile: "I have mixed feelings about the TRC. It looks to me as if the exercise was not worth it. Let us forget (the TRC/the past) and build this new South Africa (Afrikaans: "Oor die WVK het ek gemengde gevoelens, dit lyk my die oefening was (dalk) nie die moeite werd nie. Kom ons vergeet dit en bou 'n nuwe Suid-Afrika"). Regarding the abuse of human rights and transgressions such as torture and assassinations, it must be made clear that, in his view, these could be dealt with through two approaches. The first: to bring transgressors to the civil-criminal court/the civil-criminal justice system to stand trial, being heard and sentenced appropriately if guilty. Secondly, since – or if – some of them were military persons of high rank who clearly transgressed the norms of professional and ethical military action, the military code of conduct applied at the time. As such, these persons could appear before military courts and tribunals and sentenced appropriately if found guilty.³²⁹

For him, the TRC did not necessarily contribute to the future upholding of civil oversight regarding the military and security institutes. It is also unclear whether it will be able to do so in the future.

³²⁹ The South African military, like other militaries, had a regiment of discipline ("Regiment van Dissipline"), which clearly provided for disciplining members of the armed forces who overstepped the set code of conduct. Like the civilian criminal justice system, the "Regiment van Dissipline" provided for minor and major cases to be heard. At the time, in extreme cases, the death sentence would apply.

The participant's view on CMR

The research participant had a good knowledge of the history of CMR in South Africa, especially civilian oversight and control. He made interesting comments to this effect. He argued that the notion of a Defence Secretariat as a possible institution to oversee the military, was largely undermined by the way in which the apartheid government treated the issue. He referred at length to the fact that the Defence Secretariat that existed before 1960 was drastically downscaled during the 1960s.

It has to be mentioned that, following the coming to power of Erasmus as the first minister of Defence for the National Party, the then Union Defence Force was “cleansed” from the majority of English speaking and/or loyal United Party-members in favour of Afrikaans and/or loyal National Party officers, inclusive of men belonging to the AB.³³⁰

According to the interviewee, the diminishing role of the Defence Secretariat under the National Party government was revisited by a Ph.D. thesis by a then a lecturer at the military academy of Saldanha. This lecturer wrote on the military economy of South Africa (Afrikaans: “Die krygseksonomie van Suid-Afrika”). The thesis argued for re-structuring and cost-saving measures related to security issues. Some pro-government people viewed the arguments offered in the thesis as ground-breaking. Following the completion of the thesis, lobbying occurred in favour of downscaling the Defence Secretariat. Some of the then officers in favour of the downscaling were, for example, Magnus Malan.³³¹

Following this insider-lobbying, the Defence Secretariat was replaced by the Comptroller-General (Afrikaans: “Komptroleur-Generaal”). He argued following these developments, it is not difficult to see that CMR was to take an essentially different pathway in the future. A civilian defence secretariat as a link between the military and the electorate through their parliamentary representatives disappeared for all practical purposes. South Africa's government was now in the hands of a white minority that came to power under the slogan of Afrikaner (Christian) Nationalism.

³³⁰ Military sociologists such as Rocky Williams referred to this National Party restructuring of the then defence force as the “Erasmus purges”. In Afrikaans *lingua* it became known as “Die nag van die rapportryers”, as motorcycle drivers departed from military headquarters immediately on receiving the letters of resignation of the “old guard” to be delivered to those who became “redundant”.

³³¹ The author of the dissertation was Ernst Pienaar.

The interviewee argued that despite the demise of the then defence secretariat, the military leadership in a restricted democracy following the 1948 takeover by the National Party and its cohorts, still saw themselves as obedient to the ruling government: “We remain(ed) obedient to the government of the day. If there is a change of government we follow the same rule” (Afrikaans: “Ons is/bly gehoorsaam teenoor die regering van die van die dag. As die regering verander volg ons dieselfde reël”).

However in the view of the informant, the SADF leadership as an interest group would continuously increase pressures to have control over their funding as well as their slice of funding from the national budget. Direct quotation: “Die weermag wou volle beheer hê oor bedinging vir fondse uit die nasionale begroting. Die Komptroleur-Generaal was afhanklik van die militêres.” (English: The military wanted full control over bargaining for funds out of the national budget. The comptroller general became dependent on the military).

The Defence Secretariat was no more by 1960 and even the comptroller general was pressurised into a position of lesser influence. Whatever limitations the comptroller-general could impose or propose to the military in terms of policy, budgets and forced usage, diminished progressively in favour of the Minister of Defence. The research participant summarises the effect of this eloquently: “Mense was geneig om te dink dat die Minister van Verdediging die persoon is vir burgerlike beheer.” (people tended to think/believe that the Minister of Defence was responsible for civil control [over the military]). This was no surprise, because the Comptroller-General was no longer in a position independent of the military, but in service of the military. In the words of the respondent: “Wiens brood ik eet, diens woord ik spreek.” (He used a archaic Dutch saying here as a matter of irony, which implies that “who pays you/feeds you, demands your loyalty”).

“Both the politicians and military structures tended to look towards the Minister as advisor and executor and saw the minister as in touch with civilian feelings and demands. One has to keep in mind that the Minister, in all cases, happened to be a loyal servant and supporter of the National Party and held an influential position in the South African cabinet”.³³²

The participant remarked that Magnus Malan was extremely ambitious and that it was no secret to people who interacted with him. In the view of the interviewee Malan did not only

³³² The influence of the Minister of Defence would increase following the institution of the National Security Council (NSC) in 1972, and more so the 1975/1976 involvement in the Angolan war and the 1976 Youth Rebellion in South Africa. The NSC to become the SSC steadily rose in influence.

have political support, but most likely was earmarked for later senior positions. More specifically, it was not a matter based on military considerations but rather political imperatives.³³³

During the interview the interviewee pointed out that it was clear that the military, many of them at the time having had experience of the Angolan war or being deployed there, had reservations about the deployment of the SADF inside South Africa. For them, the deployment of the SADF inside South Africa (be it in quelling township conflicts or in the later para-military security arm, the Civil Cooperation Bureau – CCB) was not acceptable for the interviewee. The military's purpose and main obligation rested with defending the country and its people against foreign aggression. He pointed out that he himself (according to him he was not the only one) warned against the internal involvement of the SADF. He shared an interesting anecdote about a senior staff meeting where he complained about this tendency, and one of his seniors retorted: “Ons het jou nou gehoor meneer” (English: We heard your story, mister”.³³⁴). Referring to a person with the rank of General as mister could be seen as condescending or intimidating.

The CCB, established to “minimise” internal unrest and resistance, became involved with the assassination, poisoning, and murder of political opponents. This was not only unacceptable for the interviewee, but bedevilled line and command functions and tarnished the image of other professional military people. The CCB was a structure that did not fit under the military, nor the security police, and as such a hybrid with a problematic, if not unacceptable mandate. Apart from their unacceptable role, according to the informant the introduction of the CCB brought about a structure that confused and sidelined the standard lines of command and control leading to abusive politics. Direct quote: “Dit was nie ’n tipiese militêre organisasie nie ... (daar is) foute gemaak met bevel en beheer.” (it [the CCB] was not a typical military organisation ... mistakes were made in command and control). In cases the CCB had *carte blanche* (this also applied to Project Coast, the nuclear and biological warfare program) with regard to funding, and they reported directly to Genls Magnus Malan and Kat Liebenberg. He pointed out that it caused tremendous frustration, in his own words: “Die ding het wollerig

³³³ I have referred earlier on to the notion of *political generals* (Afrikaans: “politieke generals”). This term became widely used amongst ex-conscripts and Afrikaans-speaking people critical and left of the government during the 1980s. During our interview the discussant was more direct: “Constand Viljoen was die laaste van die Boere-Generaals: Hy het die etiek van oorlogvoering verstaan en dit uitgeleef.” (English: General Constand Viljoen was the last of the *Boere* generals. He understood the ethics around warfare and lived to it).

³³⁴ The colloquialism “mister” should not be confused with “Sir” which is used with a measure of respect towards the addressed person.

geword en uitgerafel ... dan soek jy moeilikheid.” (English: It became woolly/disentangled ... then [in such a case] you are looking for trouble).

With regard to the future, he made several comments. The main one being that it is not advisable to get hooked on models. Civilian oversight is necessary, but hard-and-fast blueprinting of models is not advisable. With regard to intelligence gathering, he pointed out that any state (also a democratic state), will have to utilise the element of intelligence gathering for purposes of national defence. However, it is important that a successful structure is institutionalised that prevents confusing channels of command and control that circumvent such command and control channels and lead to duplication. By doing so, one could ensure that clear and accountable lines of command (“bevel en struktuur”) are maintained, duplication prevented, and with it the waste of human capacity, energy and money and overstepping of boundaries by security personnel in a democratic state.

He made it clear that the above lacked under the previous regime. “(Daar is) nie ’n goue reël oor hoe om oorvleueling uit te skakel nie.” Further: “Daar is nooit ’n suksesvolle struktuur daargestel wat besparing aangehelp en oorvleueling uitgeskakel het nie.” (English: There is no golden rule on how to neutralise duplication of tasks ... [In the SADF] there was never a rule on how to minimise diffusion of roles. There was never a successful structure to assist in cost-saving and (duplication) of roles)³³⁵.

With regard to the relations between military command and leadership structures and politicians he made an important remark. In simple terms, it meant that (for various reasons) there were not enough senior military commanders (i.e. those amongst the political generals and politicians who made their voices heard when they started doubting the way in which the military was increasingly used by political leadership). “In die top struktuur was daar nie mense wat die guts gehad het om dit te sê nie.” (English: In top structures people did not have the guts to say it.)

³³⁵ Compare Dombroski: Apart from the SAP’s Security Branch (SB), the Bureau of State Security (BOSS), the Department of National Security (NIS), there were the Department of Military intelligence that conducted intelligence functions including counterintelligence operations. “Overtime elements of the Department of Foreign Affairs, the Bureau/Department of Information ... and Prison Service also took up intelligence tasks” (Dombroski, 2006: 44). It takes little understanding to see the potential of duplication here. Add to this the SSC and a hawk-like Prime Minister later to become president (P.W. Botha) and the issue becomes even more complicated. The later CCB also came into the picture. The CCB, if ever there was a misnomer, was a hybrid organisation, frequently making use of bogus companies and organisations (in some cases employing persons with a criminal record) that undertook intelligence and operational actions against the opposition, including assassination, murder and kidnapping (Africa & Mlombile, 2001. Unclassified document received from an unnamed colleague, October 2007).

If people had the will to speak out, there were structures in place to question military leadership and even politicians, he asserted. He stressed that in a new/post transitional state, there remains the imperative to look and re-look (with an open mind to structures, channels of command) at the right of military top-structures to question political decisions. Acts that could undermine the balance between the civil and the military in the sense that the military are forced to become “politically obedient” should be observed with vigilance. It is also important that sanctions are built by law into structures and processes to discipline politicians in this regard. In very descriptive terms he suggested that should even the Minister of Defence overstep these guidelines, he should be sanctioned: “Tot die Minister se gat (moet kan) klap.” (Even the minister should receive a kick under the ass, if he oversteps the rules).

Another important remark was that the South African demobilisation process was highly unsatisfactory. Quotation: “Daar was geen demobilisering nie en dit is waar ouens soos Willem Ratte uitgeklim het ... daar is potensiaal beskikbaar. Hope van daai ouens sit werkloos, doen f*k*1 ... hy behoort nêrens nie ... no sense of belonging. Sy wêreld en sy weermag het uitmekaar geval.” (English: “There was no proper demobilisation process. A lot of those guys sit around jobless, they do f*ck*ll, they have no sense of belonging ... His world and his army fell apart). For the respondent, the fact that the demobilisation process was speeded up without long-term planning and gradual reinsertion into civil society, forms part of current tensions and alienation from government by demobilised military personnel, be they ex SADF or non-statutory forces.³³⁶ In short, the flawed post-apartheid demobilisation process was not seen as significant enough to receive full attention from the political leadership. Thus early on during transition the civilian-military interface did not receive the human focus that was needed during such a social process.

For the interviewee, a significant part of the problem lies in the non-realisation by politicians that the military (like civil communities) should be treated as a national asset and based on the principle of a non-racial and a non-partisan approach. If leadership fails, the failure is likely to have further repercussions in society. He pointed out that in social structures: “n Vis word

³³⁶ I have argued elsewhere that very much the same applied to returned cadres from the ANC, PAC and Azanla. In these cases, the discontent is becoming increasingly clear. On another level the ragtag, muddling through turbo-charged demobilisation process led to many cadres becoming involved in small crime, now evolving into syndicate crime with extremely negative consequences (see Gear, 2002 and Liebenberg *et al* (2001) as well as a report by All Africa Consultants for the ISS funded by the European Union (2001). This view was confirmed again during a recent conference in the Western Cape that I attended (July 2007) where an MK veteran said that deep dissatisfaction with the demobilisation is bound to lead to more problems (Source to remain anonymous).

van sy kop af vrot.” (English: A fish becomes rotten from his head). He quoted a previous SADF General who said that if you keep yourself constantly busy with the past, you lose the future. For him, there are many “brainy people” and many of them would be prepared to form part of a new reconstructed military, provided that it nurtures non-racialism, military professionalism, merit and creates an environment of belonging³³⁷.

In conclusion, I asked whether there is anything else that he would like to mention. He said: “I will make one brief comment. In terms of civil military relations, we are nowhere there”. In the direct words of the respondent: “*We are nowhere ... ons is nie eers naby nie*”.

To summarise: The informant had doubts about the SATRC process and suggested that another pathway, namely that of a national reconciliation project based on providing services and training, would have been more beneficial. He pointed out that since the time of the Union Defence Force and especially after the National Party came to power the role of the defence secretariat diminished until the secretariat and whatever influence it could have had disappeared. With it the crucial linkage between the electorate via their representatives in parliament became problematic. The military, although loyal to the government of the day became more salient in their influence. This eventually led to diffused lines of command, duplication of roles and allowed for transgressions in terms of the use of security forces – especially inside the country. Looking at the demobilisation process he offered the criticism that it alienated people and led to the loss of skills of people willing to contribute. If the demobilisation process was an example of how CMR are to be approached in the new democracy it was not a good start. Moreover, despite the establishment of current defence secretariat, he felt that the achievement of sound CMR in the South African democracy was still a long way off.

Interview 2

My second interview was with a past staff member of the Defence Secretariat. He previously served as an officer in the SANDF and as staff member of a military research centre before moving to the civilian defence secretariat. He received his PhD related to this area with high accolades. As I knew the participant and had frequent interaction with him since 1995, access was no problem. It was a relaxed interview in ideal interviewing conditions. He ensured that there was no interruptions and that we could talk for an amenable time. I will divide this

³³⁷ An implicit criticism of current racial based affirmative or corrective action.

interview, as with the previous one, in issues dealing with the SATRC and issues dealing with civil control over the military.

The interviewee's views on the TRC

On the question of the necessity and value of the TRC he commented: "It was a very good way to deal with pent-up anger, unfinished business and to close the loop on what happened to our people ... it brought back some sanity ... to start with a clean slate." And further, the SATRC was groundbreaking in its own way in that it alleviated potential for future unrest and had a rehabilitative function. He added that, should he be confronted with the same choice, he would take the choice again because the TRC was a good model in dealing with a past of oppression.

In reflecting on the TRC, he pointed out that it had potentially wider consequences in preventing social conflict. "I do believe that the problems and the questions like the land question would have been a lot worse if we did not have the TRC." For him, the SATRC debate and process penetrated the military discourse sufficiently to have a positive impact on CMR in the future. The TRC revelations "created an atmosphere to be more receptive". By doing so, it succeeded in opening avenues for civil control over the military. "I believe there was a cross pollination between the two processes." In referring to two processes, his reference is made to the SATRC and the South African DRP. It accentuated for future military reformers "that we have to keep the armed forces under control".

The SATRC process implied that "there was a national involvement ... amongst others the defence industry" that succeeded in making people aware of future challenges. He qualified his argument that the TRC "unfortunately had to limit them to a framework that was victims based". As such, the TRC had perhaps the weakness that it could not expand at length or give guidelines on civil control over the military in future democracy in his view. For him, the DRP and the institutionalisation of the Defence Secretariat evolved somewhat differently from the SATRC. What both shared was that it pointed out the need to prevent security agencies to become "the law unto themselves".

The interviewee's views on CMR

"We (the new government/political leadership) tried to go all the way ... maybe too much. (Then again) it was good for being absolutely transparent ... We tried to set the pace for other

countries.” He compared the case of Argentina and Chile, suggesting that their TRC processes did not influence CMR sufficiently: “Argentina and Chile are way behind us.”

Related to this, the DRP and the South African institutionalised model of a Defence Secretariat was not only meant for internal reconstruction and regeneration. It was and is based on good/best practice. He commented that “South Africans felt that others should see that ‘you guys are doing a good job’”. In other words, the DRP and Defence Secretariat were both meant to set an example of best practice for countries outside South Africa. “It was meant to allow others to see what is happening in the towers of power. We projected ourselves as benchmark material – all we can do (now) is to improve ourselves rather than to go backwards.”

“The military is the mirror image of what is happening in broader society ... (South Africans) have inculcated a habit of fighting ... we have those things ... cases where people does not adhere to what is expected.” But there are reasons for optimism: “People with such views are on the way out and new ones coming up through the ranks.” In referring to this, he mentioned that this applied to the post-war generation of rank and file in the new SANDF – people of all races. In conclusion he mentioned that: “we have opened up the wounds with the hope of reconciliation.”

There are possible frictions because of trade-offs and the transition with its uneven influences. But he commented, “these are ongoing issues that should be solved”. In terms of future modus operandi, he argued that “any policy will have little effect if there are no sources behind it, if the policy is not out there. The challenge for South Africans is to provide policies that are out there”.

Perhaps more important, the respondent stressed that the current process and structures need to bring on board other people from other orientations. Apart from this, the following areas deserve close attention and continued action:

- The optimum use of resources and the allocation of the necessary resources;
- Inclusiveness of the process, the institutions i.e. the Defence Secretariat and the SANDF;
- He cautioned against the possible pitfalls of (1) allowing processes of decision making and implementation to be haphazard; and (2) “gallop” processes, i.e. conceive

of and implementing decisions or plans in haste without considering and measuring the possible outcomes.

Continuous facilitation of inclusive decision-making and implementation processes, coupled with civil control and military professionalism, will have to remain high on the agenda with vigilant stakeholders.

In summary: The informant shared that given South Africa's historical inheritance, the SATRC was the only viable option. Also, that because of the TRC process other potential future social tensions may have been minimised. In his view, while the SATRC and the DRP were distinct processes there was some cross-pollination.

He argued that the South African DRP and the establishment of the Defence Secretariat followed best practice and achieved for example more than some Latin American countries that democratised before South Africa. He suggested that the positive elements achieved, now need honing to ensure consistent CMR for the future.

The participant's views on the current state of affairs with regard to CMR as well as the SATRC reflected optimism in contrast with the first participant who had his doubts about the SATRC and suggested that South Africa has a long way to go to inculcate good CMR.

Interview 3

The third interview on the South African situation proved to be of immense value. I held the interview with a person versed in the "politics of the military" and security-related issues inclusive of security-sector reform. He was an academic who held a post as a professor in the a social sciences department at a prominent South African university for several years. Apart from being an academic, he had intimate knowledge of South African defence issues before, during, and after the transition to democracy. He served since the 1950s in the Citizen Force and the Reserve Forces, where he held a senior rank.

He kindly responded immediately to my e-mail, returning it with his feedback. More importantly, he pointed out some weaknesses and shortcomings in my schedule. He also provided unsolicited feedback in the form of submissions and memos which he and others drafted to authorities related to CMR, civil control over the military and the (new) Defence Secretariat. I have to add that he also provided valuable materials and shared insights on the

weaknesses of South Africa's earlier attempts to develop a functional Defence Secretariat, especially the years before 1948 (in other words between the two World Wars). He was also extremely knowledgeable about the demise of a Defence Secretariat after the National Party came to power following the 1948 elections and the Nat's victory over the United Party headed by Smuts.

We had a long interview. The interview amongst other connected CMR with the role of the professional military – which in the case of the apartheid military, were pushed into roles that most military persons disliked. But, like in many other societies, the professional military people have but two choices: to obey or not to obey the interviewee pointed out.³³⁸

The research participant's views on the SATRC

Because of the wide-ranging knowledge of this participant on civil-military issues, we spent less time on the SATRC in the interview compared to the other interviews with South African informants. The reader also has to keep in mind that I did receive extensive e-mail-feedback regarding the interviewee's perspective(s) on the TRC. I will refer to these views here and discuss it also in more detail in the section on e-mail feedback.

The participant pointed out that the SATRC did not concern itself with the military forces, except for sections of Military Intelligence and top commanding personalities. He believed that the SATRC was valuable/necessary, "but mainly for the police who ran wild because of absence of command and control processes and because of the influence of Chief Commissioners chosen from the 'Security Police'" (interview, 29/09/2005).

³³⁸ Whatever choice the professional military person in a highly politicised atmosphere would make, they face trouble. They seem to be set to be blamed. If they questioned the incumbents (the political elite of the regime that they served) they would be fired or retired. Coming any new regime, they would be blamed for what went wrong. This phenomenon is human, all too human. The goose-stepping political elite (with apologies to Breyten Breytenbach, South African poet) in transition will blame the professional soldier while they (the elite) move from one ruling order to another expediently and with a remarkable ability to forget. Ex-military representing the old regime and/or cadres from the liberation struggle may find themselves ignored, despised and finally blamed and forgotten. If power amongst elites comes into the equation, a lot of the past can be wiped under the carpet of consensual "elite forgetfulness".



Zapiro, *Mail and Guardian*, 19 September 1996

Cartoon reflecting popular views on the SATRC and possible court cases against apartheid political leaders political and military September, 1996. Note the politicians, military leaders and police chiefs depicted. F W de Klerk can be seen on the far right together with Pik Botha and President PW Botha.

The participant also mentioned that the SATRC process was better than those in other countries, where the relevant commissions' roles were too restricted. The choice for a TRC made more sense than criminal proceedings against top military and political leadership. As the SATRC was a choice made by parliament it also excluded in realistic terms a forgive and forget approach.

The participants view on civil control over the military

This part of the interview was invaluable and we spent much of the time on the issue of civil-control, the role (or perceived role) of a Defence Secretariat and civil control and oversight over the military. In this part of the schedule interview, I stuck in detail to the civil-military issue.³³⁹

³³⁹ One of the advantages of qualitative research and face-to-face interviewing is exactly this: to be able to widen the scope to allow for other angular optics based on the experiences of the persons involved (and even projections based on his/her contextual habitat) – and by doing so, to enrich the overall picture.

The interviewee had access to, and experience of, a wide range of data and experience. Due to his participant-observer role and participant's advantage, he provided argued points for discussion. More so, he could back his arguments up with very illustrative examples from the past and the present. The shared information was of value and I asked several probing questions, engaged towards the end of the interview in the discussion in a more fluid style. This approach assisted me to recap many of the things he said and I gained new insights. Because of the exposure of the interviewee and his practical and theoretical knowledge, he frequently anticipated questions and responded to them pro-actively and in such a way that one argument flowed automatically into another. Small wonder then, that I felt highly satisfied after the interview. I was looking forward to write up the interview, reflect on it, report on it and analyse it.

As researcher I have to restate some background here for the reader: Between 1912 and 1966, South Africa had an independent Secretary of Defence. The post of Secretary of Defence was instituted by, and the functions of the post described in, the Defence Acts of 1912 and 1957 as well as the Permanent Force Regulations (Staff) at the time³⁴⁰. While the position was established, it reflected numerous shortcomings during these years, some of which the participant highlighted (Also compare the first interview above). The Secretary was described at the time as the Permanent Head of the Department.

The participant suggested that, "However, in practice, this was not entirely true. After the establishment of the Chief of the General Staff (later at various times called General Officer Commanding the Union Defence Force, Commandant-General, and Chief of the SADF) the position of the Secretary of Defence waned in influence. A specific weakness of the defence secretariat's position was that the meaning and characterisation of the post was never clearly defined ...a minefield of prerogatives and consequent overlapping of duties developed between the two office holders and their staffs. Attempts at solutions all ignored the fundamental constitutional principles behind the establishment of the Secretariat as well as the principles of organisational theory".

The result? "After years of conflict worsened by the Second World War, and recommendations by several committees and the Public Service Commission, the Secretariat was taken into the SADF, initially in a civilian capacity under the Comptroller General.

³⁴⁰ Elsewhere I earlier read a similar argument meticulously set out problems around civil-military shortcomings in apartheid South Africa (See Fourie, n.d.: 1 ff).

Between 1966 and 1968, it was absorbed into the various staff sections at Defence Headquarters. The demise of the Secretary of Defence, whose role was not clear and whose duties overlapped consistently with the Chief of General Staff/Commandant-General/and later Chief of the SADF, was perhaps a mixed blessing. In some areas it was successful. But here were defects too”.

The participant made it clear that the following defects within South African civil military relations including the notion of defence secretariats then and now are clear: (1) undefined roles and jurisdictions; (2) inability to understand the role of the institution, and lack of policy guidelines; (3) ignorance of the various secretaries of the nature of modern war; and (4) wasteful duplication of administration. Apart from these reasons for absorption, it is argued that some underlying defects lead to the demise of the position as instituted. The cause of these defects one finds in: (1) the absence of sophisticated training and the poor comparative development of officials in the Secretariat; (2) the absence of a well trained administrative class and lack of academic skills; (3) the neglect of potential amongst staff; (4) the neglect of a legal framework which led to misunderstanding of the role of the secretariat; and (5) the lack of, if not ignorance of, military affairs by staffers.

With reference to the Secretary of Defence in South Africa between the World Wars, during the WW II and immediately thereafter, the participant commented that the Treasurer (“Tesourie”) tasked with finances frequently complicated relations between the military and the government. In turn, “the Secretariat of Defence acted as if they were an extension of the Treasurer. This phenomenon, including its weaknesses, was not entirely unique. South Africa followed the British model of a Secretary of Defence, and in Britain frequently the same happened”. Between unclear roles and duties, many a time “muddling-through” became the standard *modus operandi* without the fault lines being addressed and corrected. The interviewee was quite emphatic in his judgment: “(Hierdie mense) was net rekenmeesters klerke met geen verstaan van die omgewing waarin hulle gewerk het nie” (interview, 29/09/2005). (English: These persons were just accountant clerks with no understanding of the environment in which they worked).

He provided an important insight regarding the then Secretary of Defence and the new post-1996 Defence Secretariat when it came to the provision of policy inputs to civilian and military leadership: “Die idee dat beleidsinsette gegee moet word bestaan nie ... die ouens is net amptenare” (interview, 29/09/2005). (English: “The idea that policy inputs need to be given, does not exist ... these guys are just bureaucrats”).

He also pointed out that the Defence Secretariat finds itself between, for example, Parliamentary Committees for Defence that would request a briefing on a report that in some cases the Minister of Defence had not yet seen or approved. These potentially role-confusion could lead to sub-optimum role-fulfilment on both sides.

On the other hand, the Defence Secretariat has to deal occasionally with military structures that guard their own territory of influence, hence trying to limit the influence of the Defence Secretariat. Obviously, this is to be expected within any inter-and intra organizational body or bodies. It forms part of organizational “politics” in any state or big corporation. It is necessary to manage this effectively to attain optimum outputs.

An important part of the interview (often taking the character of a dialogue or ongoing discussion), became the references to the role that different personalities played within the then Secretary of Defence and the current Defence Secretariat. In reading for an article that I wrote for a journal on arms procurement and acquisition during the 1930s and 1940s, I recalled that one source mentioned the fact that Gen. Jan Smuts as Commander-in- Chief, in a variety of instances, communicated with the then minister responsible for arms production, Van der Bijl directly. Decisions were taken ad hoc with less involvement (even no involvement) of the then Defence Secretariat. In such cases the Secretary of Defence – even if consulted – had a minor role to play.

We discussed the participant’s views on this. He referred to the Smuts years and the Secretaries for Defence: “Persoonlikhede was altyd ’n probleem. Roland Warn en Collier was goed. Toe hulle waai en Andries Brink daar inkom ... het dit ’n splitsing veroorsaak. Dit sou altyd ’n probleem bly ...” (English: “Personalities was always a problem. Roland Warn and Collier were good [at their job]. When they left and Andries Brink came ... a feud developed. This would remain a problem”). He provided an example: “Van Ryneveld en Brink het uiteenlopende dinge gesê.” (English: “Van Ryneveld and Brink said clashing things”).

In the view of the respondent, the reasons for this were clear: “’n Vlieënier en kommando-offisier wat nie (werklik) geweet het hoe ’n weermag gedryf word nie.” (“One from an air force background and one a commando officer³⁴¹ with not enough knowledge on how to handle a defence force”.) Despite these clear shortcomings, very little was done to rectify the situation. “Nie Smuts of Erasmus of P.W. het ’n werksgroep opgestel om die regte ding te doen nie ... die Sekretariaat was altyd net ’n geldsak” (interview, 29 September 2005). (English: “Not Smuts, Erasmus or P W Botha appointed a task group to do the right thing ... the Secretariat was always just the bag of money”.)

The interviewee then linked some of the past experiences (or rather “lessons not learnt”?) to the current situation. “Die amptenare toe en nou nog, het nie die opleiding om te weet wat hulle moet doen nie.” (English: “The staff then and now did not have the [appropriate training] to know what they are doing ...”.) He pointed out that staff of the Defence Secretariat, for example, do not attend senior military staff courses. Doing so would give them exposure to the environment within and the people for whom they play an important role, namely the military. It seems to be the accepted thing that if the top people say a thing, it should be so. The participant applied a vivid description: “Die baas het so gesê, en daarom moet dit so wees.” (English: “The Boss said so, therefore it must be so”). Such an attitude earmarked the decline of the Defence Secretariat before and during the Second World War. And, presumably, at this stage the same challenges await the new Secretariat, the informant suggested.

The participant made an interesting statement not devoid of dry humour: “Dis daarom dat ek sê die Boere was rebelle in die 19de eeu, maar absolute konformiste in die 20ste eeu.” (English: “That is why I say, the Boers were rebels in the 19th century, but conformists in the 20th century”.) And this phenomenon led to the decline of an efficient Secretary. The respondent’s implication was clear. Unless these past lessons learnt are studied, and creative corrections made in the environment in which the current institution functions, the new Defence Secretariat may follow the same route to some extent or the other. He cautioned

³⁴¹ The commando system is an old institution in South Africa. Unlike in other countries a commando or commandos here refer to (mobile) home-defence units, not special forces or elite-troops (Commandos). The commando system developed in the 1700s as a form of mobile home defence and evolved after the WW II in South Africa into a citizen force element that was constituted out of part-time soldiers and officers (To an extent it is comparable with what is known in other countries as a gendarmerie. After 2000 the commando system was scrapped by the current government in South Africa among great discontent and commando members offered the choice to join police reservist units. Few did. In some areas informal home defence units or neighbourhood watches came sprang up – an understandable reaction in a country plagued by wide-spread crime.

against, for example, the view of some staff in the Secretariat related to roles, functions and understanding the lines-of-management: “The minister is the leader, not the parliamentary committee” (interview, 29 September 2005). The latter committee represents the elected parliament’s oversight and should enact consistently its constitutional powers.

The participant argued that one should perhaps study the way in which Britain deals with the issue.³⁴² “Die Britte het ’n helse lang pad geloop om dit te doen ... (ons kan baie by hulle leer). Daar moet mense wees in die Sekretariaat om beleidsrigting te gee, want top militêre strukture, die generaals, het nie die skoling nie. Die leiding het kortgekom in apartheid Suid-Afrika.” (English: “The British came a damn long way. There must be people in the secretariat to provide leadership, because top military structures ... the generals, does not have the schooling. This leadership lacked in apartheid South Africa”.) The issue was worsened by personalities such as P.W. Botha as Minister of Defence he suggested: “P.W. se diktatoriale persoonlikheid en boelie-wees soos baie ander mense boelies is/was, het sake gekompliseer” [English: “P.W. Botha’s dictatorial personality and style of bullying like (many) others complicated things”] (interview, 29 September 2005).

The research participant mentioned that no one stood up against P.W. Botha during his rule. In this case, the participant echoed the same sentiment encountered earlier. “As iemand teen hom opgestaan het, sou dit dalk gewerk het. Maar daar was niemand nie” (English: “If someone stood up to him [PW Botha], it may have worked. But there was no one”) (interview, 29 September 2005). The earlier participant (Interview One) vividly stated: ” No one had the guts ... [to complain/stood up against PW Botha’s style.]”

The issue of personalities played a prominent (and conceivably, negative) role. With regard to South Africa. The first participant’s views discussed earlier in this chapter also referred to it and he provided some examples. It was significant that, in this interview, the issue again became prominent and that both interviewees had agreement on this issue.

I referred elsewhere to the symbiotic role that P.W. Botha and Magnus Malan played. The interviewee confirmed what was far more than a mere hunch, since studies of their personalities and reading material also made it clear. “Die dag wat Magnus Malan minister geword het het baie van die kolonels en generaals gesê, ‘Hy het ons in die rug gesteek’. Hulle wou nie hê ’n (voormalige) generaal moet ’n minister word nie” (interview, 29 September

³⁴² The past and present model that South Africa follows is based on the British model. Hence, in refining its model and minimizing flaws in the system, South Africa can learn much.

2005).³⁴³ Mense was teleurgesteld dat hy politiek toe gegaan het en hy was 'n interfeerder.” (English: “People were disappointed that he (Magnus) entered politics. They felt that he was/may become an interfering factor”). Some even felt they were stabbed in the back by the move of Magnus as Chief of the Defence Force to Cabinet Minister. One has to keep in mind here that as frequently mentioned elsewhere P W Botha and Malan were seen to be hawks and reflected an obsession with the Total (communist) Onslaught. In fact one of the interviewees (I obtained permission to use his name and the interview is reflected later in this chapter) mentioned that Magnus Malan, when he complained in parliament about how security issues were handled at the time, said that “you are singing in Moscow’s choir” (Interview, 25 July 2007, Johannesburg).

It was no secret that Magnus Malan was extremely ambitious. The participant suggested: “Magnus was ontsaglik ambisieus. Baie van die Boere offisiere het hom gehaat omdat hy hulle gedreig het. Hy het nie nee vir 'n antwoord gevat nie ...” (interview, 29/09/2005). (English: “Magnus was incredibly ambitious, many officers hated him because he threatened them. He could not take no for an answer”).

It was not the first time that people with whom I had been in interaction, said this. The respondent merely confirmed what others argued in their experience. Magnus amongst others became OC (“Kommandant”) of the South African Military Academy at a rather young

³⁴³ An issue that is seldom addressed or studied (with exception of the work done by, amongst others, Annette Seegers at UCT and Philip Frankel, University of Johannesburg), was the unique nature of praetorianism in South Africa – if it can be described as praetorian at all. I chose the term praetorianism of a special type because the military were pulled into politics by political and influential political people and National Party gladiators – in many cases against their will. It is no secret that Generals such as Gleason and Constand Viljoen did not like the idea of the military pulled into the politics of upholding the state in the least. In many respects, senior officers (from the rank of colonel upwards) saw themselves as professional soldiers for a professional and supposed non-partisan national defence force. In my view, two things lead to the negative images around the SADF (apart from the fact that they were unpopular because they operated in a minority regime). Firstly, the role of National Party ideologues – perhaps rather strongmen – who went into National Party politics in support of minority and authoritarian rule. This led to the SADF being seen as a praetorian military. Secondly, the masses of people in South Africa other than white people exposed to the structures which they understood, made no distinction between the police (including the security branch), the police units deployed during unrest (*onluste polisie*), and the military (especially the “army” mostly conscripts) who were deployed in the townships more or less permanently after 1984. In 1984 by decree of P W Botha a declared state of emergency lead to a security clamp-down. Sebokeng became the first township to be entered by military units. Most of these units consisted of conscripts and/or citizen force members. Several conscripts (including junior officers) objected to this – even if some of them did not object to being deployed in Namibia or even Angola. Fault lines were beginning to show within the white community. The minority of “objectors” publicly did so on political grounds, facing a six-year term in jail. Others, in not so insignificant numbers, started to duck-and-dive reporting for “national service” after a call-up for “township duty” while becoming involved in internal resistance. The numbers of people objecting on “universal christen grounds”, which involved several years of community service was increasingly growing at the time. The Board for Religious Objectors dealt with the latter cases.

age³⁴⁴, and reached the rank of general also at an early age. According to the interviewee, Magnus was well known. His father was a parliamentarian for the National Party. Although his father was not a cabinet minister, he held influential positions within the National Party structures.

But Magnus and P.W. were not the first of the interfering types with authoritarian approach post-1948. The participant pointed out that “P.W. en Magnus (se bewind) was ystergrepe ... dieselfde met Erasmus en dieselfde met Jim Fouche, al was hy nie ’n draak nie” (interview, 29 September 2005).³⁴⁵ (English: “PW and Magnus’s rule was iron-fisted, the same with Erasmus and Jim Fouche, even if (Fouche) was not a monster”.)

The participant took pains to point out the difference between military engagement in politics in Argentina and Chile, compared to the South African case. “Die SAW was nooit beleidmakend nie.” (English: The SADF [in itself] did not make policy). Unlike the military juntas in Latin America, the SADF never made policy. “They had to execute unpopular tasks, whether they liked it or not.”

What about the current situation? His remarks on the current condition of CMR were interesting: “Ek dink nie dit het verbeter nie, omdat die sekretariaat nie weet wat hulle doen nie. Maar dit het ook nie erger geword nie.” (English: I do not think it got better, because the secretariat does not know what it is doing. However it did not become worse). As then, he suggested that, because “the Defence Secretariat does not always know what it does, the only real control lies with the Minister”. He mentioned that potentially this (as well as the lack of policy expertise and too little exposure to the military affairs) may lead to the demise, or at least the weakening, of the role of the DefSec. He mentioned in quite graphical terms that he said to one of the current staffers at the Secretariat: “Ek is bevrees julle gaan presies terug na 1966 en iemand gaan die moer in raak en voordat julle julle kan kry, sit julle weer terug in die weermag” (interview, 29 September 2005). (English: I fear that you are going back to 1966; someone will get the hell in and before you know, you will be back in the military).

³⁴⁴ See Visser (2000: 553).

³⁴⁵ Erasmus, the first Minister of Defence under National Party rule, became notorious for “firing” and retiring top military officers who were rightly or wrongly associated with the United Party or Jan Smuts’s rule. Some, like Rocky Williams, referred to the “Erasmus purges”. Others in Afrikaans-speaking circles referred to “die nag van die rapportryers” because it was said that as the notification for termination of serves were typed up, motorcyclists that very same evening were dispatched immediately to deliver the notifications. Note that under Jim Fouche, South Africa still had a Secretary of Defence, even if its role was diminishing progressively.

However, the participant had high regard for some attempts that the SANDF and the DefSec engaged in, like the new program of civil education for the military. In reality, these entail an attempt to reprofessionalise, or perhaps rather educate and prepare, the military to act out the new democratic ethos. Modules in this course include international law as well as the law of armed conflict, constitutional law, military professionalism in a democracy, and CMR.

He also had positive comments on the current Minister of Defence, Lekotha, for his open-mindedness, his ability to carefully listen (hear out the side of his juniors) and then act purposefully on it. He mentioned that under a former post-apartheid Minister of Defence, there was a measure of politicisation – something that changed under the new minister who stresses professionalism, efficiency and a non-partisan approach in terms of staff development and careering.

It is perhaps fitting for a conclusion that he pointed out that, in the past, most theoretical analyses on CMR focused on “how to control the military” (in other words, politicians should control the military). For him, new theoretical approaches (should) focus on the reciprocal influence and the importance that the military can have and that politicians should be reigned in if they undermine the quality of the democracy by partisan actions or deploy the military outside the parameters of the democratic order and the South African Constitution.

In short the participant advised that future research should focus less on the conditions under which the military step into politics and more on how to control/influence the politicians to undertake to keep the military out of politics and not bringing them into the upholding of a partisan state. Having lived through, and seen this, the effects of such a failure under Apartheid, the participant’s words of caution and advice on new approaches are worth noting.

In summary: This interview was more than just worthwhile. It was extremely valuable, especially with regard to socio-historical background on CMR and past mistakes. The vivid illustrations around the demise of the previous attempts at creating and maintaining a civilian defence secretariat greatly assisted in making linkages between the past experience in South Africa and the current civilian-military interface. It also pointed out the challenges that the current defence secretariat faces if they do not understand their role or allow themselves to diminish their role as link between civilian rule and military authority. It also points out the need for a strong sense of mission, the role it should play and the need to play a continuous role in policy formulation.

Interview 4

This interview took place with a senior staff member of the Defence Secretariat. The interview as in other cases was confidential and conducted according to mutual agreement to be used for research purposes only and in terms of qualitative ethical conduct.

The person was well versed in the area as he had previous military experience and then joined the defence secretariat where he spent the last few years. The person experienced the transition process. Personal experience with military affairs dates back to pre-democracy period of the armed struggle as member of the ANC's armed wing, MK, which was in 1985 (one has to keep in mind that in the 1980s actual MK membership was a technical issue; usually it was seen when one joined the underground structures). The research participant was already active before 1985 in the "political" underground (as opposed to guerrilla activities) at that point and then went into exile.

The participant became an activist at a young age and was quite active in the student movement. In the 1970s he was at boarding school in Soweto when the Soweto uprisings took place. "I was there too. So I have that experience and the memory of that and lived through it and became more sharply involved when I was at high school, immediately after 1976. I stayed part of that right through to the period of what I would call, the turbulent 1980s, the process leading up to the formation of the UDF, youth formations and other movement formations. I was mainly involved in the student movement." He continued, "But to get to your question related to military affairs: I arrived in MK via involvement in the student and youth movement. Then I got involved in the underground struggle and (had some exposure) to the underground structures of the ANC – until I went into exile. The 1980s saw increased resistance. The trade union movement and others in resistance were redefining itself in 1985 and that prompted by a clamp down by the (apartheid) state.³⁴⁶ The clamp down became quite sharp and significant by the middle of 1985, in or around June. At that time I had information that they (the security police) looked for me – I left at that point. I then joined Umkhonto We Sizwe, became a commander and later I became a political commissar/instructor as well in the camps. I trained in Angola and went on to train even in the Soviet Union. Ja, so that's the experience I had of course (also) working together with other militaries or other liberation militaries. Of course after training I (became) an instructor. I became responsible for our

³⁴⁶ During 1983 the UDF was established as a popular movement resisting apartheid and especially the Tri-Cameral Parliament. Trade union activities also revived en masse. Here especially the Congress of South African Trade Unions (COSATU) became noticeable.

military co-ordination, assistance and also (had to link up) with the diplomatic missions, German Republic, Yugoslavia in terms of arranging training for troops and liaising for them. So that's the pre-1994 period.”

Following the unbanning of the ANC and other liberation movements? “My involvement) of course (was) right up to the period of secession of hostilities, first the cease fire in August 1990 with the signing of (the cease fire)... then subsequently ... after Grootte Schuur minute and then August of 1990, then the announcement of the suspension of the armed struggle (in reality that happened before the actual signing of the accords) took place ... and then later came the Pretoria minutes. So ja, my involvement has been on that side too. And then of course in the period running up to the democratic elections involvement with the various structures such as the TEC ... ”

In the short period of initial phases of transition between 1990 and 1993 the TEC shouldered much of the responsibility of running the country. The interviewee had some involvement in the sub-structures of the TEC related to military affairs: “We had a Transitional Executive Council ... In that period, the involvement that I had was with the ... remember the TEC was a product of CODESA³⁴⁷ ... My involvement was in the sub-council of defence. I didn't sit in the sub-council of defence itself, but there were then sub-structures of the sub-council on defence, specifically what became called the Joined Military Co-ordinating Committee, which was a joint structure because it was made up of the armed formations of both the state and the statutory formations and also the non-statutory formations which MK was the only party at that time.³⁴⁸ The PAC declined to come in. So I got involved in that (JMCC). But also at a more technical level, with some of the sub-workgroups that were then established, specifically the army sub-work group of the JMCC, I got involved in that too. Especially in the period 1993 all the way ... well until the final agreement on the signing of the interim constitution which was then implemented”.

³⁴⁷The Convention for a Democratic South Africa (CODESA) was convened together in the early 1990s. It was a multi-party convention, including the unbanned ANC. An attempted process of transition through negotiation started. Despite several setbacks and internal strains it played an important role as one of the cornerstones of transition in South Africa.

³⁴⁸ The apartheid and homeland defence forces were called “statutory forces” and those of the unbanned movements “non-statutory forces” The PAC as one of the unbanned liberation movements declined participation in the transitional process and vowed to continue the liberation struggle.

The participant's views on the SATRC

I asked him about the SATRC and its bearing on South Africa and other countries and the choices we had on treating past transgressions of human rights, i.e. (1) a TRC (2) internal legal proceedings or (3) a forget and forgive process.

His answer as to the choice was clear: "I am convinced that the TRC was necessary so that you have a process of healing taking place and you bring closure on both sides. You bring closure on a whole range of unanswered questions that people have or people have had and so on. We still don't have full closure but it was a necessary process, almost like ... what do the religious people call it ..., a catharsis. So it was quite necessary, it was necessary on all fronts, on the fronts of the victims, which is most important because they were the most affected. Also on the side of the perpetrators and also on the side of those who may not have been victims directly but who knew somebody who was a victim or who had a family member as (victim) – so I define victim fairly widely. So it (the SATRC) was necessary to do achieve this. We are still not fully there but it did help. It was painful but it was necessary. I recall the first hearings, Tutu and all of that, it was quite necessary ... also for the operatives, either side, because it is also important ... (that) you become part of dealing with the post-traumatic stress of the process. Post traumatic stress of the victims, post traumatic stress of even the perpetrators. Put yourself in the shoes of somebody let's say on the apartheid side. Somebody who actually goes and carries out a secret operation, I mean by virtue of the fact that only a handful of people knew about it. He carried it out successfully, it happens and all of that, the results are there, but you then have to live with that (results) – you and sometimes you are alone, sometimes it's you and others and so on. So when you have a process of the TRC you have (some) "freedom" to talk about it. Such an opportunity will give you a chance to reflect on it, reflect on it in a public platform or whatever and that .., it then has that effect. If you look at a range of instances – if you look at de Kock for instance, if you look at (Dirk) Coetzee ... this opportunity was necessary³⁴⁹. Let me take Coetzee first, Dirk Coetzee, when he came to the ANC and actually spilled the beans and all that, it became a healing process for him, having been part of these operations. You take de Kock, the same thing. I still haven't read his book but from his testimony ... I can't get myself to do it but I should ... It became part of that process and ... ja, the same also on the side of the people who were executing the struggle. It became that process. As to whether it was full 100 percent (exposure) on either side, I don't believe it was, but then time will tell. As we are conducting

³⁴⁹ Dirk Coetzee was a former security policeman that went public with his involvement related to the liquidating of anti-apartheid militants.

this interview now, it has come back again (the respondent referred to the case of Vlok, previous apartheid minister to be hauled before the court for apartheid transgressions of human rights³⁵⁰). That is something we are going to live with, we decided on that process and as I say again it was necessary.”

He continued: “As to the other two options: Forgive and forget? It would not have worked to forgive and forget. It would have had a very explosive outcome, very explosive because people would not have had the opportunity to talk about it, to ventilate, to cry, to go and exhume their loved ones, which exhumation would have been only possible with a TRC process. So it would have been like putting a lid on something that is cooking and you put a lid on it and then you put a brick on the lid, and then you put another brick. In the meantime it is cooking. It will explode. Forgive and forget is not the path we could have followed – especially also against the background of the kind of negotiated settlement that we reached”.

He explained that: “The origins of the TRC is in the negotiations which also set the terms of reference for what should be then a TRC, what should be its boundaries, what are the time limitations they are looking at and how (it will be executed and) ... which groups or entities or whatever do you look at (should) to be able to approach the TRC and so on. And how small or how big the particular event should be ... So that was all necessary.”

Regarding the route of criminal proceedings against apartheid transgressors his following remarks are relevant: “We could not have followed that. (At the time) the legal route to deal with (past transgressions) was/is just as explosive.”

“What about the issue of the TRC, while simultaneously some court proceedings took place in the 1990’s?”, I asked. He answered: “Yes it’s true that more middle and lower ranks, your foot soldiers so to speak, are the ones who were nailed. But it may have been a result of some form of limitations set by the leadership (or the nature of the settlement) that preceded the SATRC”. (Maybe) the political leadership played a role ...I think it was a form of (self) preservation on their part not to have a full disclosure. And you see the problem with this route is, even if the TRC is good, or has been good and was the best option of the three ...

³⁵⁰ During 2007 the National Prosecuting Authority in terms of regulations for the prosecution of apartheid era crimes, promulgated in January 2006, decided to prosecute amongst others Adriaan Vlok, a previous cabinet minister for Law and Order and General Johan van der Merwe, former police chief for earlier crimes. Some media speculation had it that their witness might implicate former president FW de Klerk (*Mail & Guardian*, 3–9 August 2007). The case ended in a plea bargaining (*Mail & Guardian*, 17–23 August 2007).

The question is always: 'Where do you stop in terms of the depth or the extent of the disclosure'. I think that, having come now 13 years down the line, there's still some feeling that certain things were not disclosed on either side, by the apartheid government, some gets stumbled upon but also as part of ongoing developments. Now, admittedly yes, if or for those who did not disclose, yes there should be sanctions for that. It was an agreement that you disclose and there was that interrogation process to be entered – but, how far do you go? I don't think that the leadership of the apartheid government disclosed sufficiently. Even if some of them or maybe all of them may not have necessarily been the perpetrators themselves; but the orders came from them. They definitely knew what was happening and you cannot claim ignorance of that because ... I mean if you look at the way, in general terms, the way state machineries work and all of that: Instructions are given, orders are given, these (instructions and orders) are executed. Now even if in the instruction of the order, there was never a thing that says how you do it. Yet, the order went out. There was either an explicit or an implicit understanding about what should happen to execute such an order. So some of these orders were written, some were unwritten. There's always that ... I think they did know ... they knew to a greater degree. I mean (for) those who were in the security establishment; there's no way that they would have not known, they may not have known some of the gory details of what their foot soldiers were doing, but they knew the implications ... the outcomes of such actions. But sometimes they (also) knew as a result of the outcome. For instance I think, if you see a report on the situation, in a particular area of the country or region or province or all of that and they say "okay, we need to neutralise that situation". One (the politicians and top security advisors) can read a lot into that. What is "neutralise", what does that mean, in what way do you do it, neutralise by what means? Kill those people who are at the core of this thing, you've got to arrest them; you've got to silence them? How?"

We discussed the issue of political leaders claiming that they were not "in the know" or "in the loop" around decisions that led to human-rights transgressions. He responded that, "If the minister had access, as a cabinet minister, to security meetings – or even briefings – even if they were not always, specifically notified about the State Security Council meetings, they could have asked for the minutes or outcomes of a meeting (even if no minutes were kept) ... should they not have inquired about the minutes and find out what was the last decision and what became of it?"

If one reflects on the TRC and the defence review process, shouldn't we have had more interaction between the two I asked? Not only (between) the commissioners, but also people on lower levels talking to what the other one is doing and in a way trying to assist? For

example, people with military experience saying “we know your mandate is limited to that, but why do we not write two or three chapters on how do we deal with CMR issue for your report and submit it?”

The participant: “Yes, look inevitably that becomes or should become an integral part of it... the military but in and the security forces ... because at the end of the day that is the entity which the state was using and used to be able to retain itself in power. In a limited way, I think that did happen. It could have been much better or more extensive, but I think that it happened. If you look on the one hand, that is what the defence review process was about ... to an extent they did (interact), I think they did, as I was saying – part of the defence review in a certain sense covered what the TRC was to do”.

The participants views on CMR

Probing I asked about the future of CMR and civilian control:

“There is a (recent) report, I recall about continued vigilance on democratic civil rights and relations. It (CMR) should stay entrenched ... not just CMR because you have that anyway, even in undemocratic state, but with the *emphasis on democratic CMR that are guarded jealously through a range of civil oversight mechanisms ... in parliament, financial accountability and all of that and even with the executive itself, and to basically keep the armed forces where they should be, which is in the barracks.*” The participant also pointed out that having a continued education process of the armed forces in this regard is important.

I probed about the role of politicians.

The participant: “Education is important: The armed forces in terms of them understanding civil military relations in a democracy, but also knowing their place, that’s the one side. The other side, is to also do the same for the politicians, MP’s and all of that ... because at the end of the day, however educated we may want to make the armed forces, or even the security forces, if the elected authority has no understanding of democratic civil military relations then we will of course have abuse because (of) the behaviour of our leaders ... the armed forces is not in and of itself of their own making, it’s a result of political decisions that leaders take – that things should happen this way or that way. So there is a need for education all over. And also that education should also include a full understanding of the role of the armed forces by politicians, also by the public so that they (the public) can also blow the whistle when these

guys are overstepping their limits, they are interfering with our freedom. So that understanding has got to be all round by all ... the armed forces themselves, the elected political authorities and the public in general. If you don't have that vigilance and those checks and balances, we may very well go back to what they had before or even worse a situation". His next remark was important: "And also such an understanding will enable the politicians and even the public to be able to give the capacity and resources that are required to insure that the armed forces do the job they are assigned to do. Because it does not help to say that the armed forces must stay in check within the barracks and then you sit back and not accord them the necessary resources that they should have. Because then you are sewing the seeds of discontent and so on. So you look after them, and at the same time you are making them accountable for what they should do. What is the balance and what are the resources and what are the socio-economic needs of the country and all of that (needs consideration)."

Question: We instituted a defence secretariat; it seems to be in most countries an important measure. What is your opinion on instituting a defence secretariat?

The research participant: "I think that's something that should happen. It's sad that you can't have an international constitution (or rule) on this; but broadly there is acceptance for the need for now – it serves as a good measure of checks and balances in good measure of civil oversight and not all – not many – countries have an equivalent or defence secretariats in the shape and form as we have in South Africa. Some countries have even more robust ones, others have weak one's but it's a continuous challenge that you need to have those entities to counterbalance and then demonstrate that the armed forces are accountable. So it's a necessary instrument. In fact, with my involvement in the SADC region and on the continent, more and more, there is gradual acceptance that you need to have that. But then there's always the issue of the counter balance and sometimes the fear is from the ruling establishment. They ask: 'What is this animal? We don't want you to look over our shoulders, why do they want us to account for every rand and cent and all that?' In short; the attitude that 'we will spend the budget as we like and then not account – the defence secretariat will just (should?) give us the money'. So you always have that ... and then to explain situations where you don't even have it at all, the armed forces – the armed forces is equal to the Ministry of Defence ..."

The participant provided some examples in Southern Africa: "(For example) ... Namibia has what they call the permanent secretary for defence whose role is the same as our secretariat. Their model is almost the same as ours. In Botswana, it's a bit different. They don't have an

equivalent of a secretariat *per se*, the Chief of the Defence Forces is very powerful – and the function is rolled into one.

We concluded the interview and I thanked the participant for the interview.

Summary: The participant was in favour of the SATRC as the most reasonable option, despite possible shortcomings or limitations. He was of the opinion that there was interaction between the SATRC and the DRP, even if maybe not enough. The participant feels that we have come a long way with instituting civil control over the military. He pointed out however the need for continued vigilance and education for the military as well as the political leadership regarding sound CMR.

FIELD NOTES AFTERWARDS ON TAPE: This concludes the interview with ... It was a confidential interview and it will be treated as such in this thesis. It was a valuable interview and held in a quiet part of a restaurant. There were minimal interruptions, both of us were relaxed because we knew each other for fifteen years³⁵¹. It was quite a problem to get hold of ... in terms of time, place and openings in his diary. However that succeeded. The participant kept the earlier request in mind despite a full schedule and in the end came back on the interview. We held an interview an hour-and-a-half. We agreed that if needed there will be a follow-up interview. We also agreed that I can clarify issues if need be by phone or e-mail. I asked some probing questions. The participant had a “good feel” for what the study was about and was well versed in this field. The participant was in the know about my research project which we discussed in the past. I will request Mary-Anne who offered to type up the interview over the weekend to do so.

I completed four interviews with people related to the study of South Africa and discussed them above. The fifth interview with a South African, with his permission forms part of this chapter, in this case in a different format. This interview, I believe is of great value in illustrating the South Africa of especially “then” and “now”. Moreover the interview provides real life examples and a closer view of the personalities of previous strongmen/securocrats in South Africa. For me this interview has value for its “personal” feel and a real “up and close”

³⁵¹ In applied research on the issue of relations between Cuba and the USA and Cuban involvement in Africa, the historian Piero Gleijeses points out the need for relaxed settings (Gleijeses, 2002: 10). He also points out the value of solicited and unsolicited documents. In the course of the interviews that I conducted, I cannot agree more with Gleijeses when it comes to optimising the value of face to face interviews. The same applies to previous knowledge of the interviewees on a personal level (Gleijeses, 2002: 10–11). In my case previous knowledge of individuals also had positive outcomes.

illustration of the thinking and actions of apartheid politicians within a specific historical context and how others experienced it.

IN CONVERSATION WITH A SOCIOLOGIST AND POLITICAL PRACTITIONER:

INTERVIEW WITH VAN ZYL SLABBERT 25/07/2007 ³⁵²

QUESTION: Van Zyl, you took part in the old minority parliament and the transition to the tricameral parliament. What were your impressions of security issues?

When I became part of it in 1974, the Angola business was escalating³⁵³ ... PW Botha made a great to-do about that at the time ... which is when the Total Onslaught story really took off, and Magnus also joined in actively.

Vorster did not take much notice of it (the Total Onslaught). PW became Prime Minister and Magnus Malan Minister of Defence and suddenly the entire importance of the defence force and security services escalated.

To keep a long story short, in that period and until my resignation in February 1986 one could see how the national security system systematically originated and expanded until later one had only a small group of military intelligence and security services and security police and of course a few others ... at the helm of those was obviously PW. FW (at that stage) was not part of the loop.

Where the business gathered momentum? There was no doubt in my mind that if they (the National Party) opted for the tricameral parliamentary system, it would politicise the country more deeply. Based on the premise that you were going to admit the coloureds and the Indians, but permanently disregard the rest of the population, that is, the black people ... In other words, there are no black South Africans (laughs).

³⁵² Frederik van Zyl Slabbert gained his doctorate from the University of Stellenbosch. He gave up an academic career and became a member of the opposition in the white/minority parliament as MP for Rondebosch and eventually leader of the Progressive Federal Party (PFP). In the midst of growing resistance and militarisation of South Africa the tricameral parliamentary system was implemented in 1983 with coloureds and Indians as minority partners and black people permanently excluded from the constitutional dispensation. The system was sold to the voters as a form of consociational politics, on the strength of a report by Dennis Worrall. National Party ideologists such as Professor Willie Esterhuysen and Julius Jeppe strongly propagated the report, but in various respects it deviated from consociational tenets, among others the concept of an executive president advised by the state security council and the asymmetric relationship between the powers of the three chambers of parliament. At the same time Stellenbosch academics such as Johannes Degenaar, André du Toit (even Hermann Giliomee at the time) pointed out that reforming apartheid while maintaining white power amounts to continuing structural violence. The president, for example (and the white chamber in most cases) retained veto rights over legislation put forward in any of the three chambers of parliament. In 1986 Slabbert resigned from this parliament, which he regarded as an exercise in mock reformation amid greater repression. Alex Boraine, a PFP member, resigned soon afterwards and they established the Institute for a Democratic Alternative for South Africa, to which I referred elsewhere. Apart from dozens of articles in the popular media, Slabbert is the author of the following books: *The Last White Parliament* (1985), *South Africa in transition: The quest for democracy* (1992) en *The Other Side of History* (2006), as well as various monographs, including, *The Dynamics of Reform and Revolt in Current South Africa: Three Tanner Lectures* (1987). He remains active in empowerment projects and the business environment and plays a prominent role in the media industry.

³⁵³The Caetano regime in Portugal fell in a bloodless coup on 25 April 1974 and there was talk of independence for Portugal's colonies in Africa such as Guinea Bissau, Mozambique and Angola.

Then, of course, the result was the domestic upheaval – the ungovernability story³⁵⁴ – one also started getting an interactive relationship between repression and resistance ... civil control had gone ... there was nothing.

Well, one can protest, I made a few dissident sounds, as did others, such as Helen (Suzman) and so on.

However, most of the decisions on security were taken outside the parliamentary dispensation.

Question: In Vorster's time, was the state more dependent on the police than on the military?

I experienced that personally [in] 1981 for example, my study was blown up in '81. By that time it was PW already, but my feeling was that it was rather the security police in this case. Man, everything was burnt down: photo albums, documents, my entire period in theology, all those things. Domestically the security police were more active ... externally rather the defence force ...

And then the chief of the security police came to see me. And I told him I had brought in experts to see what was going on. They told me: "Doctor, this is no ordinary fire that started ... extraordinary substances were used here." He then left ...

Later, old General Coetzee came: "I only want to tell you, we did a thorough investigation and came to the conclusion that your eleven-year-old son burnt down the place by accident."

I looked him right in the eye and said, "General, I'll buy you three dozen boxes of matches right now and give you a telephone directory and I dare you to put the place on fire."

And he (only) said, "Yes, well, this is the conclusion we (the police) came to."

"I don't accept it" ... I then said.

Since that time one was conscious of being followed, in Vorster's time as well, but after all, I also helped to get quite a few chaps, the so-called lefties, out of the country ... Neville Curtiss and others...

Verwoerd was the ideologist of apartheid. Vorster was the policeman of apartheid. He had to see to it that it was implemented. That required more policing. Vorster was always a policeman rather than a defence force man. Moreover, there was always a touch of tension between him and PW Botha, but that there was intensification of the role of the profile, from the military to Vorster ... I have no doubt about that.

³⁵⁴ In 1980 South African militants decided on a strategy to make the country ungovernable until the fall of the National Party.

QUESTION: Van Zyl, in your opinion, did the earlier competition mentality between the security forces (eg NI, MI and the security police) that existed under Vorster diminish in the time of PW?

Yes, I am convinced of that.

QUESTION: Could the parliamentary opposition attend meetings of the State Security Council?

It was made very clear that you didn't have access to that thing ... (laughs) they sometimes sent somebody to inform you.

I'll never forget the first time after they appointed poor old Niel Barnard as chief of intelligence; he came to me and gave me a sermon on the Total Onslaught ... we have to realise we are subject to the Total Onslaught ... the opposition as well ...

But I made a point of chatting to the chaps ... Constand for example. I talked to him quite a few times and told him: "You are busy with something that is not going to work." Magnus, of course, always told me I was singing in Moscow's choir and he was not interested."

You see the watershed, the illustration of lack of civil control over the military, came for me personally when PW signed the Nkomati Accord with Machel (of Mozambique). They invited us (to the conclusion of the Nkomati Accord); there is peace between us and Mozambique now... and I thought, "Wow, maybe the tide is turning here." I went up to him (PW), congratulated him and said it was an admirable step in the right direction.

... a while later ... one Colonel Wass was in the news (I think he was involved with RENAMO) ... in a contact his diaries were seized ... I saw this short report. I immediately phoned Constand and said I have to talk to you ... because that short report states that it is perfectly clear that you are still destabilising Mozambique.

Constand gave me a look and said: "No man, no, that's propaganda." I thought, to hell with that, and I phoned Machel's office and flew to Maputo, where Sergio Vieira met me. He gave me some of the documents. It was quite clear! We destabilised Mozambique during, before and after the Nkomati Accord!

And one sits in parliament. When I got back there I went to our spokesman for defence³⁵⁵, "Tell the caucus." He said no. He wouldn't believe me. I said: "But good grief man, I talked to the people myself – Pik was there two weeks before me and as old Sergio Vieira told me, Pik had the fright of his life." Now Pik says he never knew about anything.

³⁵⁵ Entry in the diary of the interviewer: Harry Schwartz was the spokesperson for defence for the opposition party in the white parliament at the time.

QUESTION: Regarding South Africa's destabilisation of neighbouring countries: Were many politicians outside the loop like that?

I can confirm that to you. Take South Africa's involvement in Angola in 1976. I was spokesman for defence issues for the Progs (PFP – then the opposition party in parliament). That was before Harry Schwartz.

He was the man for the reformists ... in the UP. Unfortunately the moment he (Harry) saw a uniform, he jumped to attention ... and I then went to Namibia. The first time I realised we were fighting in Angola, was when we crossed the river at Calueque. That evening I saw PW at the commissioner general's house. That was when he heard about Kissinger (his statement about the USA's withdrawal from Angola).

And he really got his dander up because then he realised: It was only them left and the Cubans were escalating, the MiGs were also coming in.

And he grabbed me around the waist and said: "Van Zyltjie, come and sit down here." He said: "You know, if it hadn't been for these bloody Americans, we would have taken Luanda tomorrow; in fact we would have taken the whole bloody Africa." He spoke like that ...

When we were flying back, Constand (Viljoen) told us on the aeroplane everything we had heard there was classified intelligence. We were not allowed to use it.

In front of everybody there I answered: "I don't accept that at all, I am an MP for a constituency (Rondebosch) and must do my duty to my constituency and to the children and young people who do military service. ... They are being brought under a wrong impression." Constand gave me a look ... because then I was becoming more dangerous (in the eyes of the security people). It was after that that Magnus started telling me I was singing in Moscow's choir.

No, I can tell you without any doubt, parliament was out of the loop ... had no idea of what was going on ... Harry (Schwartz) could perhaps have known because he was kow-towing to the military.

QUESTION: Van Zyl, just after the visit of the Eminent Person's Group (EPG), a delegation of the British Commonwealth in the mid-1980s visiting South Africa in an attempt to effect a negotiated settlement in South Africa between banned organisations and the minority government, South African security forces attacked targets in Mozambique, Zimbabwe and Botswana. The EPG had hardly left the country ... was the odd cabinet minister by any chance left out of the loop when such decisions were taken?

I think so ... you see my point is: There was Magnus, Meiring, Coetzee, those fellows together with PW were the inner circle – even in the State Security Council.

You see, Pik had a seat in the SCC. De Klerk had a seat in the SCC. But they were not part of the executive authority ... That executive authority ... Jannie Roux ... he was the link between the politicians and the security people ... old JR They sat there taking decisions.

(But) my whole argument is: Pik and FW can say 'we had no part in these decisions' ... you are compromised by your participation in it ... you had the right to ask questions.

You had the right to say, “What is going on here?” ... in the Total Onslaught (regarding action in the townships, for example. And they never did that.³⁵⁶

Pik Botha (Minister of Foreign Affairs at that stage), two weeks before I went to Mozambique ... and the RENAMO/SADF documents were seized, visited Maputu. Sergio Vieira told me. He said: Pik went as white as a sheet. He said: Phone Neil Barnard, I want protection ... he was that frightened.

On my return I went to see Pik – Do you know what is going on there? I know you were there. “No, but that cannot be suggested,” Pik told me. I just looked at him ... what on earth can you say in a situation like that?

Pik then said we had to go to his office. Magnus was also there. “We have a good relationship with them (Mozambique)” Magnus said among others. Pik then said: “Why don’t you find say 200 farmers to go and plough the land there?”

Magnus then answered: “But I think they’ll shoot my men from the bushes”. Jonas Savimbi walked in while we were still sitting there. “I just want to thank you for all the help.” He said that in front of me!” Now Pik says he knew nothing about it ... They are lying, man!

QUESTION: FW’s speech in 1990? The unbanning of the liberation movements and the TEC/Transitional Council? Was a *coup d’etat* a possibility?

That is a very interesting question. I was in Oxford and when I got back I heard that FW wanted to talk to me. I returned and made an appointment with him.

When I saw him I asked him: Why did you do it (the unbanning of the liberation movements that fought against apartheid)? He said: “Two reasons: Firstly, I took a moral leap and secondly, I would have been a fool not to take the gap created by the fall of the wall.” But then I asked him: “Have you any idea of the security system you inherited?” His face became beet red and he said: “What are you talking about?” I said, “Never mind FW ...”

I (later) had a long conversation with Meiring, the last chief of the defence force under Mandela: “George, but why didn’t you chaps go for a *coup d’etat*?” He said, “Man, we followed the British tradition. We were loyal to the government of the day.” Now what that told me (Slabbert) was that these chaps – and Jan Breytenbach confirmed it afterwards – saw themselves as professional soldiers. They kill when they are told (by higher authority) to kill. The most extreme example is probably Eugene de Kock ...

But the one that fascinated me here was Constand, because in those first three months after the negotiations started and the run-up to ’94, Constand phoned me one day and asked, can you come and see me ... because he had then broken loose with Buthelezi

³⁵⁶ In a recent media debate on the prosecution of apartheid leaders who are accused of human rights transgressions, De Klerk argues “that I don’t feel morally culpable for human rights transgressions”. Among others, he argues that he and the Department of Foreign Affairs were in some instances out of the decision-making loop. At the same time he admits that he attended meetings of the Security Council and had the opportunity to enquire about decision-making and its consequences: “As I have said, in retrospect, I should perhaps have asked more questions during the rule of P W Botha ...” (*Mail & Guardian*, 3 – 9 August 2007).

and kept saying, “I have 35 000 men, I have 35 000 men”.³⁵⁷ And I went to Constand. We discussed it. And he told me: “I don’t know if these men ... are going to listen ... because they want to shoot, they want to make war.” That was Terreblance with that abortive attempt and Boputhatswana ... and not only Bop ... but when he moved in here at CODESA³⁵⁸. I then told him: “Constand, you can start it, but I think it will end in disaster ...”³⁵⁹

He then held back a little. I then asked Braam³⁶⁰, his brother (to talk to him) ... Constand held back ...

In fact, I (much) later arranged for Constand and Tutu to have a meal together. Tutu saw him – it was right before the TRC was instituted. And Constand looked at him (Tutu) and he said, “Archbishop, I have killed people, I have killed people in the line of duty and I make no apologies for it, so if you want to take me on, feel free.”

The really interesting thing, the one that fascinates me and to which I refer in that book of mine is the transition from *repressive stability* to *consensual stability*. Where are the chaps who wanted to fight in those days? Where are they today? They fight elsewhere; high-ranking officers have left. The current defence force may be a joke.

So the real question then, given the disappearance of the [old] security system ... in the days of PW (then Minister of Defence) and Vorster (as Prime Minister) you had the police and the defence force and in between were the intelligence guys and the security police. What happened under PW, Magnus was a combination of all these security services in the national security management ...

QUESTION: Do we have the potential for civilian control of the security forces at present?

No, that is the thing that fascinates me and I also wrote it somewhere. If you ask what the source of stability was at that time, the answer is the security services, the defence force, instruments of repression ... You couldn’t move your backside without them knowing about it and biting you.

³⁵⁷ Casual note made by the researcher: “General Constand Viljoen, a professional soldier became prominent in the Afrikaner Vryheidsfront (AVF). In the run-up to the 1994 elections strange attempts at coalitions appeared. The AFV, the Inkatha Freedom Party (IFP), some ‘independent home land leaders’, the white Conservative Party (CP) remnants and the self-styled fascist Afrikaner Weerstandsbeweging (AWB) moved into an uneasy alliance. Part of the alliance believed in retaining community identities during transition and large segments were against any negotiated compromise or “sell-out” and advocated violence (Compare van der Westhuizen, 2007: 55ff).

³⁵⁸ Convention for a Democratic South Africa, established to reach a multi-party negotiated settlement between internal parties and the unbanned ANC, which had broad based support inside South Africa. Following the 1994 the ANC emerged as the strongest party.

³⁵⁹ Entry in the diary of the author of the thesis: “The outcome of the abortive attempt by some rightwing supporters to ‘pacify’ resistance against minority rule by entering the ‘independent homeland’ Boputhatswana to restore law and order, which led to several civilian deaths in the local community and three Afrikaner Weerstandsbeweging members (the latter broadcast on international television) just before the 1994 elections is well remembered in South Africa. Amongst others professional soldiers that were previously part of the SADF ordered the invaders to leave before conflict escalated. (The best contemporary – and as far as I know - the only worthy articles about this tragic incident appeared in the *Journal of Contemporary History* (South Africa) authored by a military historian and acclaimed journalist (see van der Westhuizen, 2007: 86 and Van der Westhuizen, 2007, forthcoming, December 2007).

³⁶⁰ Braam Viljoen is the twin brother of Constand. At that stage Braam was involved in IDASA.

And suddenly we had “the golden summer”. We loved one another, we won the World Cup. Good heavens, I still remember I took a black taxi from Ellispark, everybody congratulated everybody else. Mandela did a lot ... and at the time there was what I call the height of *consensual stability* (but) ... one could see the challenge of service delivery lying in wait. And when Thabo took over the poor man was confronted with this crisis and (today) Thabo sees himself as an international philosopher – statesman, the ... philosopher-statesman. He is quite chuffed with that. The challenge of service delivery still lies in wait ...

And he (Thabo Mbeki) does not understand the defence force. That is very important to me. You had three ANCs: the prisoners, the exiles and the UDF. The people from [the ANC-in-exile] don’t understand it. They come in, too used to attending seminars and philosophising and suddenly they have to govern. Some chap will succeed Thabo or whoever ... he/she will come from inside (not an ex-exile – my insertion) and you will then see that perhaps a (better) arrangement will be made about military and security issues.

Almost as I said in the Cape the other day: “Consensual stability has the danger to drift into anarchy” – but it is not widespread anarchy, it is local people saying, ‘to hell with that.’ In the meantime ... “there is a countervailing source of power (needed)”. And that must come from civil society – on all levels.



Caxton House, Johannesburg, 25/07/2007: Van Zyl Slabbert and the author (Author’s archive).

QUESTION: The relationship between civil government and the military? What do we make of it?

To take you back: The Second World War was a huge affair, not only security, but education, transfer of skills: the government had to depend on civilian co-operation. Right now I can't see the security services being able to deal with the challenges on their own. Civilian action, activities, inputs must play a role.

No, I would say civil society in co-operation with the security services. Considering the state of the security services, I cannot see them dealing with [the challenge] on their own. Civilian action must play a role. But civilian supervision must play an important role. We cannot afford to return to an era where the politicians involve the defence force in protecting their politically unilateral interests ... and to allow a defence force that supports politicians to maintain their power unilaterally in your own country. At some point we must start moving ahead. And we can ... civilian supervision is necessary, a professional defence force is necessary. Co-operation is necessary subject to a constitution on which we agreed.

The broader casing: Interviews with persons outside South Africa

Related to cases outside South Africa, I completed three interviews with persons from Africa and Latin-America. Two persons were interviewed related to the African situation. Earlier, I referred to my very first interview with Dani Nabudere, an expert on African politics (in this case with his kind permission I was allowed to use his name). I have referred to the fact that since it was my first interview (a pilot), it assisted me in constructing a basic schedule to be refined later. Related to a non-African case one interview was with a person who lived through the rule of the military in Argentina. The third interview was with a person from Rwanda.

It was important for me to balance the case study with what I call *a broader casing*. I spoke about "a tentative hypothesis" which are the research questions and sub-research questions. In this case, I have chosen (within the limitations and the strength of people-orientated studies) to track the lives of people that experienced, in many cases had no choice, transitions from authoritarian rule to democracy. They shared their experiences through interviewing in the trust that their insights and experience – also outside academia – may give a richer description of context and in providing pointers towards solving problems/challenges in the area under study.

Interview 5 ³⁶¹

In the case of this interview with the Ugandan scholar I had his permission to use his name. Apart from having read some of Nabudere's earlier works, the discussions we had were valuable and more than helpful. I have mentioned earlier that we spent a month together while attending to organisational and academic work amongst others conflict in African states and the role of the West in it.³⁶² Necessarily, we discussed the case of Uganda, the case of Africa and how globalization played its role. Post-conflict situations and how to deal with them also entered the picture.

The participant's views on the SATRC/TRCs

Related to the discussion about truth and reconciliation processes, he mentioned that in Uganda, "We had no truth and reconciliation commission". Following the fall of Amin (Al Hadji Idi Amin Dada), Obote, leader before the coup by Amin again "empowered and protected the (loyal) militants". These included the military and militias. I have earlier referred to the notion of CMR not related only to controlling the "military", but the armed in a broader sense. These include for example militias, warlords and armed forces in service of partisan politicians. In some cases it also includes armed communities as well as child soldiers.

Uganda shared the experience of partisan politicians relying on the security arms of the state with other states such as Nazi-Germany, apartheid South Africa, Sudan, Rwanda, the DRC and Ethiopia.³⁶³

The Ugandan experience as negative, painful and truthful (as it was and still is), represents the research participant's statement that "there is no national army (in Uganda). We don't know whether that will ever be possible" (This also applies to Museveni, the current leader's rule to a great extent, he suggested).

³⁶¹ In the numbering of interviews I exclude the interview with the South African theorist-practitioner that appears with his permission under his name.

³⁶² Compare Kimanuka (2006: 19).

³⁶³ For more detail on the problems in Ethiopia, consult the special edition of *Africa Insight* entitled "A troubled Ethiopia looks to the future", guest-edited by Melakou Tegegn, Pietro Toggia and Abebe Zegeye, 34(1), March 2004. On Sudan, consult the Institute for Security Studies Situation Report entitled "The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process", 8 April 2004. On Uganda see George (2004).

Why do I share the above under the topic of TRCs? Uganda is relevant here for amongst the following reasons: Uganda had two state-sponsored commissions to look into human-rights transgressions. Neither of them was released; on the contrary they were suppressed. Following the current regime, it is unlikely that these reports, or any to follow, will be released. Following regime change Uganda chose for a non-TRC approach. It seems that none of these succeeded in bettering human rights or civil control over the military.

On a more critical note, one can argue two points: Institutions such as TRCs and ICTs frequently succeed in the first case in unearthing the truth and establishing reconciliation as far as humanly possible. In the second case it succeeds to a degree in illuminating the past through hard evidence and in punishing the perceived guilty (to a greater or lesser extent), to establish control, and in some cases, minimizing violence within restricted areas³⁶⁴. Lastly hopefully it prevents or at least minimise future occurrences of large-scale human-rights transgressions.

My interaction with the informant challenged many of my views and confirmed some of them. Especially it confirmed that self-appointed (read: internal) commissions of enquiry seldom unearth the truth and furthermore that in many cases such reports are not released and does not impact on the attitudes of current/previous political rulers, the military or policy change – Uganda under Amin in this case a particularly disconcerting example. The interviewee also points towards the need for TRC like approaches in post-oppressive situations in Africa. This was mentioned in the interview as well as during the panel discussions that I shared with him in 2003.

The interviewee clearly pointed out that given conditions, the SATRC was the best possible option. For him such an exercise may inculcate – provided that it ethos is nurtured by new incumbent politicians – civil control over the military.

³⁶⁴The extent to which these approaches dovetail or may be complimentary or how one approach may be eclipsed by another is discussed in detail by Sieff and Wright (1999). Amongst others in their article they discuss and compare Rwanda, Nazi-Germany, Argentina, Chile, Bosnia, (former) Yugoslavia and South Africa, thus opting for a broad casing. They also mention that at the time Serbian, Yugoslav, Croatian and Bosnian authorities claimed that they will also conduct their own domestic trials, of which little materialised by 1999. They did not include these cases or their development in their study (Sieff & Wright, 1999). In the meantime the ICTY is continuing. At the ICTY Diplomatic Seminar on 13th June 2007 the registrar, Mr, Hans Holthuis indicated that the tribunal would run for at least until 2009 (<http://www.un.org/icty/briefing/2007/june-reg-e.htm>).

The respondent's view on CMR

The research participant pointed out that Uganda had little, if any, of a truth and reconciliation process. The military remained in a problematic situation with regard to civil society. Obote before Amin already used the military as a partisan army. The situation was to worsen under Idi Amin, where the military became a partisan tool of outright repression and ethnic division. Once Obote came to power again, little improvement took place.

Despite a brief experiment with democracy in which Nabudere formed part of the extended “cabinet”, Uganda had few attempts to democratize the military and to implement civil control over the military. The only time before the experiment following the fall of Amin in which Uganda experienced a relative form of democracy and constitutional rule with implied control over the military was following independence for about two years (1962–1963).

In Uganda governments relying on the military bureaucracy as experts of power (the coercive arms of the state) interfered with elections and their actions impeded the protection of human rights. In the words of Nabudere: “There were militias within the army and again militias within militias. Obote over-protected the militants” (panel discussion, 12 August 2003).

During the panel discussion (12 August 2003), the participant compared Uganda’s situation unfavourably with Kenya and Tanzania at the time. He mentioned that Kenya had some successes with CMR and civil control over the military since independence. Tanzania, led by Julius Nyerere, had a military that merged with the community and based on the political slogan of Ujamaa, integrated with the civil community (perceiving a society where “all of us are one”). Due to this type of civil society, enacted by the political leadership Tanzanian society became a more inclusive, and less repressive. When compared to the classical liberal and constitutional approach (call it western military cultural norms, if you like), it was CMRs of a different type. Yet, Tanzania reflected a relative success. The military was under control of a political leadership that approached their nation on an inclusive, non-partisan basis.

The formal interview that took place on the 26/08/2003 confirmed many of the issues above. Because of the lack of a TRC process and the fact that the government-appointed commissions into human-rights transgression under Amin never released reports (on the contrary repression increased), we spent some time on the issue of CMR.

Nabudere pointed out that Amin, who served during WW II in the Kings African Rifles, came to power in a military coup and depended on the “state experts of violence” (the military bureaucracy wielding the sword of the state). He subdued the dissatisfied and critics. Especially pastoral communities who resisted Amin’s policies, were punished or harshly subdued. Whereas Tanzania took an inclusive approach and the military moved closer into the “national project”, they became both an integrative force and guardians of the populace. Repression and partisan action were not prevalent.

“This adaptive approach” led to the Tanzanian Army being “politicized, but mostly friendly” towards the populace/the nation (interview, 26 August 2003). The Tanzanian army was “never used against its own people ... they were both politicised and obedient to the constitution that demanded the protection of the people ... basically the tradition survived under subsequent Tanzanian rulers (interview, 26 August 2003).

The Ugandan case differed dramatically. Obote came to power as a Protestant. The majority of the opposition party was Catholic, which instilled some inherent tensions. Later, Muslim parties entered the fray. At the time, a general dislike for the French given Uganda’s dependence on neo-colonialist rulers also played a role; the leadership and some opposition parties were afraid – if not openly antagonistic of the “Ba-Franza” (interview, 26 August 2003).³⁶⁵ Religion enters the picture as well because some, Catholic-Protestant tensions remained.

Obote had to rely on Amin, his junior, but an influential right-hand man in the military. At the time Amin, who on the one hand seems to stay outside politics, started recruiting militias called *ananyas*, which strengthened his relative position of political influence. Obote seemed to be indecisive. For Nabudere, Amin as military man, this can be viewed from two perspectives. Either buying time, raising influence and skilfully observing the Obote government where some tensions existed between Obote as leader of the government and the then-nominal President, Opolot. The conditions invited an already politically-conscious army into the fray of a rather weak state (I mentioned earlier the power of bureaucracies in weak states. Bureaucracies, because of the relative absence of civil- and community structures – and more so if political control and leadership weakens – become important foci of power).

³⁶⁵ The dislike for the French is not confined to Uganda. Kimanuka (2006: 19) points out that it also apply to contemporary Rwanda under President Paul Kagame.

An African politics researcher provides some background: “Milton Obote abandoned the independence constitution of 1962 ... (By) 1967 Obote had to increase the power of the military then under General Idi Amin’ (George, 2004: 3). Thus as George argues Obote as a post-independence civilian ruler began the process of gradually disintegrating civilian institutions and opted for a greater role of the “military in the making” (George, 2004: 4). From there it was but a small step to, (Amin’s) major contribution to the collapse of (democratic) Uganda ... the the militarisation of politics” (George, 2004: 3).

Another perspective on Amin is perhaps that of “Amin as (a perceived – my insertion) turned coup-leader” (interview, 26 August 2005). Obote’s legacy as political leader left questions after his demise. Was he clever, fearful or reconciliatory? Was he a positive element, or manipulative?

In retrospect, these questions are interesting. In reality, however, civil-control over the military lapsed, and a partisan military used against the Ugandan populace increasingly transgressed human rights under Amin after his rise to power. According to Nabudere, one of the reasons for the army-turned-a-partisan tool for ethnic entrepreneurs-despots such as Amin was, ironically, that Obote tried to have an ethnically-balanced army, thereby playing the inescapable ethnic card. The civil-military Catch 22 had unintended consequences by politicising the army and the militias, which eventually brought Amin to power on a system that was inherited from the past. This is evident even today, under the leadership of Museveni, advocate of non-party democracy. The non-party experiment aimed at minimising ethnic differences and tensions may have hold fault-lines. The non-party experiment has declined in influence during the past few years.

After Obote was overthrown and Amin took power with Obote exiled in Dar es Salaam, Amin also involved foreign powers for reasons of his own. The Israelis became involved in supplying military equipment (for instance, Magistar aircraft) and providing military training. For him, Israel could assist against a conceivable Muslim opposition; while the Israelis saw the relationship as a unique opportunity to “open a second front” against Ghadaffi, the radical anti-Israeli leader of Libya. Necessarily, internal tensions within Ugandan politics were to become even more salient.

At the same time, the Ugandan economy worsened rather than improved. Thus, counter- and balancing social forces (such as civil-society networks), business and others did not develop, and further “pushing and pulling” the military, the dictator and militia into power – with

oppression close in its wake. A vicious cycle was to increase in its ferocity with long-term consequences for Uganda's CMR and human-rights record.

Contemporary legacies include that liberation forces/militia who returned with the current leader from "the bush", became the proverbial men-on-horseback steeped in partisan attitudes. Nabudere referred to this return of the liberationist movement under Musveni as from "following the leader" to "an army of the leader". There is a High Command, but the President occupies the position. The High Command is not mentioned, nor its role outlined in the current Ugandan Constitution (interview, 26 August 2003). The President also holds control over previous militia who exist beside the military structures, making for a potentially problematic dual-power in contemporary Uganda.

When compared with Tanzania, Kenya and South Africa since independence, the research participant is convinced that the Ugandan case cannot be compared positively with the former. Not only were there few attempts at reconciliation in Uganda following the fall of Amin and Obote; there was also no real inclusive army devoted to the country and its peoples. The fact that the constitution does not outline structures of civil control worsens the case, as the current leadership holds political office and positions of command over the military and loyal militias.

The Ugandan economy is growing. Some argue that the non-party system contributed to the transformation of Uganda towards a growing economy and some betterment of its human rights record (George, 2004: 8, 10–11). But despite the partial opening of space for politics, some argue that "freedoms of association and speech is still curtailed" (Ottaway quoted in George, 2004: 14). And internal regional tension as well as religious antagonism still remain. Apart from it, the conflict in the north cannot be ignored, nor the involvement of the Ugandan government in the north.

For Uganda the future road to civil control over the military seems to be a long one.³⁶⁶

³⁶⁶ Interestingly, Nabudere, when referring to future needs for a constitutional military, uses the term professionalizing the military. Elsewhere, theorists following transition from authoritarian rule to democracy use the term reprofessionalisation. The implication being that Uganda's military was not professional in any sense owing to its peculiar usage and still has to be professionalized, while in other non-democratic societies the military, although partisan, were professional (i.e. Chile, Argentina, South Africa), but had to be reprofessionalised (educated and honed) to become professional servants of the people under strict democratic and constitutional imperatives and the upholding of human rights at all times.

Interview 6

This interview was with a person who lived through military rule in Argentina. As with previous interviews, the interview dealt with truth and reconciliation processes (specifically Argentinean) firstly, and its effect on CMR in a post-transitional Argentina. The interview proved more than useful. In terms of a qualitative study and adding to the reading that I did on Argentina, it proved invaluable. More so, because here I interviewed a person who was a victim of the dirty war and suffered as a result of the military dictatorship. In this sense the experience for me as interviewer and certainly the interviewee, was up close and personal and emotionally touching, if not disturbing. It is at this point where information saturation was challenged with life-like experiences, even if the researcher read widely on the case.³⁶⁷ For the purposes here I will call the respondent Maria.

The participant was more at ease with an interview in Afrikaans – which she learned during her stay in South Africa. The interview was conducted in Afrikaans, rather than English. I do not know Spanish, so the interview could not be conducted in her mother tongue, which is a pity. Therefore, I quote the research participant in Afrikaans and, where necessary, provide a translation in English.

The participant's views on the TRC

As the respondent left Argentina shortly after the fall of the junta, we did not discuss the commission in detail. She made some references to it, which I share here with the reader.

The relationship between the military and the civilian population was not only negative, during military rule, but in human terms, beyond description. The dirty war or *guerra sucia* claimed thousands of lives in a period of unbridled state terror. She pointed out that, apart from activists who resisted militantly or sometimes passively, one remarkable incidence of

³⁶⁷ If I were to be able to visit Argentina, no doubt I would have discovered many more nuisances. That was not possible. Shaffir & Stebbins, in a chapter entitled “Leaving the field” argue that a study represents a metaphor or a puzzle (Shaffir & Stebbins, 1991: 243). “Themes come together and form a picture.” They also argued that a study is close to being finished when one can recognize the puzzle and how pieces fit together. As I had been in the field for a while and had not gained any additional understanding, I figured that my study was coming to a conclusion. This is similar to what Lazer & Strauss (1967) referred to as theoretical saturation (Shaffir & Stebbins, 1991: 242).

defiance of the military state was the Grandmothers of the Plaza de Mayor³⁶⁸. They never kept quiet in their silent protest at the square. Their voices became important in the broad scheme of Argentinean politics and eventually led to the Argentinean TRC.

It is not quantifiable to what extent the protests of the Grandmothers eventually led to the fall of the military junta. In fact, no quantitative study would be able to prove this. Quantitative studies are not able to answer questions about the past and its influence on the present when such human experiences are at stake³⁶⁹). In this sense historians and philosophers have the marginal upper-hand over “quantitative specialists” as they bring the “lived through experience” closer to their reader. This is why qualitative studies are not only necessary and human. They are an imperative. It takes one into the life world of others, feeling their pains, their fears, their loss ...

Maria in the very human and sensitive way that I associated with her, was even understanding towards the position of the military, especially junior ranks, years thereafter: “Militêres is maar ook mense. Miskien was van hulle ook bang.” (Military people are also humans. Perhaps some of them were fearful, too).

She recalled that that when the democratic government of Raul Alfonsin came to power (December 1983) there was an opening of space to discuss these matters. The role that human-rights lawyers and the *Madres de Plaza de Mayo* played in this regard was not insignificant. Alfonsin’s government allowed for limited prosecutions. He advocated a return to rule of law. Eventually the National Commission on Disappeared People (CONADEP) was established. Eventually the report appeared but prosecutions of the military dictatorships’ leaders were stopped later.³⁷⁰ The research participant pointed out that many Argentinians were unhappy about this decision/change in government policy around prosecutions. They expected more.

³⁶⁸ In an unsurpassable act of defiance grandmothers (*Las Madres de Plaza de Mayo*) gathered regularly on Plaza de Mayo wearing white scarves and circling the plaza with photos of their loved ones to demand information on what transpired.

³⁶⁹ Sieff and Wright point out that quantitative studies have one positive role in such an environment: Through international or trans national advocacy networks they contribute to letting information go public, which in the end may shape international perceptions and open avenues for intervention by other bodies such as the UN (Sieff & Wright, 1999).

³⁷⁰ Alfonsin’s government embarked on prosecutions in 1985 and that continued until Easter 1987 when the military rebelled. Prosecutions of people in the lower levels of the military were thus prevented (Sieff & Wright, 1999).

In terms of the total control that the military had over state and society in Argentina, the respondent argued that no one could escape from that environment. She pointed out that people would disappear during the night, as the military operated against leftist activists. At universities, people disappeared every day. In her opinion, some of them were brave activists. Others happened to be associated with them (rightly or wrongly), or simply at the wrong place at the wrong time. These experiences left permanent marks on the population and a large distance between civil society and the military.

The effects after the fall of the authoritarian regime? “Toe demokrasie weer inkom is hulle, die militêres absoluut geignoreer.” (When democracy returned, the military were absolutely ignored [by civilians/citizens]). Reconciliation and reconciliative approaches towards the military were not acceptable at all. This is not surprising, as it was difficult to forget-and-forgive despite a TRC embodied in CONADEP. As Maria remarked: “Ek is van die geslag van mense wat doodgemaak is omdat ons wou vry wees ... ons weet baie mense is dood daarom. Net die waarheid alleen ... is nie genoeg nie ... ok, ons hou op om te baklei ... dit beteken nie dat mense lief word vir mekaar en hard werk aan ’n nuwe toekoms nie.” (English: I am of the generation of people who were killed because we wanted to be free ... (and) we know many people died because of that. Truth alone is not enough ... yes, we stopped fighting ... that does not mean that you start loving each other and work together for a new future).

The participant’s view on CMR

About the effects of military rule: “Jou hele lewe, jou psige, is deur dit alles beïnvloed ... amper soos as jy aan ’n sekte behoort. Jy kan nie dink vir jouself nie, assosieer met mense nie, jy kan nie boeke of musiek van jou eie hê nie. Dit het alles beïnvloed ... daar is nie ’n manier waarop jy dit kon misloop nie. Die militêre het ’n merk gemaak op al ons Argentyne ... sover ek kan sê was dit min of meer soos die Nazi’s ... ons het nie daarvoor gepraat nie.” (English: “Your whole life, your psyche was influenced by it ... as if you are forced into a sect. You are not allowed to think for yourself, to associate with people or have the music or the books you want. It influenced everything. There was no way to get around it ... I think it was like the Nazi’s ... we did not [dare to] discuss it”.)

She remembered what she called “die nag van die swart potlode” (the night of the black pencils), in which hundreds of activists disappeared. The effect of this on the individual and society was extremely disconcerting and wide ranging. “Jy het nie ’n minuut gehad om dit te

verwerk nie.” (English: “You did not have a minute to work through [these experiences]”). I have referred earlier to the fact that Maria lost her partner due to the military. He was kidnapped, being taken away and presumably, from what they later heard assassinated. At this point, Maria started crying. I had experiences with emotional interviewees previously. During qualitative interviews in 1992–1993, when I did interviews with Willem Schurink on a project where we interviewed commercial sex workers, and in the late 1990s when we worked on a series of interviews on social identities in Pretoria before the transitional era (i.e. apartheid settlements) and later on demobilised soldiers, I was confronted more than once with deeply emotional responses. As then, I think that I was able to show (and feel) deep empathy with the interviewee. I think that “empathy” is an understatement for sympathy and the feeling of helplessness one feels in such a situation. I later made a note of the interview where I commented that, as previously, the feeling of inability to intervene hovers between “I need more training” and the personal feeling of “hope abandoned”, as training to become a good interviewer cannot turn around what people suffered. We discontinued the interview for a while until she felt ready to continue again.

Her next statement confirmed some of the helplessness to the reader and what an interviewer feels: “As jy na ’n hof gegaan het, het jy dalk ook verdwyn.” (If want you go to a court you may also disappear). Maria confirmed a previous statement that I heard at a lecture early in the 1990s by an Argentinian lawyer who, like many people, believes that more than twenty thousand individuals disappeared, rather than the nine thousand people mentioned in the Argentinian report on lost people. “Daar was nie ’n familie wat nie een of ander verlies gehad het nie.” (English: There was no family that did not experience a loss in some or other way). She confirmed what I found in literature: that as far she knows, after interrogation many activists were loaded into military aircraft and dropped over the sea, and that many were buried in mass graves without anyone being informed or the dead identified. At the time, according to her everyone hated the military in silence, because resistance was life-threatening.

Following the fall of the regime some figureheads were put on trial. These included Videla, Macera, Nicholios and Galteri. Many of them got sentenced. Did this inaugurate good civil military relations? The respondent was unclear about this. Did the military experienced and/or lived through a qualitative change and attitude? “Wel ek dink militêres kry geen aandag. Hulle is in ’n professionele en morele dekadensie ... Hulle het geen doel nie.” (English: “I think the military does not get attention. They are caught up in professional and moral decadence ... They have no purpose”).

For Maria the past experiences and memories were too much. She emigrated in order to start a new life elsewhere. She does not want to keep track of subsequent political developments in Argentina as part of her own healing process ...

Looking for themes? Analysis? I would not dare to interpret on her behalf. After such an interview, any analysis would detract from the rich and painful/powerful human experiences of those who died and those who survived – many a time as walking wounded under Latin-American military regimes.

I believe that to the extent that her harrowing experience leaves us with lessons learnt, I will deal with it in the conclusion to this chapter and the last chapter of the thesis.

Interview 7

I mentioned that the case of Rwanda interested me because of the wide-ranging abuse of human rights that surmounted to genocide. The Rwandan experience dwarfed many other instances of the transgressions of human rights through the sheer scale and magnitude of the 1994 genocide (Ironically, in the year that South Africans celebrated our first free elections with relative little violence and great festivities, a hellish cauldron of collective violence struck Rwanda, a whirlwind that would not spare those targeted.)

This interview was with a previous Rwandan Ambassador in Pretoria, who I met at a seminar. I was fortunate that he agreed to an interview immediately. The interview took place two days later after work in his office on a Friday afternoon (19/08/2005)³⁷¹.

The interviewee was not a person with any previous military experience. He earlier worked for government structures and the public service. He had 11 years of experience: five years in central government structures (dealing with refugee and resettlement issues), and the rest as governor of one of the eastern provinces.

The interview situation was ideal. The large office was quiet because it was after five on a Friday afternoon. There were no interruptions at all, not even a phone call. I had enough opportunity to ask probing and/or clarifying questions where necessary. He allowed me time

³⁷¹ I have discussed the case of Rwanda extensively. Where necessary, I will illuminate some issues again as they became salient in the interview.

to tape record and where necessary summarise his arguments on a notepad, and to confirm with him that my understanding of his arguments was correct.

The participant's views on the process of reconciliation

Following the Rwandan genocide, given the large scale transgressions of human rights, Rwanda had various options to deal with the past. Forgiving-and-forgetting would hardly be a consideration in this instance. Some of the worst transgressors of human rights (i.e. people involved in planning and executing the mass massacres), fled the country. Many remained, and the criminal justice system could deal with them. But so many were involved that the system itself could hardly cope with it (see my earlier discussion of the case of Rwanda in Chapter 5). A communal justice system called *gacaca* existed as part of historic social structures in the country. In this system, community meetings were held to dissolve, facilitate conflict, and dispense justice where necessary.

Considering the numbers of people involved, Rwanda had little choice but to follow a three-pronged strategy: (1) making use of the Criminal Tribunal for Rwanda (for perpetrators that fled outside the country); (2) using the existing criminal justice system (which is still reeling from the effects of the genocide that lead to the killing of many skilled jurists); and (3) adopting the traditional “peoples-justice system” (*gagaca*) which people knew and were culturally at ease with.

The interviewee stressed that the Rwandan government prefers the term Unity and Reconciliation, rather than *truth and reconciliation*. This is because what happened during the genocide was, and still is, well-known. The challenge is to bring perpetrators to book and, by doing so, it is to be hoped, contribute to future national unity first and social reconciliation second. The challenge is “to enforce and consolidate the government policy of unity and reconciliation” (interview, 19 August 2005).

Since colonisation by the Belgians and political independence,³⁷² major massacres (read: genocides) occurred in 1959 and 1963. Something could have been – or rather should have been – done about it, but it did not happen. “(The) government never did anything” (interview, 19 August 2005). The general *modus operandi* was for government to give

³⁷² As argued in Chapter 5, the notion of political independence does not necessarily coincide with economic independence. The political economy of the Great Lakes Region is such that many of the countries remain painfully within economic structures monopolized by the erstwhile rulers – Belgium and France for example.

amnesty again and again, also in 1966 following the massacres of the 1960s. The research participant made himself clear: “One cannot go on giving amnesty (time and time again)” (interview, 19 August 2005).

Hence, the three-pronged approach that Rwanda now follows was decided upon. The ICTR is responsible for human-rights transgressions of those who partook in planning and organized or executed the massacres.

As the Rwandan criminal justice system can hardly deal with the 800 000 (alleged) perpetrators in prison, the *gacaca* process acts in support of the laws and the Rwandan National Unity and Reconciliation Commission (NURC). The main aim of the Unity and Reconciliation Commission and the *gacaca* process (which I discuss here as part of one approach, rather than two), is such that the Unity and Reconciliation Commission focuses on unity, and the *gacaca* process on justice. The *gacaca* process allows the community court to give sentences up to 30 years, with the proviso that people who received sentences can appeal to the formal judiciary to hear their case again.

The purpose of the Unity and Reconciliation Commission, but especially the community-based *gacaca*, is to “send a strong message to Rwandans that ‘this should not happen again’” (interview, 19 August 2005). The *gacaca* shares elements with the reconciliatory process: “If you confess, the punishment becomes lighter” (interview, 19/08/2005). The interviewee suggested that “we count very much on the *gacaca* ... the ultimate goal is to sit together ... to see that under the previous government these crimes were committed ... to prevent this from happening again ... the three processes compliment each other” (interview, 19 August 2005).

In the words of the informant: “The *gacaca* process started off as a pilot project. It was then expanded to an operation on a national level”. The complimentary processes together with *gacaca* are responsible to bring the process to community level and relieve at the same time some pressures from the criminal justice system. In the words of the participant because, “The option to give total amnesty is not (there) ... we want to prevent (people from killing in the future) and then run away ... (these processes are) sending a strong message to people, also those that are still at large.” (interview, 19 August 2005).

He suggested that the process contributes to people becoming influenced to “become good citizens”. (He used the term “converted”, but this turned out to be an issue of translation. The informant spoke English, during the interview while French is the languages of preference for

the participant) The process, on various levels, implies “working together for the common good” (interview, 19 August 2005).

The participant’s view on CMR

For the participant, the whole project in Rwanda is meant to deal with four main themes aimed at positive social outcomes. These are justice, punishment, reconciliation and unity. Having achieved this, the realm of CMR and civil control over the military presents major challenges.

I will summarise the research participant’s views here:

The question of a partisan military in Rwanda’s history played a role in CMR in the past. The first president of Rwanda was a Christian. He ruled until 1973. He divided the country into regions, but was unable to rule without military support. When Kaibanda was toppled in 1973, the northern regions became stronger and Hutu influence increased. The military coup that toppled Kaibanda, lasted until the 1994 Great Genocide. The involvement of the Rwandan Patriotic Front who fought the government, aimed at removing the dictatorship.

According to the earlier Arushua Protocol signed as an attempt to stop violence, a Government of National Unity was to be installed. After 1994, the dictatorship was toppled and a government of national unity installed amidst a fragile peace. The new Government of National Unity remained in power until 1999, when the first elections were held. The elections were declared free and fair; and Rwanda saw its first real democratically-elected president, according to the interviewee.

In the new government structure, the military is not allowed to be in politics. The constitutional structures allow for a High Command and a Minister of Defence under Parliamentary control.

Unlike South Africa, the Rwandan structure does not allow for a Defence Secretariat, but the Ministry with the Minister being responsible and accountable to parliament. The interviewee suggested that, for Rwanda, “this structure is an improvement, even if it differs from other systems elsewhere. Each country has its own history ... it is more important to put people first ... reconciliation is not debatable. This should also apply to control over the military” (interview, 19 August 2005).

Civil-military structures and outcomes? The new structures represent major improvements. The Rwandans “came up with a model that the nation feel is working. The current imperatives – including civilian control over military structures – are to promote good governance, justice, develop a strong justice system and economic growth.” (interview, 19 August 2005).

The interviewee’s advice to the Rwandan (and by implication, other) militaries: “To be (first and foremost) responsible for protecting human rights” Further: if the military comes between the people and antagonistic militia, it is their responsibility “to protect the people and their human rights”.

After we concluded the interview, I recorded my field notes: “The interview was useful. It provided further detail and nuances together with those I gained during my study of literature on Rwanda. It provided insight on some of the historical factors that lead to the various genocides. It demonstrated that the current people of Rwanda decided that amnesty, or rather repetitive amnesties, did not work. Hence, the decision for the ICTR; a formal internal judicial process; and the complimentary Unity and Reconciliation Commission in tandem with the gacaca process.”

My impressions regarding CMR and civil control of the military is that Rwandans presently have a system that is an improvement on the past, despite the future challenges. At least there are structures for Parliamentary oversight, and the Minister and High Command (even if there is no civilian Defence Secretary) are momentarily subservient to an elected parliament.

I have mentioned that the military is also bound to observe civil control, and to remain vigilant against politicians that act in such a way that the military are “sucked” or “pushed” into internal politics to the detriment of state, society and democracy. At the moment, it seems that this situation and the new Rwandan military faces future possibilities that augers well for human-rights protection. However, as elsewhere, politics are ever changing and seldom predictable. To remain on track, the Rwandan parliament of elected representatives, the civil community, and the military will have to be jointly responsible and vigilant in order to prevent future transgressions of human rights.

6.7. Feedback received through e-mail correspondence

During the course of the research project I initially aimed to conduct at least ten interviews. I ended up with eight interviews eventually.

During this time doing the interviews, I started thinking about ways to gain data other than reading and interviewing. I was also concerned with a “double-check” on my data gained through the face-to-face interviews. One person that I considered amongst others for interviews, when approached indicate that due to work pressures there was hardly any time for an interview, but that she was willing to look at the schedule and answer the questions as far as possible by e-mail. I realized that parallel to the interviews I was in a position to strengthen the study by means of e-mail feedback.³⁷³

As it was a qualitative study I was not interested in a survey and sending out questionnaires. In any case there was no funding available for that. With the e-mail schedule I aimed to approach approximately 30 persons, knowing that not all would respond. The requests were sent out, accompanied by a letter from the COD confirming that it was for research purposes only and where requested, I undertook in advance that the participants’ anonymity would be protected as required by qualitative research protocols. The majority of the participants that responded, due to their professional stature and their known research skills and output, gave me permission to use their names. Some requested anonymity. I decided to treat all feedback without using names.

I did not expect all persons whom I approached to respond. However, I was somewhat disappointed when after the first round of requests, I received only 15 responses, thus only half of what I envisioned. And that despite telephonic and e-mail follow ups. On the positive side, however, those who responded were people of a high standing in the professional and academic world or active as practitioners in the civil-military realm, past officers and veterans or anti-apartheid activists. They satisfied the standard that I set for myself namely to gain feedback from highly-knowledgeable units.

³⁷³ To an extent, soliciting data by e-mail would also contribute to “internal validity” or rather transferability as it is known in modern qualitative research terminology. I will rather refer to a more fluid notion of reliability of the study, which could be seen as a form of “internal validity” (note the use of quotation marks).

The unsolicited material that accompanied the feedback further strengthened my positive feelings about this choice.³⁷⁴ I subsequently sent out a second round of 15 requests by e-mail; some to persons associated with the International Association of Sociology (ISA)'s research committee on military sociology (RC01). Some I sent out to persons that I met while working on a publication on the war in Angola and South Africa's involvement in the war and assisting part-time as a consultant to a television program on the "Bush War"³⁷⁵. The responses that I received through both these efforts were satisfactory as eventually I had 22 useable responses.

The research participants in this exercise held 248 years of experience between them (40 percent of this representing practical military experience with knowledge and/or participation in civil-military issues). Thirteen participants were from South Africa, all but one born and bred South Africans. The other one, a competent sociologist, has been living in South Africa for many years, and has been active in research of a civil-military nature for more than 20 years, and had no intention to leave South Africa.

The nine participants from outside South Africa could hardly be better. Some examples will suffice. One was Ethiopian with NGO experience in working with demobilization and disarmament of child soldiers in Rwanda that observed the post-genocide transition in Rwanda (he completed a master's dissertation in this field). Another was active in NGO research in the civil-military realm, an astute researcher-practitioner who started off his career as an air-force pilot for the Zimbabwean Air Force. After this, his interests lead him into security-sector reform, in which he currently works for a security-studies think-tank. A third person with a legal background from Nigeria which formed, like Rwanda, part of my case studies. An exiled South African who chose not to return to South Africa following 1990s

³⁷⁴ In one instance, I contacted an elected participant in West Africa. The e-mail request bounced back several times. Eventually I posted a print-out of the schedule with a request for cooperation and the accompanying letter of the Chair of the Department. After weeks I did not hear from him. I decided that nothing from that side would be forthcoming. I was to be surprised. After several weeks, I received a rather thick envelope from West Africa. Not only was the schedule filled out in blue pen in minute detail, but several unsolicited articles by the person in question and some other articles accompanied the schedule. One should never give up hope, I guess. Somewhere out there, there are people who do take an interest. In this case, an individual that I only met once at an international conference circa 1999. Like many of the others who responded and became participants, he also gave permission to use his name.

³⁷⁵ Between 1963 and 1989 the white regime, illegally occupying Namibia, fought what they perceived as "an anti-terrorist" war against the nationalist movement SWAPO in Namibia. In the process they operated almost permanently within Angolan territory in what amounted to about 120 small, medium and large scale operations and the destabilisation of Southern Angola by supporting militarily and financially the insurgency movement, Unita, led by Jonas Savimbi. This period became known in South African lingua as the "Border War" or the "Bush War".

political developments. Others included Dutch, Indian and Turkish military sociologists and military historians that I met as part of a SANDF delegation through more recent career involvements (2006/2007). One Namibian that witnessed their transition also responded and supplied some references to unpublished materials.

The current and past careers (or dual careers) of those who responded reflect a wide variety of influences/experiences: a former attorney-general and commissioner for justice, a professional soldier-turned-researcher on African civil-military issues and security sector reform, lecturers in politics, sociology and military affairs, a NGO worker in Rwanda, a former Deputy Attorney-general in South Africa; a lecturer at the South African Defence College; a conflict specialist; an ex-activist, veterans from the “border war”, current and ex-citizen force members, a member of the End Conscription Campaign that was sentenced to alternative service and an underground member of the ANC, previously detained and tortured by the Security Police. He had extensive political knowledge, a serving senior officer in the South African Citizen Force, an advocate, a senior military judge, a counter-intelligence officer, a veteran now in the publishing business with a specific interest in military history and lastly, an international relations expert. I could not have hoped for better inputs from a variety of persons to strengthen my qualitative data and enrich the research collage.

I will discuss the South African participants feedback first and then the international participants views.

The South African participants’ views on the SATRC

I provided three options for participants to choose from in the aftermath of an era of oppression and human rights violations and requested them to comment on it (see the e-mail schedule in the appendices). These were (1) to forgive and forget (2) to enact internal criminal proceedings and, (3) institute a TRC. In the case of a choice for a TRC or any other option I requested them to expand on their reasons for such a choice.

These views varied from unqualified support to qualified support for a TRC, with some cautioning against the unforeseen outcomes of such a process. The following quotes by various research participants are relevant:

- “I agree. There can be no (informed) reconciliation without exposure to the truth.”
- “... it (a TRC) was important ... but it concerned mainly the police that ran wild. I think our process was better than in other countries, where it was too restricted.”
- “I agreed with the process, but had ambivalent feelings about it. It was not a pleasure to see various torturers go unpunished and see a process where some people that were released went (away) unpunished. Personally I was tortured ... one of my torturers applied for amnesty, but died before his application was heard. I did not give evidence (before the SATRC) ... Until I start to write a book on my prison experiences, I downplay my own experience of abuse. On the wider notion of the TRC as a choice, I think (if) it was a choice for that ... rather than (a choice) for a Nuremberg type of paradigm. Nuremberg was not an option because there was not a situation where one side dictated the peace terms, but a negotiated settlement.”
- “Yes, I broadly agreed with the specific approach *vis a vis* an amnesty based on full disclosure and acceptance of responsibility with evident remorse ... Personally I feel that such processes are good for transparency but also may fuel racial hatred.”
- “Yes, it was considered a necessary step to ‘come clean’ by highlighting atrocities in the past and giving those that committed them a chance to show remorse (and/or?) bring those that committed crimes to book. I agreed with the choice. Although not perfect, the process made ordinary people, who were not aware of the scale of atrocities committed during apartheid, aware of what had been going on.”
- “Ordinary people (in contrast with the elite negotiation process for transition) were in this instance (the SATRC) ‘negotiating’ new meanings for a post-apartheid era by taking part in the TRC process ...”
- “If I have to choose? I will choose the TRC process ... as a reconciliatory gesture, to address past wrongs, to investigate crimes by the state ... so many deaths remained unsolved and it (SATRC) exposed the cruelty of apartheid and its implementers ... I agreed with the decision.”
- “The majority of South Africans were kept in the dark regarding a system based on forced and legalised inequalities ... (It was necessary) to open the wounds of apartheid and introduce the narrative the oppressed to a free society. We needed to know so as not to repeat any of it in the future.”
- I think there can be no reconciliation without the truth getting into the public”.
- “It is a pity that no apartheid leader, politician, government decision-maker, cabinet minister or President F W de Klerk (or any one of his predecessors) was brought to book during South Africa’s TRC process.”

- “Commissioners (should have) been appointed from all groupings within the country to ensure credibility. South African commissioners were criticised because they were mostly ‘struggle’ types”.
- “The military tends to ‘forget’ – resulting in most people not being able to ‘forgive’”. (Researcher’s comment: This statement straddles both choices for TRCs, its value or not, and the quality of future CMR. I will refer again to this).

I found the last quote and the view that it expressed especially poignant in our context, perhaps because it was uttered by a South African veteran amongst others deployed in Angola, reflecting on these issues. As can be seen from the above the majority of the persons that the researcher approached, amongst them previous SADF staff, agreed with the SATRC as a choice. The minority felt that it was not going far enough and one person cautioned that the process may have fuelled racial tensions, even hatred.

The South African participants’ views on CMR

Opinions varied widely on whether there was civil control pre-1994. It also varied as to the quality of current CMR and civil control over the military.

Pre-1994

- “(There was) no civilian influence in decision making.”
- “As I (read it), the upper echelons of the military were tacitly involved in government and as a result had substantial influence over the governing function in the context of the Total Onslaught.”
- “There was little real civilian control over the SADF.”
- “The then SA government through the Department of Defence had control over military matters with ultimate control resting with the executive president. There was no civil control or input from civil society outside of government/ ministers/cabinet.”
- “There was close control by civilian authorities, i.e. elected political authorities (such as) the Minister and Deputy-Ministers. The civil society ‘control’ before 1967 was meaningless and consisted of clerical control over finances. Civilians did not keep up with the training of officers, did not go ... on courses (internally and externally) and made no effort to understand the substantive military problems. (Current civil control)

is the same as before 1967. (The roles) are misunderstood – and officials believe they should control. Gradually they are slipping back ...”

- “There was no control!”
- “There was ample control, (perhaps) wrongly applied (under apartheid)”
- “No civilian influence in decision-making”

The present day:

Related to the current situation (post negotiation and under the new constitution) the following responses are noticeable.

- “Military structures were at that stage an extension of (minority) military power. Today it is the extension of the political power of the majority. But, political connections (at the moment in South Africa) are still too prominent and corruption within the civil-military network not extinguished”.
- “Civil society organisations need to be educated on the role of the military”
- “Some South African civil society organisations tend to criminalise the military. They need to be educated on the role of defence forces in ensuring peace and democracy as a prerequisite for the democratic tradition. Even the best democracies in the West are backed by strong military establishments. In fact, there would be no democracy without military backing.”
- “There is not sufficient debate on security issues – most takes place in the media. The SANDF does not enough to market itself. The academic debate? There is a lack of interest by civil society in military affairs ... (and lack of) funding and expertise is undermining the ability of the SANDF to train and install the qualities needed for a truly professional force”.
- I think reprofessionalisation of the military has been neglected. The notion of new professionalism has not been brought by the ANC into government in general, except through episodic interventions in certain areas of government. The overall security order is hierarchical like all parts of the civil service. But a lot of things happen at the bottom, which need to be heard at the top ... in fact in a democratic state such professionalism needs to incorporate space for (such a) debate ... I think (this) needs consideration in developing new professionalism”.
- “A stronger public debate (is needed) on issues such as the arms deal, our involvement in Africa and especially training”

- “Civilian participation and oversight is glaringly absent in the Parliamentary Portfolio Committee on Defence ... Civilian oversight in the SA National Defence Force is absent – as is a debate about this (lack of civilian oversight)”
- “The military tends to ‘forget’ – resulting in most people not being able to ‘forgive’”.

From the above, it is clear that a variety of perspectives ranging from good control; to inefficient bureaucratic control to limited; or no control were represented by the participants who responded. Lack of civilian oversight despite new structures were mentioned. Current parliamentary oversight is not optimal according to some arguments. The (potential) for abuse of power, especially finances concern some. Despite the defence review process in the previous decade (without such a process ever repeated) public input seem to be under the needed standards. One particular worry was despite the constitutional provisions and structures created in parliament to oversee the military, the parliamentary committees seem to underestimate or utilise their (potential) influential position within constitutional structures. The media it is mentioned, has a critical role to play in the new South African democracy (see Monare, 2007: 8).

Most of the respondents concurred that, with qualifications, South Africa is better off in terms of CMR, but that continued challenges lie ahead and pointed out several weaknesses as mentioned above.

The non-South African participants’ views on TRC-type processes

- “Nigeria had a truth and reconciliation process after military disengagement for purposes of reconciliation. I agree with the process.”
- “(In the case of Zimbabwe) a blanket amnesty was extended to all ex-combatants.” On the question of whether “your country would have done better if a TRC-type process was followed”, the participant answered: “Don’t think so.”
- “In Ethiopia, my country, almost everything was under control of the military regime. The military had control over every walk of life, and interfered in social, religious and economic liberty of society. From the president to local military leaders were all from a military background, hence there is absolutely no civil control over the military. In the case of Rwanda there are some progressive reforms and a truth and reconciliation process coupled with other initiatives ...”

- “Rwanda, where I worked, has chosen for the TRC process to try thousands of genocide suspects by means of *gacaca* which would (otherwise) not be possible through formal trials. The latter would simply take at least a 100 years – over 150 000 genocide suspects (at least). I agree with the choice. For a country battered by ethnic hatred there is no other solution but reconciliation. The challenge is to ensure justice to the victims of the genocide and freedom to (oppressor and victims) ... (That) can only be achieved through truth and reconciliation.”

The responses of the research participants sufficiently cover what has been discussed earlier on. Therefore I will not expand on it here except for some short remarks.

The first informant commented on Nigeria before the Oputa Report was due to be released. However as elsewhere, discussed the report was prevented to enter the public domain. In Zimbabwe, indeed, a general amnesty was declared after the fall of the Smith regime and President Robert Mugabe initially paid lip-service to post-conflict reconciliation. After the incidents of human rights transgressions in Matabeleland in 1985 the appointed commission’s report was not released; it was as mentioned earlier a government-appointed commission. The research participant from Rwanda points out that reconciliation was/is the only option for the Rwandan people. However only some elements of a TRC are used in Rwanda. The Rwandan process moved into a mixed approach as I pointed out earlier (See again Sieff & Wright, 1999).

The non-South African participants’ views on CMR

- Nigeria: “The military (needs to be) adequately funded to ensure professionalism. The military should be made to appreciate their role as provided for in the a democratic constitution. (Amongst others) this shall be done through education and training.”
- Zimbabwe: “(Before transition) the Minister of Defence and staff were civilians. The Ministry of Defence and staff are still civilians ... (but) civil society organizations need to be educated on the role of the military.”
- Rwanda: “I would try to improve and reprofessionalise the military to adopt a constitutional state and democratic structure.”

These comments, some related to the case studies or comparable experiences, concur with the view that CMR need proper attention. It also stresses that the military needs to accept the new democratic order and constitutional structures. And, in my view, it implies to politicians that

they are not to manipulate, or invite, the military into partisan internal politics that can (read: will) undermine accountability, democracy and human rights.

A discussion of unsolicited materials received

As I discussed the unsolicited materials in Chapter 3 (the literature review) in more detail and referred at intervals to it in the thesis I will make only some brief references here.

South Africa: During the course of the e-mail “reach-out”, I received valuable criticisms from one of the respondents whom I later interviewed. His criticism assisted in refining the schedule and also in me looking/re-looking at the literature review. It assisted in reflection and I believe added value to the study. I also received unsolicited materials such as articles and memos, which I utilized. These added value to my research. These sources are reflected in the source list.

Other cases: I mentioned the unsolicited feedback from a Nigerian colleague. It was a pleasant surprise. I made good use of it in the case study of Nigeria and the relevant sources are reflected in the source list.

6.8. Conclusion

Two quotes by research participants struck home. They deserve further reflection by political leaders, military practitioners and civil-military policy analysts. The first quote relates to South Africa while the second holds value for more universal purposes.

• Civil society and the military are becoming increasingly alienated from each other. Declining standards and unprofessional behaviour of military personnel – as portrayed such as in Burundi – undermines the status and respect that should be associated with professional armed forces. Grave concern over civil military control of the armed forces as the institutional memory is eroded and armed forces are left to be managed by former revolutionary soldiers who have been fast-tracked and have little experience of how to manage, train, equip, and deploy professional armed forces. By this it is not meant that they have nothing to contribute – but that they lack the experience and tend to rely on old alliances to survive in a political system supportive to them due to past loyalties.

• *War is politics carried out in an abnormal way. Somebody should investigate the crucial moment of “coming together” of politicians and their military partners. That is when the politicians decide that they cannot solve the political problem (of the day) through political means. It is usually then that they opt for a military solution. Why is it that other options still often lose out to the military one? Why is it that military structures often accept the political suggestion of force with little opposition? Everything seems so obvious, but in the case of South Africa we know that the option of force was often taken too easily.*

The comments and feedback mentioned in this chapter enriched my study. In cases, it provided more nuanced feedback. In other cases, it co-assisted to confirm “hunches” or caused me to carefully reflect on the feedback and re-visit the interviews and the literature study on the case studies. All in all, in my view it made an important contribution to the reliability/transferability of the study.

The feedback received tends to reinforce the notion that TRCs may have value on various levels (i.e. bringing out the truth, allow for voices to be heard in public and provide moral pointers towards “never again”) But, they may not necessarily contribute to better (or *visa versa* worsen) the achievement of future civil control over the military. And it seems also that one can argue that the choice for a non-TRC route does not impede the potential for, or the achievement of civil control over military institutions in a post-oppressive society.

The data also confirmed to a great extent that government appointed commissions of enquiries that follow human-rights abuses tend not to bring out the truth or put in place workable structures for security oversight to prevent a repetition of previous excesses.

Furthermore; the data gathered provides a clear *quid pro quo*: As much as the military should not seek to influence democratic politics as praetorians or taking power themselves, as much should politicians be educated, empowered, made conscious of and placed under oversight not to depend on the military for partisan purposes or for use against internal opposition or the citizenry; thus to strictly abide by the rules of the constitutional state and its checks and balances. By implication the data gathered also carries the cautioning note that regression to violent, oppressive or partisan rule remains a reality, even in countries that may seemed to have reached a high(er) level of sustainable democracy.

It also confirmed that in the case of the SATRC there seems to have been somewhat more interaction between the SATRC and civil-military restructuring, even if limited (one has to keep in mind here that the SATRC ran concurrently with the DRP), something that did not take place in others societies that made a transition to democracy and chose for TRCs). Hence, it can be argued that future TRCs to be considered should be devised in such a way that their mandate allows – at least to some degree – for providing more explicit guidelines on civil-control over security institutions as a way to link the unburdening of the past to concrete measures to ensure that the “never again” principle is strengthened through the provision of some concrete civil-military guidelines.

In writing this conclusion, I realised that the study was reaching an end (not necessarily the end). “The question of when to conclude a study cannot be answered definitely, only arbitrarily. A study is done when you have gained an understanding of the setting or a slice of social life that you set out to study. Because our understanding of the social world is necessarily incomplete and imperfect, representing to a degree an approximation and oversimplification, no study can ever be considered finished” (Taylor, 1991: 238).³⁷⁶ And : “As researchers we work within constraints of time, ours and the readers, and of space, the journal article or the book” (Walsh, 1998: 188). This statement by Walsh also applies here.

Given the deadline and given that I started finding information that frequently (re-) confirmed data, one realises that the study is nearing its end. Having lived so long – and in many cases intensely – with the setting and the people, it leaves one with a strange feeling.

Yes, the data collected showed that comparisons could be made. It showed that there are generalities related to all cases, but also certain unique features. It demonstrated that it does not seem that either TRC or non-TRC cases necessarily had the upper hand when it comes to the long-term institutionalisation of civil-control over the military.

It shows that some cases of countries without TRCs did exceptionally well, i.e. Spain and Namibia. It proves that some TRC cases still face huge future challenges differing in measurement to a degree, i.e. South Africa did reasonably well, but as problems around the arms deal and allegations of spying on members of the ruling party confirms and on the “opposition” (some members of the national intelligence services were involved) confirm,

³⁷⁶ This is certainly true for qualitative approaches. But then again, it also holds true for quantitative approaches.

there is space for improvement. It seems that Rwanda and Nigeria are better of than before. Yet, again, there remains space for improvement.

Latin American states that had a TRC, such as Argentina, still have problems institutionalising proper civil oversight and reprofessionalising their military. Amongst others, the research and interviews suggests that much more needs to be done; that even if the/a study reflects transferability, it does not mean that one can export any of the experiments uncritically as a blueprint or model. Nor can one suggest that such models can be applied without great care, modification and, at times, critical revision. Comments on the unintended outcomes of TRCs need to be kept in mind, i.e. that TRCs can increase social tensions, that TRCs type exercises (and their advocates) underestimate their possible contribution to establishing long term civil control over the military (read: tends to interpret their mandate in a limited way, because of lack of foresight, I would add).

Another important finding is that – at least in terms of the qualitative data gathered here and seen through the eyes of others’ experience – government appointed commissions seldom let the truth out. They tend to be sub-optimal both in unburdening the past and in securing future control over the military and in conscientising political rulers not to abuse the military as coercive arm of the state to be turned against its own people.

Much has been gained by this study and the accompanying narrative; yet more needs to be done. But for a moment we are at a necessary closure. By virtue of deadlines, data-saturation, and the time involved from start-to-finish, this study has reached that point. Leaving the field also brings about the experience of a certain relief, but strangely enough coupled, with a certain sadness. One experienced much, saw a lot, interacted with friends and colleagues at a personal level. Some of them you will not see again.³⁷⁷

But then again, such is the nature of life and hence (in academic terms) qualitative research and the personal narrative. Somewhere, one study ends with all the experiences accumulated, lived, reflected and re-lived; and another one opens up, and that one in turn leads one onto new tracks, new territories to live and contribute in ...

The next chapter will conclude the study.

³⁷⁷ Milan Kundera, in the *Book of Laughter and Forgetting*, referred to such an deep longing to what has become an irretrievable past, as litost.

CHAPTER 7

REFLECTIONS ON THE RESEARCH TRACK, RELIABILITY OF STUDY, IMPLICATIONS FOR FUTURE RESEARCH AND POSSIBLE POLICY IMPLICATIONS³⁷⁸

The academy is as puzzling and full of contradiction as any other field site. At times it appears to be steeped in tradition as well as to be both obsolete and impregnable; at other times it seems assailable from all sides, subject to whim ... too little has been done to unnerve teachers and administrators of the humanities, to dismantle their taxonomies and their powers. – Meneley and Young, 2005: 1

There is no sharp distinction between the problems of the world and that of the human community. – Collins, 1959: 235

7.1. Introduction

I found the above epigraphs pertinent to this study, especially if a (any) study becomes a metaphor born out of living experiences.

Situated within the ambit of military sociology this study touches on related fields, i.e. military history and political sociology, as well as reflecting some (political-) philosophical underpinnings mediated by practical exposure to politics. Taking a (late) modernist, rather than a post-modernist qualitative point of departure, the process undertaken is embodied with humanist and critical-thought elements (Collins & Makowsky, 2005). I tracked both a scientific tale (Sparkes, 2002) and a personal narrative of a “self” connected to others and related to the SATRC. These reflections went wider in the course of the exploration, as represented in the metaphor (or metaphors) of tracking that I deploy throughout the study. The living case study informed by other examples of TRC experiments and non-TRC experiences is central to my study design and how it guided my execution of the research process (in the latter, the terms *process* and *people* stand central).

³⁷⁸ Some personal notes on how other people and myself experienced “writing” a dissertation or a thesis will also crop up here. Reflecting on issues, as in tracking, may call up other issues or tracks on the side – such is the human experience ...

The interactive experiences of individuals and others during these social processes played an informative role throughout³⁷⁹. My study grew along the lines of the auto-ethnographic genre and I abided by the ethical guidelines and requirements as set for qualitative research. In the study I touch on various “moments” – or stages – of the individual tracking experience³⁸⁰, namely direct and systematic tracking, indirect tracking, interpretive tracking and speculative tracking.³⁸¹

The study set out to find answers to an evolving hypothesis (see Chapters 1, 2 and 3). From the findings I arrived at, I postulate that the context and nature of social transition towards a democratic community (rather than a TRC process) determine the quality of future CMR and democratic controls over the military in a new democracy.

The hypothesis, or research question, entailed whether new democracies such as South Africa, having opted for a TRC process, fared better in establishing working CMR and civil control over their military institutions than those that did not opt for such a process. The findings and insights obtained from many experiences shared during the study confirmed that TRC options followed by young or emerging democracies – inclusive of the SATRC – did not necessarily contribute significantly to the improvement of civil control over the military, compared to non-TRC approaches chosen by other states. CMR and control over the “armed” were instead facilitated by various other influences rather than TRCs. Nonetheless, I argue that TRC-like approaches have the *potential* to improve civilian control over the military, provided that there are enough reciprocal influences between the intended TRC process (which has an impact on the scope of the mandate set for future TRCs) and the processes of reconstituting the civil-military interface in the aftermath of conflictual and oppressive relationships within a state.

Flowing from this, I argue that TRC and non-TRC choices could lead in an equal manner to working CMR and hence civil control over the military. I believe that my findings can assist the military to be vigilant against the dangers of partisan political involvement when “invited”, “pulled”, “pushed” or “bullied” into the realm of politics by political leaders. I want to hasten to emphasise the need for such an *awareness professionally inculcated* by a

³⁷⁹ The word “formative” also comes to mind here.

³⁸⁰ Compare Sparkes (2002: 6–9).

³⁸¹ In the course of the literature review (Chapter 3) I pointed out the occurrence of moments within qualitative research, such as the re-thinking of research, complementary texts or voices, moments of realism and “confession” in the narrative, evocative moments and the interface with social critique (compare also again Sparkes, 2002: 2, 6, 8, 16 ff, 39 ff, 56, 72).

responsive military to insist towards the political leadership that there are definite “no-go” areas for military involvement when it comes to internal oppression in service of partisan needs. Likewise I believe the study raises awareness about the need for political leaders to abstain from drawing a constitutional professional military force into partisan politics, thus undermining democracy, and almost certainly transparency, accountability and the sustainable protection of human rights, as happened in apartheid South Africa, some Latin American countries, southern European states and some African countries over the past 50 years.

Tracking the evolving research question provided a preliminary basis to test the hypotheses and I contend, can contribute to the future formulation of firmer hypothesis and the construction of theoretical concepts if not models regarding CMR and sustainable civil control over the military. In turn, the latter may hold as spin-off or added value, pointers for future *modii operandi* to control other security agencies in emerging democracies, such as police services and intelligence communities – or in some cases civil militia.

In the study I strongly suggest to politicians (as frequent other studies did with regard to military leadership) to be aware of their responsibilities with regard to *a non-partisan praxis in the internal deployment of the security forces in an aspiring democracy*.

In achieving a balance between professional armed forces and responsible political leadership, the choice of a particular post-transition approach related to or directly linked to a specific choice for or against a TRC process in dealing with the past, in my view, does not seem to make any decisive contribution – at least not in the cases I tracked in this study. I have empathy with people arguing that TRC-related countries seemingly did marginally better than non-TRC countries when it comes to the establishment of civilian control over the military. However, there are many other issues at stake here.

From the data utilised and experiences shared and gained in this exploratory study, in my view an argument can be made that outside the African continent, non-TRC countries that transitioned to democracies (see for example the relative success of Spain and Portugal in relation to the relative sub-optimum outcomes in Argentina and Chile) fared as well as TRC countries despite their different approaches. Moreover, this argument can arguably be extrapolated to our own continent as well.

On the African continent – at least in the conclusions that I derived from the study – TRC and non-TRC approaches stand an even chance of establishing workable CMR and civil control

over the military.³⁸² On the contrary, as far as comparative “moments” are concerned, there is a plausible, yet tentative, argument to be considered that non-TRC countries on the African continent seem to have fared slightly better in establishing stable and lasting CMR than their counterparts that chose TRCs. Conversely, on the African continent, that some TRC countries, such as South Africa had apparently at least as some of my research participants believe, somewhat more success than some countries adopting non-TRC approaches. Other countries that had TRC-like processes, such as Rwanda, seem to have the potential to establish firmer and workable oversight structures of the military (the “armed”) when compared with for example Sudan, Zimbabwe or Ethiopia – or even Uganda, where the issue of civil control over the military and militias pose a range of enduring problems and challenges. On the other hand, it seems (at least at this point in time) that a non-TRC African case studied here, Namibia, is doing as well in the realm of civil control over the military (see the chapter on case studies) as others.³⁸³

With reference to the above argument; in looking at the African continent, a TRC-like process provides neither more nor less guarantee of sustainable civil control over the military and civil rule by the elected politicians than non-TRC approaches.

In the thesis I infer that the question whether TRC cases fared better than non-TRC cases with regard to stable CMR has been answered within the setting. However there is a need to allow for the uniqueness of cases and qualifications with regard to each case in question/under study. The “hypothesis” proved to be defensible, as long as regional and case-related exceptions are accommodated in a case-by-case qualified approach viewed in a broader setting.

The above makes it possible to formulate the following concrete hypothesis: *TRC approaches (in general, or in one particular case) do not necessarily make any meaningful contribution per se to the attainment of stable CMR and democratic control over the military in post-oppressive/post-conflict/authoritarian societies that transitioned to a new democracy.* Differently put: whatever the perceived need for a TRC process, and whatever the arguments forwarded to justify TRCs on the continent and elsewhere (i.e. Cambodia and East Timor

³⁸² I have pointed out earlier that qualitative approaches frequently make use of inductive and deductive approaches. I will not restate the case here [See Chapter 1, page 27 and Chapter 2, pages 99 and 138].

³⁸³ The same applies to Angola if recent tentative research undertaken by the researcher is taken into account. Angola had no process comparable to a TRC, yet registers good progress regarding integration of previous adversarial militaries and structures for civilian control over the military. (Compare an Angola related article mentioned in Appendix 1, co-authored with Ferreira.)

outside the ambit of this study), *it is unlikely that TRC approaches will make a more important contribution to the inculcation or instalment (even sustainability) of civil/democratic control over the military in the new state, and likewise in terms of stable CMR. It is also uncertain as to whether TRC-oriented approaches will inculcate through their implicit pledge of ‘never again’ a lasting ethos or moral code in the future political leadership of the newly acclaimed democracy, namely **not** to interfere in local politics by utilising the coercive arms of the state they inherited.* In this regard the need for education and inculcating principled values and codes of conduct for politicians remain a challenge to be taken on unwaveringly by civil society, military practitioners/professional soldiers and social scientists alike in future³⁸⁴.

Because of the qualitative nature of the study, the preceding argument clearly needs to be qualified. Among others, it is obviously also open to influences by, and outcomes of social processes in post-conflict societies. It thus seems reasonable to argue that there is potential for TRC-like approaches to add value to eventual civil control over the military as long as the process is directed at (1) continuously affirming workable CMR; (2) institutionalising and inculcating an ethos/set of common values concerning civil control over the “armed”; (4) the (re-) professionalisation of the military; (5) the persistent nurturing of human rights by the state, the military, political leadership, electoral representatives and the civil community, and (6) educating/influencing political leaders in new democracies to ensure that they do not merely for the sake of power and self-interest cajole the military into the internal military arena. In such a case the process of socio-political interaction, public participation, communication and education to achieve a civil democratic state is one of the mutual responsibilities and obligations of the ruling politician, the civilian community and the man on horseback alike.

The preceding six “post-oppressive pointers” (which may also be called conditionalities) also, of course, apply to any other state in transition from abusive non-democratic entities to democracies, whether new or “mature”. In the case of this study such cases include countries that chose not to deal with their past through TRCs.

With this study I believe one advances a critical cautionary notion, namely that attempted transitions to democracy, emerging democracies or “established” ones all face the potential to regress to authoritarian rule manifesting in internal oppression with a decline in the protection

³⁸⁴ In reference to civil society or the civil community I include the critical notion of free media. (Compare Monare, 2007: 8 with reference to South Africa in this regard.)

of human rights and a forceful militarist projection of power towards the own/internal/indigenous populace. It may even lead to the forceful projection of military power without the input or veto of civilian institutions towards others outside the *polis* (external aggression), or both. It also brings about the realisation that it is not only, as frequently implied, the military that “invades” politics, but the political elite that manipulates or invites the military into partisan internal politics or forceful projection of foreign policy to the detriment of others, human security and human rights inside and outside the state. Again, it should be noted that the above instance applies to small or large states, new or established democracies.

7.2. Theoretical implications of the study

I believe that my auto-ethnographic study, by often providing dense descriptions, demonstrated that the context and nature of the particular transition determines the quality of future CMR and democratic controls over the military in the new democracy.

TRC processes may certainly hold many other positive points entailing “opening up the past” and advancing “national reconciliation” (valuable works about this are available), but not when these processes are related without qualification to long term inculcation of civilian control. The uncritical assumption that civil control will automatically follow a TRC could be dangerously erroneous.³⁸⁵ To make future gains in this area, research should couple the decision for, implementation of and envisaged outcomes of a TRC process with concrete proposals on future CMR in the country for which it is intended, while taking past experiences into consideration. In Chapters 3 and 4 I have dealt at length with the potential and positive spin-offs TRCs may have for countries that moved from repressive rule to democracy, and do not address this here again.

For those interested in advancing theory in military sociology, or for that matter political sociology (and perhaps for some political science theorists), the above is worth reflecting upon before embarking on such theoretical groundwork. Particularly, this relates to theory-building or constructing models.

³⁸⁵ However, the notion of the content and outcomes of a TRC in order to effect national reconciliation has also been debated extensively by those who argue for and those against the notion of a TRC or indeed the very notion of nation (compare Degenaar in Rhodie and Liebenberg, 1994). In terms of discourse analysis and critical notions about nationalism, even the concept “national reconciliation” can be questioned. Thus, whether TRCs are effective in the reconstruction of a new democratic community and the advance of communal forgiveness becomes a debatable question. After all, the TRC concept is set within a certain paradigm or discourse and may be countered by other theoretical arguments and discourses or just perhaps, sheer political dynamics unfolding or imploding from moment to moment.

An important finding, in my view, and one I did not anticipate that evolved in the course of my immersion in the data, is that government-appointed commissions to deal with instances of large-scale abuse of human rights face various obstacles. In most cases, these commissions tend not to unearth the full truth and in various instances such reports, even when made public, did not recommend steps to be taken or successfully ensure and sustain the future protection of human rights. They failed dismally in setting and implementing strict codes of conduct with regard to the role of non-partisan security forces. At best such commissions seem to be a less acceptable second best option with positive outcomes far from guaranteed. This insight came about as I scrutinised other cases not initially intended to be an integral part of the study. But such is the nature of social science research; findings may crop up that inform the involved researcher outside the initially envisioned parameters or process of the intended study, and thus benefit the research community.

This finding, I feel, is worth keeping in mind when venturing into future theoretical work.

7.3. Future policy options

I am convinced that the SATRC did not contribute as much as it could in South Africa to facilitate sound CMR. Rather, the onus fell on the constitutional provisions and the legislature, including parliamentary committees, civil society and the media, to achieve this. Thus far, it seems South Africa still has a way to go ... or perhaps, rather, grow (see Chapter 6 for references to civil-military control challenges in a future South Africa). Perhaps, in our case it should lead to a repetition of the DRP, with increased participation from the South African civil community/society. Necessarily, improving CMR when they are not seen as satisfactory remains a political (and moral) obligation in South Africa and elsewhere.

As borne out for example by problems concerning the arms deal at the beginning of the millennium, one may argue that more incisive parliamentary oversight over the arms acquisition process may have minimised both costs and the potential for corruption. The same could apply to deployment in peace operations as currently undertaken by the SANDF elsewhere in Africa. The recent announcement that South Africa is going to import armoured fighting vehicles (AFVs) from Scandinavia rather than upgrade current AFVs for which the technological platforms already exist, is another example. While we are not confronted with human-rights abuses here, the principle of oversight over the armed forces remains relevant,

also in more mundane issues such as budgets, arms acquisition, force upgrading, human capital utilisation and deployment.

I have to mention at this point that the interviews and the solicited e-mail feedback provided interesting perspectives – in some cases complementing one another, in others contrasting with one another. For some research participants, the TRC had little or no bearing on future CMR. For other participants in the study, the SATRC was part and parcel of the new approach and assisted to an extent in improving civil control over the military.³⁸⁶ Other participants pointed out that despite possible “cross-pollination” between the SATRC and the DRP, the future civil-military interface in South Africa is in need of further attention.

The same argument applies to the majority of the other case studies where TRCs and non-TRC approaches were compared. The findings from the spectrum of data obtained, I believe, when read together with the qualified research question and with the critical process-informed interpretations attached to it, will assist future researchers in deciding on applying a macro- or micro-approach to further research on the subject. This again may have an impact on future policy planning and making.

There is one remark related to the above that I believe should be made: Some participants in the study (the minority in this case) seem to assume the “export value” of the South African TRC experiment uncritically.³⁸⁷ I remain hesitant about uncritically exporting an approach or a conceived “model” to other societies without proper study beforehand. An experiment decided upon in one community and transformed into policy within that particular community does not by definition translate into the successful imposition or exportation of such an experiment to other societies.

³⁸⁶ At least one South African interviewee (interview 2) argued this point. At least two of those who responded via e-mail explicitly or implicitly argued this. This concurs with the views expressed in an earlier article I co-published with the late Rocky Williams, in which we argued that normatively, ethically and in a generic sense, the Christian ethos could strengthen military professionalism, because the TRC was immanently Christian in character. Since then in reflection, I have become less certain that this will be an automatic consequence in the case of a TRC. As can be seen, not all research participants made these connections, or if so, they did not see the TRC as a major contributing factor in the realm of CMR. It was perhaps most vividly described in a brief telephonic interaction with a pro-liberation struggle exile who returned and held a senior academic position. He remarked some time ago in a discussion: “I thought they had very little to do with each other.” His statement sharply contradicted the views of other persons that I interviewed, demonstrating the multitude of nuances in viewing the SATRC.

³⁸⁷ South African TRC advocates or TRCs, in general, seem to make this assumption without the necessary critical reflection.

In using the findings of the current study and its tentative potential for constructing theoretical concepts, I want to caution that policy planners and makers should be aware that a TRC in itself is not sufficient, and does not *ipso facto* guarantee future civil control over the military despite the optimistic belief in certain circles that it may do so. In states that underwent a TRC exercise, good CMR are not a given, nor the sustainability thereof. Policies considered and implemented are determined by the needs and demands of a specific national community or nation of citizens with in mind positive outcomes. Again, circumstances and contextual developments play a role. As such future policy makers (or “exporters” of policies) should take care in reflecting on policy design, making, implementation and evaluation when it comes to socio-dynamics of choices for or against a TRC or any other approach for that matter.

In this regard legislative bodies, constitutional institutions responsible for constitutional oversight such as the Constitutional Court, the civil community and the media should continuously be vigilant. Any *lacunae* or regression towards non-accountability, partisan politics or unjustified militarisation should be countered continuously and vigorously. Awareness of problems and problem-solving, as argued in earlier chapters, need to go hand in hand (also see the appendix on key concepts). Necessarily, public participation and the role of the media are of importance here. So is the debate on a broader mandate for a TRC process, if so decided.

I believe that the important issue my findings raise is that CMR and civil control over the military are not a “one-way street”. As much as attitudes, or structural controls (subjective or objective), have to be enhanced and honed to keep the military in the barracks, as urgent – perhaps far more – is the need to establish an inculcated morality among political leaders not to give in to the temptation of bringing the military into politics. Further, one may argue that consideration needs to be given to ways and means of sanctioning political leadership that ventures into partisan politics that may invite security elements into the internal political arena.

The data gathered in the research process made this abundantly clear: the issue of the military entering politics or placed in a potential praetorian role is not necessarily the doing of military officials, but frequently the consequence of politicians who for their own reasons facilitate conditions where the military is sucked into partisan rule to the detriment of the democratic community. I believe that I supplied ample examples as well as their outcomes for

consideration in the thesis. Clearly policy makers or those influencing policy need to be made aware of this.

Certainly the greatest future policy challenge should by now be apparent: educating the political leadership to be responsible enough not to abuse the military for partisan gain. Perhaps even more complex is the question (or perhaps the need, rather) of structures and attitudes (institutions and ethos) being created pro-actively that could, if need be, even *discipline* or *sanction* political leaders if they slip into inviting the coercive arms of the state to be used against their own people. Perhaps it is not an overreaction to state that this resembles the single greatest challenge for future civil-military research and military sociologists and their peers in the armed forces.

With regard to the possible exporting of a TRC exercise to other countries, I believe this study demonstrated the need for interpreting the mandate of a TRC somewhat wider in such a case without diminishing the intention to unearth the truth. I feel it would have value if advocates and implementers of TRCs from the “design phase” kept in mind that at least some concrete proposals, surpassing the cryptic references to those in past reports, should be offered in the final report. These proposals should among others relate to future structures, values and attitudes (habits even) concerning civil control over the military and the obligations that rest with the political leadership and the professional military in this regard. Certainly there is no reason why a TRC report cannot suggest or provide clear guidelines for the future civil-military interface. Rather than distracting from the value of a TRC process and its public report-making, this will add value to such a process. In this regard it is conceivable that the role of and the participation by military sociologists in the design or implementation of a TRC mandate could be of much value.

7.4. “Replicating” the study?

In this case, namely replicating the study, I relate to two levels of the research insights – one more practical, one more theoretical. The first has to do with the replication of *the study itself* both locally and elsewhere. The second relates to the replication of a TRC type of exercise elsewhere, or the choice against a TRC that stems from the notion of forgive and forget, mixed approaches and ICTs (note that replication should not be confused with the term duplication). In qualitative research duplication of a study, if the same results are intended or envisaged, is rarely – if ever – possible owing to socio-dynamics and the human beings involved.

The first issue concerns the possibility or the advisability of repeating this *study* in the South African context, or alternatively, a choice made to repeat a similar study in a society with similar historical experiences and challenges. I believe that replicating this qualitative and auto-ethnographic study is to a certain extent possible and maybe advisable (one researcher in one particular exploratory study does not hold the “truth” or supreme knowledge exclusively)³⁸⁸. In lived experiences, as in history, as Nicholas Mansergh suggested, there are no imposed ends or beginnings (Van der Westhuizen, 2005: 300). As an exploration, a tracking exercise in this field, this study provided relatively dense and in many ways lived-experienced material. For me as involved (not an aloof) researcher the study holds, despite and indeed because of its human nature, existential experiences and evolving social dynamics. These, in turn, have some “internal validity” and transferability potential. In the unfolding of concrete human experiences and resultant human genres, repetition of such a study locally, on the African continent or elsewhere, may hold value.

Regarding the more practical issue of replicating approaches mentioned in the study, in other words repeating the alternatives discussed in this study, especially TRC-like approaches, the following is arguably important: This study suggests that TRC approaches and specifically those such as the SATRC need to be evaluated critically and thoroughly before “exporting” the concept to other societies that have arguably different circumstances and experiences of civil disorder and oppression within a different context and epoch. In the course of the study I came across dozens of articles and works that implicitly justified the exportation of the TRC approach, some even suggesting that such a process should be “internationalised” or “globalised” as an alternative to an International Criminal Court (compare Eisnagle, 2003: 209 quoted in Chapter 5). However, the issue is clearly not that simple. I demonstrated that there are as many communalities as there are contextual deviations and (unpredictable) socio-political dynamics. Therefore, I believe it is more responsible to investigate whether a TRC process that seems to be working well in one country, should be exported uncritically to another. To put it more strongly: It may be worthwhile to consider or transfer *a model or structure of civil control*, provided that contextual and cultural differences are scrutinised properly and cognisance is taken of the potential social outcomes of such a structure rather than exporting a “model of national truth and reconciliation” or “national unity and

³⁸⁸ By nature qualitative research outcomes may be different. However, further studies may contradict this study’s findings, support them or more importantly, qualify them to the benefit of future research and its application.

reconciliation” uncritically.³⁸⁹ By contrasting my reservations about the export potential for both, I believe I illustrate my strong reservations about applying TRCs uncritically elsewhere as if they offer a *panacea* for national reconciliation and sustainable democracy alike, and that includes civil control over the military in a democratic community.

Perhaps it is presumptuous to attempt finding answers to complex questions such as these, but I believe that my study contributed modestly in at least pointing out related areas/questions in considering the transferability of the SATRC (or any TRC for that matter) for application.

It goes without saying that any repetition of a study such as this one should be handled with great care.

7.5. Transferability of the present study’s findings

I have already referred to various attempts to ensure the study’s replicability. I believe that, by working both inductively-deductively and by immersing myself in the experiences of many people and many social contexts and interacting with their real life experiences. I succeeded in having my study demonstrate transferability. Particularly important, I believe, is that as a researcher I was immersed intermittently in relevant experiences over an extensive period³⁹⁰. This enabled me to unravel unique and important insights. Additional data-gathering as described in the literature review and Chapter 6, as well as adherence to qualitative research guidelines, consistent dialogue with peers, including veterans from the liberation movements and the SADF, peer-debriefing by Gen Solly Mollo, Col (Dr) Louis du Plessis, Dr Rialize Ferreira (sociologist) and my promoters, further strengthened transferability.³⁹¹ I remain thankful to all of them, as well as many other experienced people that stringently criticised some of the assumptions that I held.

7.6. The quality issue: a final account

Gummeson (1991) refers to the social dimension or aspects of research quality. These are important in assessing a qualitative researcher’s work. Assessing one’s own research by, for example, making use of peer-debriefing and establishing credibility is, as I found, not a

³⁸⁹ The observant reader will pick up that I expressed elsewhere [See Appendix 2, page 436 ff] my reservations about exporting “models of civil control”.

³⁹⁰ See Chapters 2, 3, 5 and 6.

³⁹¹ I need not to refer to all here. They are mentioned in the text and the acknowledgements. However I cannot but mention Rocky Williams and Ruhr Martin again here.

straightforward matter or a “given”,³⁹² especially when a narrative enters the picture (Czarniawska, 2004). I tried to remind myself constantly of these challenges throughout this research journey and the tracking exercise. Before embarking on the study, I spent time reflecting on the study, its rationale and possible approaches. During the course of the study I did the same, also in discussion with peers, peer debriefers and practitioners. This element as part of the decision about the approach to the study, the initial phases, research choices and adaptations decided upon in the course of the study, is known in contemporary qualitative research as *reflexivity*. Reflexivity implies a process that occurs both in individual thought and through dialogue with others, which acknowledges the researcher’s own experience and perspectives (Lietz, Langer & Furman, 2006: 447).³⁹³ As such, reflexivity has close links with what is known in qualitative and ethnographical studies as *trustworthiness* (trustworthiness is frequently used in qualitative terminology rather than the term *credibility* used in more positivistic research).

“Scientific credibility is not an ascribed quality of a study, but rather an achieved one” (Athens, 1984: 265). It is the responsibility of the researcher to make a study intrinsically credible or *trustworthy*. Thus, *the researcher is obligated to supply an adequate account of the research along with the results*. Another way to put it is: “An account is ... the story told by the researcher about how he or she performed the research question” (Athens, 1984: 265). And, may I add, the related questions and insights that evolve on the track. But stories are seldom merely told ... life is simply too complex. Lincoln and Guba (2002: 205ff)³⁹⁴ point out that the emergence of alternative paradigms to guide inquiry introduced important questions and challenges to judge the quality of work that explores such new approaches This is definitely true of this study. Next, I provide my argument on the study’s soundness.

³⁹² I referred to Noy’s notion where he suggests as a measure of experience the “rite of passage”, the “right of passage” and the “write of passage” and the existential interconnectedness thereof in academia and practice.

³⁹³ Lietz *et al* comment: “Finally reflexivity is not a (single) point in time event ... Rather it is a process that occurs throughout the research” (Lietz, Langer & Furman, 2006: 447). In arguing this they follow Guillemin and Gillam (2004: 261 ff).

³⁹⁴ Compare Wiesenfeld (2000) on prescription and action, practice and inquiry in the qualitative research process and Lincoln (1995) on evolving standards and changes in quality checks (for example, the research audit trail) within qualitative and interpretive research. Of relevance is also Maguire (2006) on the answerability and responsibility of the auto-ethnographic researcher towards the self and others in the human sciences, inclusive of the role of self-criticism and the use of social criticism. While auto-ethnography has become a thriving endeavour in most human science disciplines, one has to mention to political scientists among us that these new approaches are urgently needed in the current static political science environment in the USA and South Africa. Burnier’s arguments (2006) about to the need for auto-ethnographic work in political science are relevant here.

Through his/her research the researcher is obligated to tell, within personal constraints naturally, the fullest possible story, to describe the collage in as rich and dynamic detail and share the collected data in as transparent and truthful a way as humanly possible. However, one needs to be watchful throughout executing the research not to slip into too much self-disclosure that shuts out research participants or the social narrative and shared experiences. Maintaining one's "analytic stance" as far as possible and offering a candid and detailed account of the research process is no simple task, but a consistent endeavour that should be striven for.

In this context the term *audit trail* has value. The audit trail implies that the researcher shares with the reader the research steps taken, as well as choices made when changing "track". Sharing with the reader and fellow researchers/peers forms part of the audit trail. So does critical engagement. There is an additional element to the audit trail: "The audit trail allows the researcher the freedom to make unique research decisions not previously prescribed while still requiring that each decision and the justification for that decision be recorded all the way" (Lietz, Langer & Furman, 2006: 450).

According to the tracking metaphor I had to prove that as researcher I used rather than abused the data as obtained/immersed in a dynamic and complex context as it confronted me. Simultaneously I had to endeavour to provide as clear as possible a description, the chosen casing, the relevant views and to relate comparative moments (the broader casing sensitive to the self and the other) of the issue under investigation. Added to this, one has to be aware of the real-life impact of the study. As involved researcher, one commits oneself not only to basic tracking, but also to track systematically and interpretively. But since tracking also entails sense, imagination and interpretation, there is always a speculative element. Speculation is part of the self, the other and "others' reality" that forms essentially part of life, therefore also research. Can immersion into data be considered a measure of "groundedness, or reflexive involvedness"? Obviously! Elements of any worthwhile study embody involved research and critical thought. And perhaps most important of all, it is crucial that one points out to one's fellow researchers or readers, when contradictory data restrain one, in fact, may compel one, to say: "I still do not know everything". For far too many social scientists the temptation to say "I know" is still greater than the human capacity to say "I do not know everything". Yet the former, in the school of life, holds less value than the latter ...

I believe I managed to confront and live through by checking and double-checking the data, reflecting on it all, where necessary adapting my approach, and above all, relying on peer-

debriefing, frequent questions and consultations and “personal double checks” (reflection and reflexivity). I also shared the audit trail with the reader and my peers. Gaining access to data, immersing myself in, reflecting on and debating on concrete challenges in the area studied are not teaching/preaching or self-gain, but represent a reciprocal process of learning; to be taught in a way, or to be moulded by one’s study and one’s shared experiences. There comes a moment in time that one does not write *a* text but *the* text – and context – writes (through) one; the moment when the researcher becomes but a tool in a living context. The data and the subjects become as much teacher as subject. In retrospect this is a moment of trepidation and challenge, learning and critique with the stated intention to make a social contribution. It represents worthwhile moments.

Like many others, I believe, that by opting for a peer-debriefing process, one adds quality to one’s study. By formal and informal immersion into data related to the broader casing over a lengthy period of time, by checking and comparing one’s own experiences with others, or even by adding e-mail interview schedules, sent out to expert practitioners and theorists in the field to provide feedback and act as critical soundboards, I believe one adds to the soundness of a project. My access to some articles, memoranda, solicited and unsolicited information provided by interviewees before or after our discussions, persons that I met or interacted with and checking these against the themes that arose in the interviews contributed substantially to ensuring quality within the constraints and opportunities of being an involved researcher and participant-observer. In this way the importance of achieving trustworthiness (“credibility”) remained a poignant issue, a constant reminder (see Holliday, 2007: 134–136).

Let me emphasise: the knowledge gained and earned in the course of this study did not come through the latter-day knowledge/information society and the highly pressurised tractor-tyre factory-clones aimed at profit that many of our universities have become since the middle of the 1980s – thanks to apartheid educational technocrats and upheld since then by new incumbents. We as students and researchers and lecturers are apparently set for “high performance”, “bench-marking”, “core functioning”, “brand-marking”, frequently-evaluated-by-outside-consultants, “service delivery orientated strategic institution” syndromes. Universities tend to become under technocratic guidance by “management” and “top-management” tertiary bodies with visions and missions reproducing “objective” outputs; outputs such as large numbers of students that only satisfy the making of more money “guided” by inappropriately highly paid managerial types (the latter types frequently increase their salaries and bonuses by rationalising departments, forced and voluntary retirements of academics, and outsourcing of services). To gain knowledge through a research process? To

live through this syndrome only? So unfortunate I was not. Daily living, interaction with people on the street, with friends (some more frequently than others, yet all memorable), meeting sour and joyful practitioners, sharing insights (frequently of more value than those of their academic counterparts) and loyal compatriots, talking to colleagues that live art and hate war,³⁹⁵ and optimistic comrades provided more than the proverbial lion's share of seeing new angles on surrounding developments. As added value, these experiences outside the world of "objective institutions" relieved tension, added experience once again and facilitated the human freedom/obligation to "relativise yourself". What a joy and human animal privilege! But I digress from the discussion. Let us return to the question of assessing the quality/value of a qualitative study.

Some scholars put considerable emphasis on the *internal validity* of qualitative research and *triangulation*. Let us take a closer look at this. Stebbens (1991), among others refers to a "bargain struck between the researcher and subjects including gatekeepers" (quoted by Schurink, 2004d: 5). Personally, I prefer the term *relationships built*, because fundamentally such human interaction and relationships allow not only for access to data but also for richer, experience-laden data and relationships. I contend that in this study these were generally applied and I trust achieved, despite shortcomings. I believe that my initial contacts and sourcing led to a steady and increased flow of data. But more: it strengthened relationships and cooperation between me, the researcher as subject, and the "subjects" of research, who provided more meaningful data – as much of this could be fleshed out in debate, dialogue, discussion and through consultation of reading materials and archival sources. I was in the fortunate position (more grace than skill) that the relationship between myself and many people was such that we could differ quite vividly – and sometimes less cordially – without interrupting or harming friendship or continued communication.

My personal involvement during this and earlier fieldwork not only enabled me to develop concepts closely linked to those of the research participants themselves, but to live through many of these constructions, meanings, viewpoints, and their implications such as disappointment, pain and joy. This was in itself a deeply human trajectory that left some permanent images and recollections of experiences. In this sense, these experiences transcend the knowledge that I gained on site, which in itself is an added value. I believe that here the audit trail, reflexivity and critical engagement contributed to the trustworthiness of this study.

³⁹⁵ I cannot but remind myself about old friends such as Martin Mendelsohn and Mercia van Wyk in this category. Much further back, James Mathews the "tsotsi" under his mulberry tree in Gatesville writing on poisoned wells strikes a cord. So do my friend Charl-Pierre Naude and the late Vernon February.

As to “triangulation”, closely related to *trustworthiness*, I believe I was quite fortunate since I had access to various data sources. More particularly, (i) I got immersed in the behaviour and discussions of role players and gathered quite unique data (ii), I collected data by means of structured interviews, and (iii) I was able to solicit information from various documents. I was fortunate to have numerous informal interactions, many of them extensive. In addition, I had highly competent peer debriefers, some formal and some less formal.³⁹⁶

I also collected materials of and by theorists and peers, and in many cases views based on discussions and experiences over more than two decades. Many persons shared their views and experiences. Some of these were never published, either by their own choice or owing to most unfortunate circumstances. I had access to personal archives dating back to 1972, more structured since 1983, I have to add. I was partially involved in the military, took part in anti-apartheid campaigns and worked for activist research institutions and NGOs. I was fortunate to become part of a variety of initiatives and projects. In short, I could not have hoped to have a more amenable context to further my research and track the narrative on these topics and the thesis.

I had the support of helpful friends and trusted colleagues to act as critical soundboards, sometimes even adversaries to correct and guide and to allow me to burden them with queries and peer debriefings, or simply to check patterns in the data gained or facts. Against this background, I was able to check and double-check my work and progress; to reflect and test my ideas (and frequently had pointed out to me, in less or more friendly ways, that aspects were missing, under-stated, and/or that certain parts of my text needed further attention, or were shabby).³⁹⁷

On a personal level, I had the consistent support from my life partner, Mariaan, motivating me to continue with this particular research project, rather than get involved with other projects or side-tracked. The children were a source of inspiration by sharing their love, child-like views and being (more or less patient) while I spent time in front of a PC.

Many friends who knew about my research shared ideas with me. Others shared their real life experiences or those of family members. Others brought along useful material, academic or fictional. In short, in my setting, I can only be grateful for the dynamic interaction that

³⁹⁶ Compare Lietz *et al* (2006: 450–453) on the use of triangulation and peer debriefing.

³⁹⁷ In more direct talk some practitioners chose a much stronger word than “shabby”.

provided me with the tools to “validate” the study by “triangulation” and/or or reflection. My promoter and co-promoter remained in the picture, giving guidance, criticism and/or alerting me to relevant sources.

In summary, the following table of Daymond and Holloway (2002: 101) incorporating among others views of Creswell (2003), Lincoln and Guba, (1985) and Marshall and Rossman (1999), as adjusted by Schurink (2005), provides an idea of criteria used in judging qualitative contemporary research projects. I adapted the table further as my study evolved on the chosen track by making use of insights by Denzin (2006), Maguire (2006), Lincoln (1995), Wiesenfeld (2000), Collins and Makowsky (2005), Hanna (1970), Neuman (2000), Luijpen (1980), Bryman (2004), Best (2006), Lietz, Langer and Furman (2006) and others:³⁹⁸

Assessing the soundness of a qualitative study

PARADIGM	CRITERIA/BENCHMARKS/“CANONS”	
Realist or positivist research	Reliability and validity	Reliability, internal validity, generalisability, relevance and objectivity, distance between researcher and objectified subjects
Interpretative research. or Critical research or Tracking a human process	Authenticity and trustworthiness	Authenticity, credibility, transferability, dependability, reflexivity and confirmability, immediacy, humanist and critical elements
<p>Strategies: Triangulation, member checking, peer debriefing, the audit trail, natural history, “rich” or “dense” descriptions, self-reflection, clarifying researcher bias, presenting and sharing negative or discrepant information, spending prolonged time in the setting, formal and informal immersion in data, repeating observations and/or interviewing research participants, renewed or continuous interaction with research subjects or fellow beings. Keeping the self and authored others in mind. Do not claim to hold innate knowledge and rather admit shortcomings in data and/or data gathering. Tell a human story through others and your own experience.</p> <p>Tactics: Practitioners frequently share more valuable insights than distant academics. Be aware and sensitive to this. As far as possible, be yourself. (Attempt to) care for/about a better world. Research is an important experience, but life is more than research and knowledge and stems from many sources, most of all, others around you. If stuck in a dead end, retrace your tracks and start again (a good tracker seldom stalls, even if reflecting). Know through your experience shared with others that induction and deduction, like the macro and the micro, are always intertwined. Do not shy away from interdisciplinary work with application value. Be aware that doing a DLitt et Phil stifles your publishing record but is needed in the “objective” world of Academia. And consider that (perhaps) strategies and tactics are not as far apart as text-books claim. That one informs the other is worth to remember.</p>		

³⁹⁸ The work by Collins (1952) mentioned and reflected in the source list played some role too, less so perhaps than others mentioned, but still. See also appendices and acknowledgments.

This table, with the necessary adaptations in the process of study, was particularly helpful when it came to discussing, planning and the execution of the study.

The process in which I immersed myself as it evolved assisted in identifying and at least minimising some biases. *Reflexivity*; the process during which one reflects critically on one's own role and preconceptions throughout the research process needs to be a constant companion, a proverbial ever-present shadow. For Bryman (2004), reflexivity is a term used to refer to reflectiveness among social researchers about the implications for the knowledge of the social world they generate by/through their methods, values, biases, decisions and mere presence in the very situations they investigate.

I believe that using such an evolving framework added to the quality and trustworthiness of this study. I have already mentioned that this was done in the spirit – or rather attitude – of *intersubjectivity*; I want to restate the point here.

Also necessary to restate in conclusion is that where I was confronted (or stumbled upon) contradicting evidence or ambiguous information (specifically “deviant” or “negative” cases), it needed reflection while moving on the track. This forced me into reflecting on particular issues. In this sense my research became **re**-search; **re**-flecting, **re**-thinking, **re**-checking, **re**-phrasing, **re**-working, **re**-writing (see Golden-Biddle & Locke, 2007: 81ff on the value of re-writing). **Peer debriefing**, i.e., colleagues intermittently reviewing one's work by re-analysing the raw data and by discussing one interpretation of them with one was crucial, as in any other research project or the application of one's skills.

The preceding reflects Daymon and Holloway's (2002: 100) argument: “All research should have an audit trail by which others are able, to some extent at least, to judge the validity of the study. The audit trail is (a) detailed record of decisions made before or during the research process”.

In the case of the auto-ethnographic narrative and where other genres and a broader casing enter the picture, this “audit trail” involves informing the reader and sharing limitations of the study. It includes pointing out at which points one got side-tracked, had to choose between different courses and/or stumbled on new questions and challenges. Sharing with the reader or peers why you broadened the casing of the study is equally important. One also shares with the reader and others through the nature of qualitative research where one “feels” that one is

moving in the realm between systematic, interpretive or speculative tracking, because as a process package this relates the scientific and personal narrative with all its strengths and limitations. This I abided with through the process of research here.

7.7. Learning about being a student (“candidate”), study guidance and being an examiner

The study and the process through which it took place, taught me much. I will briefly share this with the reader by means of quotations that others shared with me in the course of the study.

“There are dreadful and exceptional ways of masters and doctoral supervision. In my case I travelled a long journey with sharp contrasts. While any life journey is tough and bumpy because of what needs to be accomplished and the unknown that crops up, it can either be joyful knowing that something worthwhile will be discovered and accomplished at its completion or it can be very strenuous and emotionally tiresome”.

– **Person 1**

“The first part of my doctoral journey was highly unpleasant and uphill, mainly because of very poor guidance. The final part was far from plain sailing, yet pleasing and inspirational. In short, on my journey I experienced first hand how supervision *should not* and how it *should* be done. While my second supervisor was always supportive and critically at hand the guidance of the chief supervisor I originally chose was not up to scratch, in fact left much to be desired. Naturally this was not conducive for the candidate/supervisors/promoters team effort required for a doctoral study. Following a negative experience with my first promoter, I requested and was assigned a new competent and interested first promoter. The interaction between the three of us led to a cohesive team. Of course, the new integrated team did not mean that I had less responsibility or that the chosen track became smooth, easy or without potholes and diversions. I had to work consistently since both my promoters continuously provided meticulous, directed and critical feedback. I had to continue my lecturing duties and continued working on other publishing projects at the same time.”

– **Person 2**

“The difference for me and my friend was that working with skilled supervisors took place in a warm atmosphere and with an unselfish spirit of sharing on the part of the promoters. Their interaction with their students brought the best out of the candidates.”

– **Person 3**

“As lecturer or someone teaching in the human sciences I also have the responsibility to guide students and examine dissertations and theses. Being a doctoral candidate and exposed both to ‘how not to guide a student’ and ‘how to do it’ I learnt unique – more than just important – lessons. It is clear that one should not agree to supervise a doctoral candidate or master’s student if one does not have the interest, knowledge and time to provide proper guidance. A lesson I think, to take to heart.”

– **Person 4**

“Having travelled the ‘doctoral road’ personally and acting as promoter has not only re-affirmed some realities. It reminded me of experiences numerous other doctoral and masters students had with their promoters and supervisors and even examiners³⁹⁹. I had vivid personal experience of the negative effects created by lax or uninvolved promoters who do not have sufficient knowledge of a particular methodology. I cannot disregard my duty as a member of a higher learning institution by not appealing to my colleagues and superiors that we need to sharpen our policy and strategies of appointing supervisors and examiners (even sanctioning supervisors that do not live up to their responsibilities). As responsible educators it is our responsibility to oversee this crucial task if we want to serve our students.”

– **Person 5**

“I am convinced that anyone who is truly committed as creative partners in research supervision has to create an optimally managed and profitable research environment in the social sciences and qualitative research. In particular we have to recognise the tremendous responsibility that rests on the shoulders of the younger generation of qualitative researchers in the sociological, organisational, leadership, welfare and health sciences, policy research and other fields of study to undertake quality research that can inform both policy and the human condition.”⁴⁰⁰

– **Person 6**

³⁹⁹ Over years several colleagues and students also shared their reservations with me about examiners that were appointed outside their field of expertise – usually to the detriment of the student.

⁴⁰⁰ The last quotation comes from a qualitative researcher and supervisor of many successful students with whom I have worked closely over the past years. The rest of this person’s observation is of equal importance: “From my own experience of having been privileged to lecture students and provide study guidance on qualitative research methods for more than two decades, I am convinced that only experienced researchers who are ready to lend a hand to committed youngsters who display particular personal qualities can fulfil this task successfully. More particularly we need to develop and employ experimental pedagogies that are in line with the characteristics and potential of our students and facilitate joint ventures with them in order for these young Turks to develop into dedicated and creative researchers who are well-equipped to explore, describe and explain the many ways leaders and other people in post-Apartheid South Africa create their work while assigning meaning to other areas of their lives together with others”.

As to my own experience I can concur with most of these statements. The research track, unless you write a book or an article, also involve the choice of supervisors and promoters. At the same time it requires responsibility in supervisor/promoter and the student/candidate. It translates into an imperative of due agreement, cooperation and communication if we are interested in advancing academia and more so, applied human science to the betterment of society.

I believe the above leaves us with more than enough to reflect about.

On the research track experienced here a general remark: Recently I read a thesis by a qualitative researcher (Avraamides, 2007). The author argues that the research path and the auto-ethnographic genre chosen by her, provided valuable reflections with practical outcomes. Firstly, if aimed at, and grounded in personal and other's experience, such work leads to empowering society and individuals. Secondly, the personal narrative as integrated into the social, can assist in problem solving or individual/social therapeutic interventions, despite some criticism by positivists that it may be "indulgent". Thirdly, whatever genre we choose (or if you wish, call it a *research paradigm* or *research approach*) can be personal (some would say subjective) and yet aimed at betterment of society and contribute to the common core of humanity through the elements of dialogue and shared experience.

I cannot but agree more with this view. Underlying all our ventures in life, research as one lived experience, should not be confined to the mind but to humanity. These insights also apply to how we live and construct a democratic society and deal with the coercive arms of the democratic state of self-chosen citizens committed to transparency and the nurturing of human rights and human security in its broadest sense.

7.8. "Leaving the field"

The whole process of writing the doctoral thesis was like many other life experiences such as doing a master's degree, taking part in social processes and personal actions to achieve and nurture a democracy, growing up with one's children, training for war, acting aggressive or against aggression or attempting to make peace, going on an exploratory trip into lesser known or unknown countries or communities or seriously training in martial arts, *etc.*

Despite some tedious moments and various repetitive elements, a doctoral research track can be an enriching and adventurous experience that opens new vistas to be chased and transformed into reality.

But leaving a territory or a track leaves one with mixed feelings. Sadness, because the track may not be wandered on again, some faces you will never see again, and yet the known feelings of excitement cannot be suppressed. New challenges beacon and some new and old tracks may cross again in new territories, be it deserts, harsh red sands, high snowy mountains or the wet lands.

What more can be said?

7.9 Conclusion

In a rather under-researched field, I feel it was worthwhile if not imperative that this explorative study was launched to explore some research questions related to TRC processes and the one applied in South Africa and its treatment of the military. The study provides answers to these questions with certain qualifications. I also feel that the identified areas for future research and policy research are helpful in this regard.

This work, albeit modestly, contributes to the field of military sociology locally, if not globally. While risking being regarded as presumptuous, I believe that the study may be considered for future deployment, provided that comparative and contextual differences are kept in mind. Some scholars may certainly argue that my work applies to one country under one particular government, and therefore does not resemble a good “export product”. This may be true, but that is for future studies to discern. On cases distinct from TRCs this statement also applies to both the choices for and against TRC-type processes as well as researching institutions/attitudes/education/training for civilian oversight over security forces, the military leadership and elected politicians in particular. Civilians, politicians – even religious leaders – clearly need to be aware of this while they strive continuously for the improvement of CMR and civil control over professional armed forces.

Regardless of the preceding, this study and its implications at least untangle one single truism: *A government should not mobilize an army out of anger, military leaders should not provoke war out of wrath. Act when it is beneficial, desist if not. Anger can revert to joy, wrath can revert to delight, but a nation destroyed cannot be restored to existence, and the dead not*

restored to life. Therefore an enlightened government is careful about this, a good military leadership is alert to this. This is the way to secure a nation and keep the armed forces whole (Sun Tzu, translation by Griffith, 1971: 59).

In these words, I suggest lies immense wisdom for political leaders, military commanders, the civil community and social science scholars trying to un-puzzle relationships between the civil and the military within and among states ...

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Mail & Guardian (17-23/08/2007)

Mail & Guardian (17-22/09/2004)

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Pretoria News (22/11/2005)

Son (18/11/2005)

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The Star (24/08/1995)

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APPENDIX 1

Articles on reconciliation, retribution, the SATRC, civil-military relations in South Africa, the SADF/SANDF and related issues (co-authored articles included):

(1) Perspectives on the TRC, its possible value and role

“Apartheid, Guilt and Retribution: To confess or not to confess”, *Prospects*, 1(4), December 1992: 14–15;

“Geen uniek, maar een universeel moordscenario”, *Het Parool* (The Netherlands), 23 May 1996;

“Gaan die waarheid ook vryheid bring?”, *Zuid-Afrika Bulletin*, 10 October 1996: 168–169.

(2) The SATRC in a comparative perspective

“The Truth and Reconciliation Commission in South Africa: Context, future and some imponderables”, *SA Public Law*, May 1996, No. 11: 123–159.

(3) The TRC and historical reflection – including notions on a historians’ debate in South Africa

“Debating our Past: The road to a human rights culture”, *In Focus Forum*, Vol. 5(5), 1998: 24 - 30;

“Die WVK in Suid-Afrika en die implikasies daarvan vir ’n Suid-Afrikaanse *Historikerstreit* en eietydse geskiedskrywing”, *Joernaal vir Eietydse Geskiedenis*, 22(1), June 1997: 98–114;

“Die WVK: Refleksie op ’n proses en die naloop van ’n historiese gebeurtenis – enkele tentatiewe opmerkings”, *Fragmente*, 3, 1999: 113–126;

“Can the deep political divisions of the South African society be healed? A philosophical and political perspective”. *Politeia*, Vol. 15(1), 1996: 48 – 64 (co-authored with P. Duvenage).

(4) The TRC and its impact on the South African military

“The impact of the Truth and Reconciliation Commission on the SANDF”, *International Studies Journal*, 14(2), 1999: 89–112, co-authored with R.C. Williams.

An earlier and shorter working paper co-authored by Williams appeared in IDP Papers, No. 13, November 1996.

(5) The SATRC and its implications for sustainable democracy

“Pathway to democracy: The case of the South African Truth and Reconciliation Process”, *Social Identities*, 4(3), 1998: 541–558 (co-authored with A. Zegeye).

(6) Civil-military Relations

Civil-military relations and arms procurement in South Africa: 1994–2002. *Society in Transition*, 2004, Vol. 35(1): 61–86 (with R. Ferreira);

Civil society as defence policy formulator: For real or token partner? *Journal for Contemporary History*, 2004, Vol. 29(2): 173–203 (with R. Ferreira);

Civil Control over the Security Institutions in South Africa: Practical Suggestions for the Future. 1999. [http://www.hsrc.ac.za/delivered/control 1.html](http://www.hsrc.ac.za/delivered/control%201.html).

Later published on invitation in the *African Journal for Conflict Resolution* as:

“Civil control over security institutions in South Africa: Suggestions for the future and notes on replicating the experience in Africa”. *African Journal on Conflict Resolution*, Vol. 1 (1), 1999: 7–101 (co-authored with C. Schutte & A. Minnaar).

(7) Militarisation/The Military/Military Integration/Demobilisation

“Apartheid’s Military in Politics: Naked Power Revealed”. *Journal for Contemporary History*, Vol. 15(1), 1990: 130–141;

“The Integration of the Military in Post-Liberation South Africa: The Contribution of Revolutionary Armies”. *Armed Forces & Society*, Vol. 24(1), 1997: 105 – 132;

Loyal Service and Yet “Demobbed” – What now? Demobilization and Economic Reintegration of South Africa’s Demobilized Military personnel. *Journal of Asian and African Studies*, Vol. 37(3–5), 2002: 299–317 (with M. Roefs and R. Ferreira);

South African Public Attitudes on Participation in Peacekeeping, Personnel Issues and Labour Relations in the Military, *African Security Review*, Vol. 6 (6), 1997: 3–18 (with J. Cilliers, L. Heinecken and B. Sass);

Public Attitudes regarding the Image and Future of the South African Military and Defence Industry, *African Security Review*, Vol. 6(5), 1997: 25–35 (with J Cilliers, B. Sass and C. Schutte);

Public Attitudes Regarding Women in the Security Forces and Language Usage in the SANDF, *African Security Review*, Vol. 6 (3), 1997: 3–14 (with J. Cilliers, L. Heinecken and B. Sass);

Reflections on the integration of the military in South Africa. *African Security Review*, Vol. 4(2), 1995: 26 – 30 (with R. Brownlee).

(8) Reports

Demobilization and its aftermath II: Economic reinsertion of South Africa’s demobilized military personnel. Report for the Institute for Security Studies (ISS) funded by the European Union (2000). Published under the title mentioned before as *ISS, Monograph Series*, No. 61, August 2001 (With Roefs, M., Ferreira, R. & W. Schurink).

(9) Other

The impact of war on Angola and South Africa: Two Southern African Case Studies. 2006. *Journal for Contemporary History*, Vol. 31(3): 42 – 73 (with R. Ferreira).

Van der Merwe, H W, Liebenberg, I & Meyer, G. 1991. Changing political styles in South Africa. *Peace Review*, Winter: 38 – 40.

(10) Articles translated

“Demobilisation and the Economic Reintegration of Soldiers into Civil Society: A South African case Study”, *Yuz Afrika*, 2006: 107 – 120.

Attitudes concernant l’image et l’avenir de l’industrie militaire et de la defence dans l’opinion publique sud-africains. *Alternatives Sud*, Vol. V (2), 1998: 177 – 185 (with J. Cilliers, C. Schutte and B. Sass).

- **Total Articles:** 21
- **Co-authored:** 12
- **Independently authored:** 9 (chapters/contributions/ to books and newsletters, excluded)

APPENDIX 2

KEY CONCEPTS

Humans observe the world around them through sets of spectacles or lenses, called concepts and relational terms – Eugene Meehan, 1988: 45.

As I moved through the process of developing my research ideas, I grappled with the questions of how ... (I as scholar) might engage with present phenomena in such a way as to offer transformative alternatives ... These questions are predicated on the assertion that research can and should be political and researchers have the privilege and ethical responsibility to attend to dimensions of social justice – Jacqui Gingras, 2007: 7.

We should blunt our sharp points, and unravel the complications of things; we should temper our brightness, and bring ourselves into agreement with the obscurity of others ...
– Tao Te Ching, circa 500 B.C.

A word in advance

Humans (sociologists therefore also) see the world in concepts and relational terms, as the Meehan epigraph suggests. Concepts so central to our lives are abstract words that represent concrete phenomena (Dane, 1990: 22) or, at the very least, attempt to give outline to observable phenomena ... things that we see happening around us in the daily flow of life or politics. Sometimes we have to find our way into and out of a morass of words to track the meaning of social processes or the constant changes in human-made phenomena – with or without associated unintended consequences. Grappling with research questions invokes concepts as our human tools to grasp a changing world in search of answers or explanations. Some may find a discussion of terminology in an appendix somewhat outside the “prescribed research structure”. I could have discussed terminology as part of the background, the chapter on methodology or the literature review. In reflecting on this choice I simply felt that it would make for (1) too lengthy a text and (2) perhaps also too dense a text⁴⁰¹ and (3) subtract from the arguments made, the advocacy, explication and deployment of the auto-ethnographic approach and the focus on truth and reconciliation attempts and their effects on civil control

⁴⁰¹ Not everyone/anyone aspires to equal Leszek Kolakowski in writing a thesis/dissertation that spans three volumes. I certainly had neither the intention, nor the concentration, to write “Main Currents of Reconciliation and CMR” as Lezek did in *Main Currents of Marxism*, Volumes One to Three (1978).

over the armed forces. At the same time I felt that informative or illustrative concepts should be available for the interested reader.

The reader will be able to follow arguments and narratives in this work without “delving deeply” into these key concepts. For the focussed reader these concepts will add value as a contextual backdrop. As S ndergaard remarks: “We cannot escape discourse. We can move within discourse, find fissures, ruptures and contradictions to move with or against. We can turn ... up and down, interrupt or leave alone – in the search for alternative ways to push and move the already constituted towards new discursive practices” (S ndergaard, 2005: 298 quoted by Gingras, 2007: 1).

In a study such as this, meaning and experience closely intertwine and terms and concepts form the ground from where the “theoretical” grass grows (derived from Taylor & Bogdan, 1984: 6; Bogdan & Biklen, 2003: 51; Neuman, 2000: 48; and implicitly Buchler & Puttergill, 1997: 195).

For people trained, as distinct from educated, as I was, for a while at a white South African university such as the University of Stellenbosch, our training/education included interesting features. Some lecturers tried to convince us as students of history, that the forces of history were like a deterministic coin that had two sides: nationalism and communism. In choosing Philosophy as a subject one could choose Philosophy or Political Philosophy (the latter not advised if one was thinking about becoming a pastor or staff member of Military Intelligence, Foreign Affairs or the National Party apparatchik, the former useful as advanced benchmark of a thinking and liberal future ruler). Marxism was a phenomenon, not a movement or a living body. One read about it mostly in the work of interpreters of Marxism. To study original documents (which were banned), one applied to read them and then had the opportunity to access them from shelves that were kept under lock and key and overseen by “responsible people” (O yes, and one had to be a post-graduate student, one has to mention).⁴⁰² In Political Science we had hard-core approaches. We were neutral. We read Huntington and we were objective. We also studied American election politics ...

I suppose one never knows where scepticism starts and knowledge begins. One picks it up, however, if someone tries to suggest steering clear from some areas of study or social

⁴⁰² The Institute for the Study of Marxism (Afrikaans: *Instituut vir die Studie vir Marxisme* - ISMUS) at Stellenbosch happened to be one of the places where permission had to be obtained beforehand and students that made use of the facility had to sign a register when consulting “banned literature”. The institute was partly funded by the military intelligence during the 1980s.

activities. One does know for some or other reason when people are beginning to lie or are lying to one. Perhaps to do so forms part of our original imprint as human animals. We could not discuss the ANC or UDF in class – except as a distant research object. In UDF circles progressives were not to discuss the PAC or the Marxist Worker’s Tendency, or at own risk (very much as American children, for example cannot/had better not discuss the issue of whether Al Quada, Hamas or objectors to the occupation of Afghanistan, Iraq and Palestine should be called liberation fighters rather than “terrorists”. In South Africa the so-called “white” population grew up with the notion that all who thought differently were terrorists, except our leaders in power. Those that were not terrorists were liberals or useful idiots, which amounted to pretty much the same thing). The interview with Van Zyl Slabbert which I deal with in Chapter 6 gives more detail on this attitude by the elite and the educational cohort of the authoritarian state. However, training turns into education and the latter, I assume, into lived experiences. I still love and live history and politics as a living, breathing elements of an ever-changing evolution-revolution of the human animal; this despite the fact that some people have tried/are still trying to do it “their” way, the “right” way. Yet I could feel the DIS-stance. It is unsure whether that type of teaching of history and politics left me or whether I left that type of teaching.

I am not interested here in discussing the pleasures or costs of effective or defective memories of sociologists – or any other being for that matter. Memory, re-memory, forgetting and/or suppressing thoughts is universal (see Best, 2006 for an interesting contribution in this regard).⁴⁰³

Behaviouralists and (logical) positivists are right. There is such a clinical and objective world (cut out by and for them). I assume they might be somewhat off-target when they think that “other worlds” and experiences only constitute one paradigm or digm. Some subject disciplines, by virtue of their origin and history, seem to be more prone to solidifying into The Object. Burnier makes a useful point when she suggests that political scientists are apparently cast within statistics; they live in historical/constitutional structures, frequently caught up in behaviouralist research methods and mathematical modelling (the author is writing about the USA). Burnier as a political scientist writes against the grain of political “scientists”. She expounds ideas against isolated hard-core grains; she subverts ruling orthodoxies, it seems. In doing so she re-confirms what we know: “ ... references to the self (in political science, especially) are more formal and social-scientific ... and are less personal ... ” (Burnier, 2006:

⁴⁰³ For an example of RE-memory in the history of South Africa related to the Second South African War/Anglo-Boer War/Boere-oorlog, see the more than just insightful work by Snyman (2005).

415). Her argument is evocative and clear, up close and personal: “Not only does political science lack autoethnographic research, but its overarching commitment to become a science has excluded the personal, the self, from scholarly research and writing ... rarely do political scientists write about their lives ...” (Brunier, 2006: 411). Burnier’s experience in writing about political science in the USA is not much different from South African experiences in this regard.

Historians, but especially also political scientists and theologians, are slow to discover the personal, for reasons unknown. Here and there some avenues are opened up through hard slogging and personal sacrifice that bring academia back into humanity and people-being without an overriding dictating Objectivity. In Africa and Latin America and Eastern civilisations we had, and I trust will continue to have, oral tradition. If all else fails auto-ethnography as deployed here may be an option.

(Personal) writing is hybrid in character, it blends and combines an individual’s story with his or her personal story. It is writing that is not strictly scholarly because it contains the personal, and yet it is not strictly personal because it contains the scholarly ... It erases the false dichotomy between scholarly and personally (Burnier, 2006: 412).

Sociology in South Africa, was perhaps more fortunate than other subject disciplines. The discipline “arrived” in South Africa in the 1930s, long after colonialism⁴⁰⁴. Perhaps through sheer experience in South Africa, sociology both in inputs and bench-ma(r)king and outcomes went further than quantifying. In South African sociology we were perhaps more fortunate with the ebb and flow of one imported Western “academic” discipline. Admittedly it was seen here and elsewhere as a lesser discipline (read: less scientific). To an extent different from for example historians and political scientists, South African sociologists found themselves involved with socio-economic, political economy or politics and critically so; not woven into, but working among and against social orders. Sociology had scarcely arrived in South Africa (the 1930s) before Geoffrey Cronje and Hendrik Frensch Verwoerd propagated apartheid. The latter implemented it as policy, structure and attitude with a full battery of Roman Dutch legislation. Other South African sociologists advanced liberalism and pluralism (Nic Rhodie, Leo Kuper for example and if you wish, Merle Lipton). Liberals advanced their school of

⁴⁰⁴ Much later than talks about one nation, communism, or freedom and retribution and later the practice of colonialism and capitalism.

thought to correct a racially clouded South African society to achieve merit-based equity. Some, not necessarily only liberal, advanced Karl Popper's thinking and entered politics in an attempt to bring about rectifications on an eschewed society. In advocating the open community (enacting an open society) they ceaselessly advocated a negotiated solution to conflict of class and race (I would mention Van Zyl Slabbert and H.W. van der Merwe here). Other sociologists, like a host of other South Africans before and after them, opted for radical options. One may refer to radical sociology, critical theory, or Marxist analysis (the gods forbid that anyone says *praxis*). During apartheid some academics experienced oppression too. Some sociologists went into exile. Harold Wolpe should be mentioned here. Ben Magubane and the late Sam Nolutshungu and Archie Mafeje are examples of sociologists, who were in exile⁴⁰⁵. Some sociologists, in contrast to those advocating apartheid, fought it. Ruth First, a sociologist, died as a result of a parcel bomb sent by apartheid agents instructed by their politicians. Others in other subject disciplines suffered a similar fate: The philosopher Rick Turner and anthropologist David Webster were killed by apartheid security forces, roughly ten years apart. Rightly or wrongly or belatedly, academics were knitted into society. But it is time to talk concepts ...

Some concepts can be used to illuminate the (auto-) ethnographic approach, the SATRC (and other TRC processes), and the politics of transition to democracy and the evolving role of the military in social settings in a scientific narrative. The following I consider a minimum at this moment.

Auto-ethnography

Ethno means people or culture; *graphy* means writing or describing. Ethnography then means writing about or describing people and culture (Ellis, 2004).

Since *auto* mean self, auto-ethnography can be seen as writing about oneself as a particular person and a member of a particular culture – Ellis suggests it straddles autobiography and ethnography, and is both yet neither of these two concepts (Blenkinssopp, 2007).

An auto-ethnographer suggests that since 2000 the term has come to encompass an array of approaches from all social sciences disciplines. In such an approach the researcher to some degree 'gets in front of the camera' ... what auto-ethnography involves is the development of

⁴⁰⁵ The argument is made that exiled South African sociologists strengthened British sociology, for example Mike Morris, Doug Hindson, John Rex and Shula Marks (Gelderblom, 2003: 8).

a life history, through the practical benefit of having a participant (the researcher) who is willing and able to write and re-write his/her story in pursuance of a deeper understanding of how the processes in a specific context unfold (Blenkinsopp, 2007). Auto-ethnography and narrative research have the tendency to become “up close and personal” (Josselson, Lieblich & McAdams, 2003).⁴⁰⁶ Etherington advances that in fields such as sociology, anthropology, educational and health sciences auto-ethnography established itself, while in organisational and management sciences it also found favour (Etherington, 2006: 140). Other subject fields where it is increasingly explored are communication studies, sports science, literature and theatre studies.

While ethnography traditionally focussed on the ‘other’ as an object of study, typically spending time to observe other people in their cultures and societies, the role of the *reflexive researcher* gained importance. “Auto ethnography therefore feels a familiar way and useful way of conducting research, and has (over time) provided a methodology that legitimizes and encourages the inclusion of the researcher’s self and culture as an ethically and politically sound approach that takes into consideration ‘the complex interplay of our personal biography, power and status, interactions with participants, and written word’ ” (Rossman & Sallis [1998: 67] quoted by Etherington [2006: 141]).

Philaretou and Allen argue that auto-ethnography as a reflexive variant of the qualitative research tradition is based on the “one-ness” of the researcher and the subject of research (Philaretou & Allen, 2006:65). They also point out, following Steier, Ronai, Cooley and Olney, that a topic the researcher deems worthy of research is shaped by his or her background, maturity level and state of mind. In this the researcher’s academic background plays a role (Philaretou & Allen, 2006: 65), as much as her/his socialisation from cradle to grave. The reflective researcher utilises a life course perspective (as pointed out by Bengtson & Allen, 1993) by including objective markers and turning point experiences that help push the individual from one development stage to the other (Philaretou & Allen, 2006: 66). The last mentioned authors are at pains to point out that even if the objects of study are living, breathing (and temperamental) human beings, the consultation of printed materials and a serious look at literature assist one to engage, evaluate and relate to both literature and experience (Philaretou & Allen, 2006: 67ff). Hence one cannot escape from understanding that our being in a changing context means working with the tools we have. These tools may

⁴⁰⁶ The complexities of being an auto-biographer, analysing data in this realm and processing such data, are described well by Tenni, Smyth and Boucher (2003).

be differential, suitable, unsuitable or adaptable, even if one finds oneself in the fog and hence needs “to part the clouds”, as implied by the quotation of Tao Te.

The auto-ethnographer and his/her reader will have to live with spatiality and situationality – or, if you wish, ‘subjective conclusions’. The auto-ethnographer knows this and warns his/her reader. In this sense, as an attempt to “part the clouds” of social fog and mist is and should remain humble, truth and understanding are partial and temporary. There is a relevant, positive corollary attached: ”If we scratch the surface about what is said about such ‘objective’ methods, they have much more in common with their ‘subjective’ counterparts than many would like to admit ... the task for *all* researchers is to recognise and come to terms with their/our partial and situated ‘subjectivity’ rather than to aspire to an impossible distanced ‘objectivity’. Once this is done, ‘subjectivity’ is much less a problem and much more a resource for deeper understanding” (Crag & Cook, 2007: 13). I cannot agree more.

Transition

TRC processes and choices on how to deal with a violent past are related to countries that have experienced a *transition* from one form of government to another. The new form of government, the recently achieved status of the *polis*, can usually be defined as that of being a (constitutional) democracy, while the previous government could be regarded as oppressive, dictatorial, highly partisan or authoritarian. In Southern Europe countries with a similar history include Italy, Greece, Spain (some classify Turkey also in this category). In Latin America eight countries, namely Argentina, Bolivia, Brazil, Chile, Mexico, Peru, Uruguay and Venezuela, had experienced transitions by 1990. In 1989/ 1990 Poland, Hungary, East Germany, Czechoslovakia and Romania followed.

In such a context, “transition” may be defined as “the interval between one regime and another. It implies a rapid and deeply changing situation in which the rules of the game are arduously contested, and with political identities and strategies in constant flux” (O’Donnell & Schmitter, 1987; see also Van Vuuren, 1990 and Du Toit, 1990: 1). By implication, transition theory “challenges *conventional* political wisdom and reduces the possibility and applicability of existing deterministic methods of analysis. It calls for a new type of theoretical analysis” (Van Vuuren 1990:1).

The transition may be viewed as a complex (even obscure process) in which the fixed lines present under authoritarian rule are less clear. In other words, the rules of the game are in

constant flux and are contested by the “old” incumbents of power and the contestants of the old order. In the old order there was no place for “politics”; but now the space for “politics” is created amid these “contestations”, as transition theorists refer to it. During the transitional stage, there is an upsurge in opposition and resistance, and a resurgence of grassroots politics. In this new context, while there are not yet formal political parties and civil society is weak, grassroots organisations gain momentum. In due time civil society is resurrected (Du Toit, 1990: 3). Transition theorists refer to this as a *popular upsurge* that is critical to the transition.

Transition theory calls for an escape from rigid theoretical frameworks or paradigms used by those that analyse or describe the political world. (The escape from rigid frameworks is one common area shared by transition theory and qualitative or exploratory research.) For those taking part in this constant flux of dynamic politics, an escape from ideological prisons is more applicable – if not more advisable. “Trade unionists, grassroots movements, religious groups, intellectuals, artists, students, clergymen ... all support each other’s efforts towards democratisation, and coalesce into a greater whole which identifies itself as the people” and “emerging popular fronts take to the streets and press to exploit and expand the limits of liberalisation” (Schimmer & O’Donnell quoted by Du Toit, 1990: 3).

In recent history it seemed that there was some generic, if not universal movement towards democracy, if not in practice, then at least globally in the conception of people. There was a tendency to embrace democracy – and hopefully the practical application of it – on a fairly universal level (Schmitter, 1990: 2; Du Toit, 1990). To an extent some aspects of this vision remain in the international community. This tendency can be observed in Latin America, Southern Europe, Eastern Europe and Africa (among others in Mozambique, see Riley 1991:2 ff). Some argue that this also applies to some of the republics that previously belonged to the Union of Socialist Soviet Republics (Higley & Pakulski, 1992). This seemingly universal trend towards democracy is observed by, *inter alia*, George Modelski (1990: 2), Riley (1991: 2ff), Diamond (1989a: 5), and Gitonga in Chege *et al.* (1988:2). Countries/societies in transition enter a context of non-predictables. The transition itself is an uncertain process (O’Donnell, Schmitter & Whitehead, 1988). “The key role of *uncertainty* (is) an overriding factor in transitions. (This implies) a need for a new political theory and even epistemology: *possibilism* defined as distinct from *determinism* and *probabilism*.” Transition, in practice as well as in theory, is thus uncertain, open-ended and reversible. This certainly applied to South Africa during the 1990s (Slabbert, 1992b: 5; Slabbert, 1987: 5ff). Transition can lead to a democracy, even if fragile (one has to admit that regression to a non-democracy remains an ever present reality). Quite clearly, the end of an authoritarian regime does not spell a

democracy, nor protection of human rights. The sociologist Anthony Giddens cautions that the perceived “globalisation of social life” imposed by powerful hegemony may lead to greater divisions: poverty and social disruption (read: *conflict*) rather than democracy. Think for a moment about Afghanistan, Iraq after the 1990/91 and 2001 wars, and Zimbabwe. On a cautionary note: Even so-called stable or highly developed (industrial) democracies in times of perceived crisis can regress to authoritarian states, a recent example being the USA. “Don’t be misled by (a) simplified summary to think that there is a single and inevitable process of transition to democracy at work in history. (There remains) the complex and uncertain nature of transition, the many ways it can go wrong, be aborted, or be turned back” (Du Toit, 1990: 2).

As an *open-ended* process, transition reflects the following characteristics:

The “hard-soft” dichotomy: Authoritarian regimes, at some point in their existence, reach a *kairos* (a moment of truth) regarding continued repression and legitimacy of the state. The *hard-liners* and *soft-liners* within the ruling authoritarian regime begin disputing, arguing, and challenging each other about the viability of the status quo. Such internal disputes may be the result of external pressure or internal infighting, or a combination of both. The difference between hard-liners and soft-liners (Spanish: *duros* and *blandos*) is of great importance. In the South African context of the latter half of the 1980s and the first half of the 1990s these actors were described as *verkramptes* vs. *verligtes*, *valke* vs. *duiwe*, *securocrats* vs. *neo-verligtes*. The former were pro-status quo imposed with security measures, the latter debated *forms of reform* (Liebenberg, 1990: 106ff; 1994(a), 1994 (b): 113ff; 1998, 137ff. Also see Sam Nolutshungu in an earlier work, 1975: 382–383, Slabbert, 1970: 13ff).

Liberalisation: A process – though limited – of redefining and extending rights to people who did not have them previously (*the masses* – if you like), “... making effective certain rights that protect individuals and social groups from arbitrary or illegal acts committed by the state or third parties” (O’Donnell & Schmitter 1989: 7). As a result of the difference between hard-liners and soft-liners, and following the growing influence of the soft-liners, politics become *liberalised*. “The hard-liners (or *duros*) are those who, contrary to the consensus of this period in world history, believe that the perpetuation of authoritarian rule is possible and desirable ...” In stark contrast to the *duros*, one finds the soft-liners or *blandos* who “increasingly become aware that the regime, to survive needs to be legitimate and to attain that legitimacy internally and internationally. It speaks for itself that while the

duros fail to see that imposed power cannot hold in the long term, in contrast the *blandos* come to the realization that continued imposition of harsh power measures cannot hold. It does not mean that *blandos* necessarily have good intentions in their arguments for change, nor that they are altruistic. International and internal resistance can force them to this position. They may well take the *blando* position for opportunistic reasons. South Africa was a case in point. Some *liberalisation* is needed” (O’Donnell & Schmitter, 1989: 15–16). In fact liberalisation becomes a social commodity, unseen before. It is at this point that space for politics opens up and the limited recognition of rights takes place (read: limited reform). This is usually accompanied by some movement towards the rule of law or at least some recognition of the rule of law.

In the words of a South African scholar, liberalisation is “the transition from autocratic rule to recognition of individual and other rights and the establishment of rule of law” (Du Toit 1990: 1). Logically these “new freedoms” brought about by *liberalisation* open “strategic gaps” for the challengers to push for more changes and can be used to usher in real democracy. Multiple manifested elements of, for lack of a better word, *civil society* are established. (Personally, I prefer the term *civil community* in our context – for obvious reasons.) Differently phrased, the active conglomerate of pressure groups, activist bodies, unions, churches and religious bodies undergoes a ‘generalised mobilisation’— called the “resurrection of civil society” by O’Donnell and Schmitter (1989: 48).

Liberalisation is not irreversible. Not even democracy is. The hard-liners in the state can take over again, or begin to dominate politics, thus closing *strategic gaps* or reversing the process of liberalisation (or hard-liners may choose to undermine hard-won democratic structures and attitudes). At the stage of liberalisation, incumbents and contenders are usually proposing juxtaposed hegemonies (Du Toit & Esterhuyse, 1990).

Keeping what has been said look and reflect on the figure below:*

Following liberalisation and negotiated transition from authoritarian rule to some form of democracy, the new *polis* or political community decides on ways and means to deal with past injustices. They may choose to “forgive and forget” (i.e. the South African Union government following the Anglo-Boer/South African War [1999–1902]; the Zimbabwean government after the war of liberation [1980]; Namibia following its independence in 1990; the Spanish people in 1977 after the demise of the Franco regime), or decide on a truth and reconciliation process (i.e. Chile, Argentina, South Africa, Rwanda, East Timor, Cambodia).

In conclusion, it should be noted that a TRC as a post-transitional measure is not synonymous with transition or democratisation, nor a requisite. Not all countries that made the transition from authoritarian rule opted for TRCs. Furthermore, one needs to note that not only human-rights issues but also the integration of the armed forces, their new structures, institutional arrangements, vision, mission and future posture are being mooted at this stage (see Ginifer, 1995: 49ff; Nathan, 1994: 52ff; Phiri, 2001: 127ff; Williams, 2002: 17ff; Frankel, 2000: 30ff, 47ff).

Democracy

In current debates and dialogues the concept of democracy stands central. The “universal acceptance” of democracy as a notion in its root-meaning differs from context to context. Compare, for example, Larry Diamond’s arguments about the value of liberal democracy with Ramose’s (1999) on African-based democracy. Or think about the trend concerning deliberative democracy as a substitute or complementary to representative democracy. Or conceive of deliberative democracy as an attempt to give some body to radical, grassroots or direct democracy. Amid a war of words and an array of contending theories it may be worthwhile to explore (or track) the trials and tribulations of the notion through its seeming obscurity, in order to construct a contextual *working definition* of democracy or, to put it differently – search for a *bare minimum* or *generic outline* as to what constitutes democracy in generic terms.

Terms such as democracy and ideology present a war of words, even a linguistic morass, which has driven many societies into semantic battlefields and real-life trenches, with ghastly consequences. In an exploratory study such as this, it was not the aim to solve this debate, but to take note of it as an inescapable backdrop. It speaks for itself that not all nuances and

interpretations, nor the full spectrum of debate on definition, can be accommodated. What is rather intended is a discussion of the spectrum, related approaches and/or definitions of the term. This section will demarcate core features or dimensions, and illuminate some approaches to the concept and practice of democracy. I do this because the notion of transition and democracy (negotiated in the case of South Africa) relates closely to attempts to deal with post-conflict reconciliation (or at least social accommodation). In this sense democracy “achieved” cannot be separated from the post-transitional choices on how to deal with human-rights abuses. I also deal with the concept here as the democratic state and references to democracy frequently come up in this document.

One has to bear in mind that a mere change of government sometimes also invokes retaliatory steps to deal with the previous incumbents. In the case of South Africa this option could not be entertained as a legitimate instrument of effecting reconciliation or cultivating working CMR. In such cases, it has to do with revenge alone, not necessarily the enhancement of CMR and the sustained and value-added protection of human rights (the recent execution of Saddam Hussein and the continuing civil crisis, in many respects worse than before the rule of Saddam, come to mind here).

Robert Dahl presents one definition of democracy when he states that democracy reflects “processes by which ordinary citizens exert a relatively high degree of control over leaders” (Vanhanen, 1990: 8). He distinguishes three types of democracy: *Madisonian democracy* (an ideal type with a balance of power between majorities and minorities), *populist democracy* (majority rule – an ideal prototype; popular sovereignty of the masses and political equality) and *polyarchal democracy* (a “regime of elected representatives which is characterized by a degree of public contestation and participation that approaches the ideals of democracy” (Vanhanen, 1990: 8). For Dahl, a “conservative democrat”, democracy cannot be attained in the real world (Dahl, 1989: Chapters 5 and 6). Therefore, *polyarchy* is to be accepted as the best alternative. Dahl’s *polyarchy* implies a relatively stable mix of liberalisation and democratisation (see O’Donnell & Schmitter, 1989: 12). Like Milbrath (1965), Dahl does allow for political participation. But an important qualification enters the picture: Public participation forms but a part of representivity and the central role of the elected elite.

Lijphart (1987) identifies two models of democracy: *Westminster majoritarian democracy* and the *consensus model* of democracy. These two constructs differ at several levels. The former may not always strive for consensus. The latter – by catering for selected groups (and

their respective elites) – may not satisfy the more extremist groups (and elites) as it continuously seeks consensus.

Rolf Schwendter (1974) argues that democracy has become an “empty” concept, that there is a need to redefine and, *ipso facto*, radicalise the term. His concept of democracy is an explicit criticism of Dahl’s *polyarchy*. Thus, Schwendter speaks of models of radical democratisation (Dutch: *modellen voor radikale democratisering*) and suggests the following options or a mix of them: (1) a model of decentralisation, (2) a rotation model, (3) a team model and (4) a concurrence model (Schwendter, 1974: 7, 32 ff). By constructing these models, Schwendter attempts to radicalise the concept and to bring it back to the person in the street, the place of work and rural areas; a return to grassroots.

Lukács (1991: 153), an influential Marxist thinker, argues in *Demokratizierung Heute und Morgen* for a revitalised non-liberal democracy; non-Stalinist, yet thoroughly Marxist, which “is still qualitatively distinct from bourgeois behaviour ...” The end result cannot be foreseen (an argument that reminds one of the later Marcusian and Habermasian “neo-Marxist” insights). Yet, the outcome should be striven for and lead “us to that future” (Lukács, 1991: 170).⁴⁰⁷ The result may well be a democratic polity beyond the free market, globalist new order advocacy or “Stalinist” interpretations of communism, thus providing an optimal and radical fusion of the horizons of previous exclusive notions/paradigms of democracy. Following the disintegration of one socialist state, the Soviet Union, many believed that communism had died, that a new global order was on the horizon and that liberalism and capitalism in tandem had spoken the final word (Fukuyama, 1990: 8 – 13). A short time later it became clear that, far from freedom or wealth, capitalism did not improve the state of the poor (Giddens, 1995: 536ff; Martin & Schumann, 1998: 139ff, 163ff, Marais, 2003). New social movements arose internationally, countering capitalism and what they perceived to be authoritarian liberalism (Anheier *et al.*, 2001: 20; Glasius *et al.*, 2002). With societies increasingly active against the “New World Order”, some started speaking of “the rise of postmodern socialisms” as an alternative to capitalism and liberalism or the relativist anti-

⁴⁰⁷ Interestingly Ellis and Bochner refer in their advocacy of auto-ethnography as part of the qualitative approach to “textual responses to a modern condition”, taking a cue from Lukács (1920). Lukács refers to the individual novel bearing a quality of yearning ... for integral communities and a desire for immanence and continuity in the midst of fragmentation, in other words “transcendental homelessness” (Ellis & Bochner, 1996: 187). The debate on the contents of a democracy resembles metaphorically the auto-ethnographer’s inward look, yet retaining the involved look outward (“wrestles with a shadow, certain of never laying a final hold on it”). Those grappling with the monumental, yet momentary nature of democracy find themselves “now” having a grip on it, but the reality of the slippery grip remains unchanged (Afrikaans: *die verglydende greep*).

historical school of post-modernism (Burbach, Nunez & Kagarlitsky, 1997). Others chose *radical situationalism* (Plant, 1992).⁴⁰⁸ On the imperative for economic equality Ivan Ollevier remarks: “De beperkingen en de interne kontradiksies van de vrije-markteconomie zijn er, na de val van de Berlijnse Muur, niet kleiner op geworden ... (Misschien) creert de 21ste eeuw opnieuw antikapitalistische horizonten ... de morele engagement blijft overeind” (1997: 309). [English: “The limitations and contradictions of the free market system did not become less after the fall of the Berlin Wall ... (it is likely) that the 21st century will create anew anti-capitalist horizons ... the moral engagement (against capitalist exploitation) remains”.] Ollevier’s statement suggests not surprisingly that after the fall of the Berlin Wall social contradictions are not less, the free market neither really free nor shared and that new anti-capitalist horizons and struggles come to the fore. In Latin America a revival of anti-capitalist ethos seems to be on the move.

Although the Marxist or even the seemingly discredited notion of a Marxist-Leninist conception of democracy differs drastically from Western definitions, Vanhanen (1990: 11) rightly contends: “Marxists also mean the rule of the people”. The same applies to anarchist-syndicalist approaches to democracy (Joll, 1979; Marshall, 1992). The debate about, and notion of, democracy ensues from vast conceptual differences.

Seymour Martin Lipset defines democracy as “a political system (that) supplies a regular constitutional opportunity for changing the governing officials. This provides a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office.” According to Vanhanen this definition has been derived from those of Schumpeter and Weber (Vanhanen, 1990: 9). For others, *responsibility* (to the people) is the key to democracy.

In contrast, Sartori argues that democracy can be deduced from making clear what it is **not**. In my view, Sartori holds a worthwhile perspective: For him democracy is the opposite of autocracy, thus *non-autocracy* (Vanhanen, 1990: 9).

In more limited definitions as used by Diamond, Lipset and Linz, democracy denotes a system that meets three essential conditions: *meaningful* and *extensive competition* among organised groups and individuals; a highly inclusive level of *political participation* in the

⁴⁰⁸ I remain thankful to the late Ruhr Martin, a trusted friend and colleague with an uncompromising mind and piercing sociological intellect, for bringing the Situationist International to my attention. Ruhr, a not particularly conventional contemporary Marxist, remained open to other radical gestures to achieve a society of non-negotiable equality.

selection of leaders and policies; as well as sufficient civil and political *liberties* to ensure the integrity of political competition and participation (Vanhanen, 1990: 10).

Leonardo Mortino provides another definition when he describes democracy as “a set of institutions and rules that allows competition and participation for all citizens considered as equals”. This includes free, fair and recurring elections, male and female universal suffrage, multiple organisations of interest, different and alternative elections and sources of information (Vanhanen, 1990: 10). In this, public participation on all levels plays a crucial role.

For O’Donnell and Schmitter, and the South African political scientist Willem van Vuuren (1993: 11–12), *citizenship* is the guiding principle of democratisation. There should be, flowing from this principle, a *procedural minimum* that includes secret balloting, universal adult suffrage, regular elections, partisan competition, associational recognition and access, and executive accountability and perhaps even “economic democracy” (O’Donnell & Schmitter, 1989: 8). The procedural minimum that O’Donnell and Schmitter (1989) identify makes a lot of sense in combination with Vanhanen’s definition of democracy as “a political system in which ideologically and socially different groups are legally entitled to compete for political power and in which institutional power holders are elected by the people and are responsible to the people” (Vanhanen, 1990: 11).

The above definition implies, at the very least, regular elections, multi-party democracy and the rule of law. Furthermore, it could include *economic democracy* (Slabbert, 1992a and b; Houston & Muthien, 2000). For Slabbert (1992a; 1992b) this, apart from the two “fundamental political principles” of “contingent consent” and “bounded uncertainty”, boils down to the following “rules of democratic procedure”: (1) political decisions binding on society to be taken by elected officials, (2) regular elections free of coercion and partisan manipulation, (3) adult suffrage (with limited provisos), (4) freedom of organisation, speech and access to information, (5) no external imposition of political decisions (demonstrable state autonomy), and (6) no interference by non-elected officials in the state’s policy making or implementation (Slabbert, 1992a: 4). Under Slabbert’s last category one would necessarily include state bureaucracy. Relevant to this study are especially the military, security agencies such as intelligence services and the police service. [For South Africa, given its recent history of apartheid and developments under the Mbeki government, this early warning needs to be heeded. See also recent criticism by Slabbert on the state of the democratic state in South Africa (Slabbert, 2006: 142ff)]. If these rules of democratic procedures are constitutionally

entrenched and allow for the free flow of information, competition among contenders, continued debate about social responsibilities that includes the liberal-radical debate (implying social change), as well as economic and political restructuring, the resultant political entity may be termed a *democracy*.

In concrete terms, political democracy is not the *sine qua non*, but should be *socialised* to include *economic democracy*. Practically, this would equal “(radical) *social democracy*” or “*democratic socialism*”.⁴⁰⁹ O’Donnell and Schmitter (1989) remind us however, that frequently, if not by far in the majority of cases, economic democracy is not attained. New democracies tend to “freeze” at the moment when *political democracy* is achieved and economic democracy is left behind. To concretise the argument, the following is relevant: In a global capitalist economy based on the free flow of capital, cheap extraction of material resources and human capital, as well as “liberalisation of the labour market” that builds on the dependency (and exploitation) of peripheral economies to the benefit of the financial elite of rich countries, achieving economic democracy seems to be a mirage. Unless globalisation can be “turned upside down” economic democracy will not be attained. On the contrary – even if economies of peripheral states grow positively, such as in Southern Africa – the net result remains an increasing gap between rich and poor, or at best “jobless growth” with the financial and political elite sharing optimally in the free flow of capital and profit and the greater part of the population remaining the “disadvantaged” (Compare Marais, 2000).

Regardless of the definition of democracy used (I am in favour of *radical social democracy* or variations of *economic democracies* or even *democratic socialism*), for the purposes of the study the much-needed “sound CMR” and the protection/safeguarding of human rights are constitutionally imperative. New or young democracies, in addition to the above, are faced with the challenge of how to deal with an oppressive past. Thus the link between

⁴⁰⁹ *Social democracy* and *democratic socialism* are two different forms of democracy. In terms of focus on the welfare of the citizenry and provision of services by the state, they bear some similarities. However, in terms of historical and intellectual roots they differ. Radical *social democracy* accommodates both the market and the state. It aims to protect the citizenry from the negative exploitative effects of the free market, but accepts the market as a reality – albeit a problematic one. *Democratic socialism* has its roots in forms of communalism. These intellectual roots may stem from anarchist or anarchist syndicalist approaches. The latter may be complemented by Marxist approaches. Democratic socialism may also derive its praxis and vision as an alternative to centralist Marxism, such as Marxism-Leninism or a centralised communism influenced by a strong leader (the Soviet Union under Stalin, for example) – a rigid ideology of communism thus, subsumed by a personality cult. In *democratic socialism* attempts are made to move away from centralism, but the eventual vision of doing away with the market remains. *Democratic socialists* criticise such centralism. They make it their commitment to democratise the socialist system.

democratisation, democracy and the four typologies of post-authoritarian choices, of which TRCs form one, needs to be addressed.

Another definition, not unrelated to the preceding, is the notion of *participative democracy* (not *participatory democracy*) in current South Africa. Among others, Houston (2001) accepts that South Africa has entered a stage where corporatism plays a role, where the country's democracy is not labelled a popular democracy, or participatory democracy, and where elite structures have a major influence. Public participation is encouraged through the various constitutional, national, regional and local structures. Houston (2000) argues that the mediation of participative structures implies that the current form of democracy in South Africa may best be termed *participative democracy*. Again both participative democracy and participatory democracy (the latter more so than the former) imply optimum public participation by the civil community (Roefs & Liebenberg, 1999: 279ff). The South African philosopher, Rick Turner, assassinated by apartheid agents in the 1970s, suggested a radical participatory democracy for South Africa (Turner, 1972, *The Eye of the Needle: Towards Participatory Democracy in South Africa*. New York: Orbis Books). At the time his proposal, to say the least, was not well received.

Held (1987), in a seminal work, identifies several models of democracy, namely *classical democracy*, *protective democracy*, *developmental democracy*, *direct democracy*, and more. Other terms that crop up are referenda- and indirect democracy, demarcy (a random selection of citizens to represent others to take decisions, usually within demarcated areas of governance), grassroots democracy, non-party democracy, such as the past experiment in Uganda (Libya as another possible example), e- or internet democracy and world democracy (<http://en.wikipedia.org/wiki/Democracy/varieties>).

Some also add "deliberative democracy". Within in a blinding array of theories of democracy the term *deliberative democracy* or *discursive democracy* comes up. On a website such as *Wikipedia* at least 14 forms of democracy are listed. Among these manifestations of democracy are anticipatory democracy, consensus democracy, direct democracy, illiberal democracy, liberal democracy, non-partisan democracy, representative democracy, republican democracy and social democracy, some of which I referred to. Wikipedia at the time made no mention of the notion of non-party democracy, such as was implemented in Uganda under Yoweri Kaguta Museveni following his coming to power in 1986 (George, 2004: 5, 8–9, 10–11).

Deliberative democracy came to the fore as a model that attempts to increase levels of participation through a moral commitment to inclusive discourse. It had to take note that indirect democracy or representative democracy, which more often than not results in government by the elite, does not offer enough in democratising economies.⁴¹⁰ Moreover, when it comes to assisting in problem-solving and hands-on levels of policy-making for the citizen, *deliberative democracy* is suggested if not advocated as a viable alternative. Some argue that deliberative democracy as a concept offers little new as its sources are existing models and attempted applications of and reconciliation of these notions. Sources of deliberative democracy (a notion that was coined in the 1980s) are among others social democracy, participatory democracy, republican democracy, democratic socialism⁴¹¹ and the longing for direct democracy, grassroots democracy and elements of communitarian alternatives.

Deliberative democracy is frequently offered by its advocates as an alternative to other forms of democracy. Deliberative democracy, in contrast to direct democracy or classically termed *pure democracy* that is based on the thesis that all citizens can directly participate in political decision-making (<http://wikipedia.org/wiki/Democracy/varieties>), refers ostensibly to a *system of political decision making based on some trade-off of consensus decision making and representative democracy. Theorists of deliberative democracy argue that lawmaking can only arise from public deliberation by the citizenry* (<http://en.wikipedia.org/wiki/Deliberative...>).⁴¹² How much this definition differs from, or agrees with, consociational democracy as advanced by Lijphart in terms of consensus-seeking, is an open question not addressed by “deliberative democrats” – especially outside Europe where its roots are found. (One has to mention that in Europe the term tends to be discursive democracy.)

The South African political philosopher Johan Degenaar became known for his saying that in a democracy every term is contested and that each term has to be negotiated and re-negotiated

⁴¹⁰ It is common knowledge that individuals such as John Rawls, Jürgen Habermas, Carlos Nino and in South Africa, Johannes Degenaar, in their work committed themselves to bring morality in politics “back in”. Once morality is mentioned, “discourse” follows and so does human agency. So do directed attempts to inclusion. Incidentally the former characteristics apply to virtually all definitions of democracy.

⁴¹¹ Democratic socialism in turn has many sources. Some advocacy of it can be found in the work of Gramsci, Lukács, and various others.

⁴¹² The term deliberative democracy was originally coined by Joseph Bisette in the 1980s (<http://en.wikipedia.org/wiki/Deliberative>), though much of the original impetus of the rational discourse was implied much earlier in the works of Jürgen Habermas. Others that contributed later were John Elster, Joshua Cohen, John Rawls, Amy Gutmann, Dennis Thompson and Seyla Benhabib (<http://en.wikipedia.org/wiki/Deliberative>). Another name that immediately comes to mind is Carlos Nino.

continuously. Deliberative democracy entails much of this. Joshua Cohen, a student of Rawls, outlines some conditions for deliberative democracy:

- Ongoing independent association
- Deliberation (on issues) is the deciding factor, and may be resumed at any stage
- The deliberative procedure is the source of legitimacy of the discursive process of decision making
- Respect for plurality and the discursive ability of the others in the process (<http://en.wikipedia.org/wiki/Deliberative>). Such deliberation aims at a rationally motivated consensus and exhausts all possible alternatives before a decision is taken and implemented. Even then it still remains open for deliberation.

While some argue that deliberative democracy is a left-wing political idea, others present it as it is a neutral and open-ended process (<http://en.wikipedia.org/wiki/Deliberative>). The argument that deliberative or discursive democracy has leftwing origins carries weight. Some names associated with the notion, such as Jürgen Habermas, Joshua Cohen and Jon Elster, in their earlier works are associated with Marxist thinking.⁴¹³

The above is not the case everywhere. In the USA where Marxism tends to be feared and despised, the term is frequently advocated. In the USA many see deliberative democracy as a project that has application value on local government levels. In some quarters it became a near enterprise. The Deliberative Democracy Project argues: “Deliberative Democracy fosters a democratic dialogue among citizens and offers a useful middle ground between traditional representative democracy and direct democracy” and “Deliberative Democracy forges a new relationship between citizens and their government, changing the nature of public discourse to focus on problem solving and a shared search for solutions” (<http://www.uoregon.edu/-ddp>). The notion of democracy is influenced by context and in travelling from one society to another adapts or transforms. In the USA where strong arguments are made against direct democracy, representative democracy is seen as a possible optimum (described by Robert Dahl as *poliarchy*)⁴¹⁴, deliberative democracy may manifest itself differently, for example in the Netherlands or Germany or India if put into practice. For the Deliberative Democracy

⁴¹³ For an example of contributions made by Jon Elster and Joshua Cohen to the Marxist debate, historical materialism and human agency, see Martin (1995: 26 – 34). Together with Theodor Adorno, Herbert Marcuse, Erich Fromm and Max Horkheimer, Habermas became closely associated with the *Frankfurter Schüle*.

⁴¹⁴ Bachrach correctly remarks that it should better be termed democratic elitism, a branch of indirect democracy (Vasović, 1992: 90).

Project deliberative democracy “is founded on the belief that citizens care enough and are smart enough to participate meaningfully in the deliberative process of making public policy” (<http://www.uoregon.edu/-ddp>).

What identifies deliberative democracy, its advocates contend, is that it frequently reflects an outreach process to marginalised groups, isolated or ignored groups. Supporters of deliberative democracy claims that it gives “a different kind of citizen voice in public affairs”, that it can be complementary to other’s approaches and “will cultivate a responsible citizen voice capable of appreciating complexity while simultaneously recognizing the legitimate interests of others – including adversaries and that it can generate a sense of common ownership and action” (<http://en.wikipedia.org/wiki/Deliberative>). The critical reader may ask: What form of democracy anywhere does not attempt to reach out to marginalised groups or does not attempt (even if only in theory) to achieve equality and does so among others, through verbal contestations and agreements?

The notion of discursive democracy (as with many other views of what constitutes democracy) rests on the rationality of human beings and accommodation of differences. If I read him correctly, Jürgen Habermas, to whom I referred as one of the most prominent contemporary proponents of discursive democracy, makes a point that one has to accept: Most likely such a form of democracy is best suited to a *nation of self-chosen citizens*.

One may agree with Sirianni and Friedland (2007) that deliberative democracy rests on the core notion of citizens and their representatives deliberating about public problems and solutions under conditions of reasoned reflection and refined judgment. One may agree with the notion that deliberative democracy is “often an open discovery process, rather than a ratification of fixed positions” and “having potentially transforming interests” (<http://www.cpn.org/tools/dictionary/deliberate.html>).

The notion of deliberative democracy brought some arguments into the vast arsenal of views and contestations about democracy and its applications. For its supporters it means new avenues and applications. How much of it can be followed through is another matter. Whether it gives insights other than what we already find in the creative application of elements and insights of other forms of democracy as discussed here is to be seen. What is indisputable is that it has become an energetic theoretical enterprise since 1980, building on the work of

Jürgen Habermas's notion of rational interactive communication, as well as the ideas of earlier radical social democrats.⁴¹⁵

In discussing policy choices such as the TRC Act, one may argue that not all options to deal with past transgressions of human rights and methods to deal with the transgressors were deliberated in South Africa and that the SATRC was largely a policy decision implemented before the discourse on other options was exhausted. The SATRC was partly a result of a negotiated transition, partly a deal between elites that did not want to open up the past fully, partly a result of advocacy by people that found the Latin American examples attractive and in the final instance was a policy decision. Some may argue that it was a totalising project from the beginning and hence less democratic, while others may argue that its totalising nature was an unintended consequence of the experiment. If deliberative democracy was applied and exhausted in the process, one may argue that any one of the other options mentioned in my typology could have been used. My discussion of the SATRC - and for that matter TRCs elsewhere - relates closely to transition, democratisation and the maintenance of democracy. The Rwandan approach following the genocide allows for deliberation on how to deal with past transgressions of human rights.⁴¹⁶

My personal view on deliberative democracy, especially when it is construed as a 'programme' (usually by a foundation or appointed network), rather than social attitude, is that it brings little more to the available array of democratic theories and applications in the collective historical warehouse of democratic experiments that we have. All democratic activities reflect – or should be honed to reflect/embody - processes, participation, choices, policies and individual/collective deliberation. Whatever deliberative democracy can offer as an institutionalised programme, we find already on the smorgasbord of previous theories, models and applications. What rather matters, is how the best elements of existing approaches can be intertwined, arranged and fused in a complementary manner and applied to the optimum benefit of society, social justice, and equality to benefit the citizenry, including marginalised groups or classes, such as the jobless and the poor.

From the preceding discussion, it may be argued that democracy within a self-chosen territory with structures chosen by such a nation of citizens, entails rule by the people or the citizenry. Differently phrased: It is a choice for a democratic system by a self-chosen nation of citizens -

⁴¹⁵ The discourse on deliberative democracy in the USA tends to "purify" the notion from its Marxists roots, which is not surprising.

⁴¹⁶ See my notes on the Rwandan approach in Chapter 4.

the latter derived from Habermas's notion of a nation of self-elected citizens (see, among others, Liebenberg & Duvenage, 1996: 53). Such a system usually entails a written constitution or an unspoken, yet firm, tradition of accommodating participation and dissent. The citizenry, whether through multiparty systems or other inclusive participative structures and processes, is enabled to depose one leadership for another.

In my view a working definition would imply the following among others:

In its most generic form, the preceding implies inclusion, the right to dissent, public participation on all levels of government, and full protection from abuses by the state or antagonistic groups within the territory. Moreover, this approach includes not only the political but also the economic sphere, and allows for processes aimed at economic inclusion and equality (versus mere equity); or, what other theorists referred to as socialisation of the market, redistribution of scarce resources and sharing of wealth.

Jürgen Habermas, in an essay titled "Three normative models of democracy", argues for a democratic process that is inclusive and wide-ranging enough to eclipse both Republican and Liberal notions of democracy and "more" (Habermas, 1994: 1– 4). For him, communication and discourse theory, the insight into it and application of such insights can lead to an enriched notion of democracy and application of the socio-political consequences of it. "Discourse theory invests the democratic process with normative connotations stronger than those found in the liberal model ... it takes elements from (different) sides and fits them together in a new way" (Habermas, 1994: 7). "Discourse theory has the success of deliberative politics (in not only depending) on a collective acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication. Proceduralised popular sovereignty and a political system tied into the peripheral networks go hand in hand with the image of a decentered society" (Habermas, 1994: 7).

The law or the legal system has a role to play: "On the other hand, politics must still be able to communicate, through the medium of law, with other legitimately ordered spheres of action, however these happen to be structured and steered" (Habermas, 1994: 10). The definition of, and content given by him, for an ideal workable democracy indeed provides challenges for a new state or *polis*.

Democracy and “developing states”

Abootalebi (1995), Enemuo (1992), Oyugi *et al* (1988), Fortman (1994), Mamdani, Mkandawire and Wamba-dia-Wamba (1988) refer at length to the challenges facing democratising states in Africa. These challenges include curbing the influence of power-hungry elites, kleptocrats, resource-grabbing by agencies/actors outside the country, fragmentation under warlords or “strong men” and the abuse or monopoly over the military and/or militant factions.

I will not deal here at length with all controversies concerning democracy in “developing countries” or young democracies. They are manifold, such as the role (or rather, negative role in my view) of modernisation theory as pointed out by Copans (1991), the possibilities of return to non-democratic rule (Riley, 1991), the strengths and weaknesses of dependency theory in Africa, conceptual and practical differences on democracy as a notion when democracy is discussed (Ake, 1992; 1994; Mamdani, Mkandawire & Wamba-dia-Wamba, 1988; Enemuo, 1992; Ihonvbere, 1992) and issues of the gap between theories of democracy and theories of democratisation (Allison, 1994). As with the notion of deliberative democracy, I do not intend to enter the extensive debate on the democratic developmental state that White (1995) addressed. For the benefit of the reader, I will spend some time discussing the democratic system and attempted reconciliation and controls over security forces in South Africa.

With regard to the transition to democracy in South Africa, Gloppen remarks that the following constitutional issues influence the content of South African democracy: Firstly, both the interim constitution (IC) and the new constitution (NC) reflect elements of participation and representation. Secondly, she argues that the “justice-model” of the South African constitution emphasises “participation rather than representation” (Gloppen, 1997: 237). Importantly, however, she ventures into suggesting that the NC does not depart from participation, and is “directed more towards representation” (Gloppen, 1997: 238). Perhaps for this reason Gregory Houston opted for the term *participative democracy* referred to above.

Taking Gloppen’s view into account, and considering the discussion above, one may expect future tension between various elements in South African political dynamics. Some of these tensions are already evident in the conflict between labour and government, the ANC Youth League and the presidency, and differences on the macro-economic policy of government, land reform and the widespread occurrence of crime and corruption. At the moment it seems

that a consultative and deliberative approach between the ANC, Cosatu and the Communist Party still balances these tensions. It is, however, also clear that rather enhanced manifestations of socio-political conflict are occurring that may potentially forge an (other) organic crisis onto the South African political system⁴¹⁷.

The nature of the South African democracy allowed for a consultative process such as the National Economic Development and Labour Council (NEDLAC). For some it represented corporatism, for others deliberative democracy, and for others elite agreements (Houston, Mpanyane & Liebenberg, 1999: 75ff).

In South Africa's emerging democracy the DRP is one example: through public participation citizens – even from contending backgrounds – were allowed to participate in, and review, the vision, mission, role, force projection and budgetary requirements of the new SANDF. And, of course, the SATRC formed part of the compromises within the emerging democracy. The TRC Act however allowed for wide national and regional participation. At the same time it cannot be denied that some may have viewed the TRC as a “totalising project”, an attempt to rewrite history, to create a single, unified consciousness. This sparked debates on the role and outcomes of the exercise, in my view.

Democratisation

Democratisation is closely linked to “democracy”, as the move from liberalisation to democracy is termed democratisation. Mere “change” should not be confused with democratisation. “There are instances in which looking only for democracy is a losing proposition. First we need to identify WHAT it is we wish to study. Then we need to challenge our use of terms to be sure what we say is as accurate a reflection of what we observe as possible” (Cole, 1990: 3). With regard to South Africa I concur with Du Toit that merely using the word change “in an unspecified way can mean many different things, and not all of them are necessarily positive developments” (Du Toit, 1990: 1).

While the terms *liberalisation* and *democratisation* are not synonymous, they have a close historical relationship (see O'Donnell & Schmitter, 1989: 9). What is important is that *liberalisation* may exist without *democratisation*. However, it is difficult for democratisation

⁴¹⁷ The political analyst Hein Marais (2001) refers to an “organic crisis” that led to the demise of the apartheid state and the negotiated transition built on compromises – and hence possible future contradictions – that may put severe stress on South Africa's new-found democracy.

to be triggered without measures of liberalisation. In most instances, “the attainment of political democracy was preceded by a significant, if unsteady *liberalisation*” (O’Donnell & Schmitter, 1989: 11). One also needs to keep in mind that liberalisation may prove to be easily manipulated and retracted at the convenience of those in government (O’Donnell & Schmitter, 1989: 9).

It should be noted that, as with liberalisation, democratisation is *not irreversible*. It can degenerate again into autocracy, authoritarianism, dictatorship or oppression. Among others, the process of democratisation can be stalled by a coup d’état. Finally, part of liberalisation can be the normalisation of politics marked by the return to *ad hoc* democratic rules of the political game.

For Slabbert, democratisation in South Africa – apart from constitutionalisation (or mere constitution-making) – should, *inter alia*, entail the following:

- *Democratising the state*: moving current bureaucratic structures to a post-apartheid system that is effective, legitimate and providing ways and means for the majority of people to control the political and economic machinations of the state effectively (Slabbert, 1992a: 62). Political analysts such as Houston and Muthien (2000: 36) echo the same argument.
- *Democratising the budget*: fiscal parity to be achieved in education, pensions, health, housing and local government. This is a major task, but could create a balance between expectations and redistribution (Slabbert 1992a: 65; see also Houston & Muthien, 2000).
- *Democratising the economy*: redistributing wealth, while attaining a higher economic growth rate, instituting social upliftment and forestalling pre-emptive action from the private sector (for more detail, see Slabbert 1992a: 66 ff; Khoza, 2000).

Consolidation (of democracy)

Although democracies “are never to be fully consolidated, (because) they should contain within themselves the potentiality for continuous change and eventually self-transformation” (Schmitter 1991: 4), a basic level of consolidation is needed. This level is to be regulated, demarcated and ratified within the two fundamental political principles of bounded uncertainty and contingent consent (Slabbert, 1992a: 3).

“Democratic consolidation can be seen as the process (or rather, processes) that makes such reassurances (mutual trust, civic culture, structural reassurance) possible and, therefore, that makes regular, uncertain and yet to be circumscribed competition for office and influence possible” (Schmitter, 1991: 6). Apart from this theory, but linked to it, Schmitter (1991) developed a model of democratic consolidation. For him, at least in my view, consolidation is akin to the Giddensian notion of “structuration”, and the result of the transformation of *ad hoc* patterns of relatively peaceful competition to stable structures. However, structures can be (re)structured by historic agents in their interplay with each other and the structures within which they are situated.

Akin to the aforementioned agreed-upon rules of competition (under-utilising or not utilising the reciprocal ability to destroy each other), competitors/adversaries settle into a structured mode of competition by the negotiated or agreed-upon rules of the game (Schmitter, 1991: 11–12). In the case of South Africa, this came to the fore during the negotiated transition (1992–1995). Slabbert (1992) remarks that it is important to know that the country is not suddenly going to “become democratic” merely because political elites have reached consensus on mechanisms of transition and the outlines of a constitution. The views of Slabbert remain as relevant today as they were a decade ago. See his recent criticism of the ANC-led government regarding subversion of the intended democracy by current tendencies in governance in South Africa (Slabbert, 2006: 136, 142ff). The problem of successful transition is not only to “normalise and democratise, but to sustain and consolidate a democratic system of government after negotiated transition is over” (Slabbert, 1992a: 71). The same applies to other emerging democracies.

In a seminal work on Italian democracy, *Democracy Italian Style* (1987), Joseph LaPalombara (1971) points out how difficult this can be.⁴¹⁸ Only through normalisation and democratisation (implying tireless work and an uphill struggle), can the need for consolidation be approached. Thus, it implies that, following the “instance of democracy”, the commitment, struggle and hard work to inculcate and guarantee sustainable democracy has only just begun. The same applies to civil control over the military and CMR.

It is during the transition-through-negotiation phase that truth and reconciliation phases are mooted. On entering the transition to democracy through founding elections and the formal transfer of power to the new regime, TRCs are chosen (or other paths followed) to address

⁴¹⁸ Lemarchand (1992: 183ff), Ake (1991) and Decalo (1991:153, 157, 158–159) in their works on (re)democratisation in Africa refer to the same difficulties and challenges.

past abuses. Such processes continue into the consolidation phase. Needless to say, truth and reconciliation processes are instigated and influenced by perceptions found in civil society; that is, viewpoints of spokespeople of different groups or elite decisions on entering the new democratic state.

Civil society⁴¹⁹

The choice for a TRC in South Africa may not have been instigated by a popular upsurge, yet elements of civil society advocated the options. The debate and advocacy about the TRC, even if we assume that not all options (see the typology earlier on) were shared with the citizenry, was to an extent in the public domain during transition. In that sense civil society, the process of a negotiated transition, democratisation, the SATRC, inclusive of consequences and its long-term aftermath, as well as future debates/discourses on reconciliation, are intertwined. This also applies to other countries that face similar choices. Hence *civil society* or the *civil community* deserve attention.

Scholars normally use the term “civil society” (derived from the French, *société civile*) when democratisation is described or analysed (see O’Donnell & Schmitter, 1986: 48ff; Schmitter 1991: 23; Sedaitis & Butterfield 1991: 197ff). In South Africa, as in other emerging or young democracies, the concept has formed part of the dialogue on democratisation (Atkinson, 1992: 1ff; Shubane, 1992: 33ff; Swilling, 1992a: 75ff). Generically, civil society is defined as self-organised and includes autonomous institutions and movements independent from the state, such as churches, universities, trade union and workers organisations, civic organisations and issue-based groups.

Atkinson (1992) points to four views or “angular optics” views on civil society in South Africa. These are (1) *civil society* being identified with economy (private companies, labour) linked to *individual property rights*; (2) *civil society* where the economy is included but not restricted to economic relations and institutions; (3) *civil society* as a separate sphere from *both* the state and the economy, i.e. Swilling’s use of “civil society” as a “voluntary non-profit sector”; and (4) a differentiation between “civil society”, the “public sphere”, the economy, and the state as used by Shubane (Atkinson, 1992: 10–11).

⁴¹⁹ To be noted is that the author in this study uses the term *civil society* interchangeably with *civil community*, the latter being more applicable in the (South) African context, in my view.

The preceding approaches point to the pervasiveness of the notion, but also to lack of consensus among academics about a precise definition. For the moment, following Camerer (1992: 3), civil society – with some provisions – will be defined as: “An inherently pluralistic realm, distinct from, yet interacting with the state and processes of production, consisting of numerous associations and organized around specific interests with the following characteristics in common: communally organised, independent, voluntary, autonomous, able to form links with other interest groups and not in any way seeking to set itself up as an alternative authority to the state.”

My provisos include that, in the absence of normalisation, democratisation or a tangible move towards broad-based economic inclusion, or at the moment of regression to authoritarian rule, civic action may be sought or civil society may emerge as an alternative authority to the state. While Camerer’s definition – taking note of the Gramscian and liberal roots of civil society – tends to be *liberal*, the one I use in my approach includes the notion of *networking* at grassroots level, civil opposition, a search for economic equality and community action. It is thus a more radical notion of democracy and citizenship bound into the context of a civil society or community. In such a context, civil society reflects in many instances the “will to power”, or the notion of “putting hands on the wheels of power”. In the reality of politics it follows that such alternatives, if peacefully advocated, do not get a hearing from the ruling regime, some civil disturbance, if not violence, is bound to follow.

This working definition is strongly influenced by Gramsci, both in a cultural and political sense, and regards – as interlinked entities – political economics and the process of effecting change, exercising power and acting practically to attain scarce resources in the inclusive democratic process. Thus, civil-society activities may go beyond liberal notions of democracy while not necessarily excluding some tenets of liberal notions (Lukács, 1991: 81ff, 137ff).

Civil community activities include the debate about the liberal-radical, reform/revolution, and the activist networking resulting from the discourse and experiences of the citizens. It also entails the argument proposed in Latin America about the need for social welfare and “network communities”, i.e. *basis communities* or *basismos* and a *polis* aimed at empowering the poor (as opposed to only the power-elite and/or workers) on various levels.

Necessarily, the civil community plays a role in the eventual choice of approach that should be adopted to deal with the past/unburdening of the past or not. This is evident in the case of

Spain, Argentina, Chile and South Africa. The same applies to the evolution of CMR within the (new) state.

CMR and civil control

In a generic sense CMR refer to how the military relates to civilian authorities. The term is not confined to democratic states or for that matter states that are perceived to be democratic from for example, Western viewpoints such as bi-party democracies as one finds in the USA or for all practical purposes in Britain. Nor does CMR only apply to multi-party democracies or non-party states (i.e. Uganda). The term applies to all societies. In South Africa the term relates to what we assume is a multi-party democracy and a constitutional state. In the negotiated transition choices were made on how to deal with past human rights abuses. In this sense there is a link with the SATRC even if some do not make this link, as is done in this study.

“The 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 from the moment that society had to depend on part of its population to fight aggression” (Ngoma, 2001: 1). CMR as sub-discipline of sociology are relatively young. For example, in the indexes of Jackson Toby’s book (1964/1971 editions) on sociology and that of Horton and Hunt (1964/1980/1984 editions) on the same subject, neither the term *civil society* nor the term *CMR* features. Another work dealing with comparative studies in defence policy formulation – including studies of Australia, South Africa, France, India and Japan – does not refer to CMR or parliamentary control (consult Roherty, 1980).

A useful and highly informative work dealing with the impact of sociology, edited by Douglas and published in 1970, makes no reference to CMR or militarisation or military-industrial complexes. The use of terms such as civil control hardly exists in the work.⁴²⁰ One reason for this may lie in the fact that “the political control of armed forces in liberal democracies promises to be both more complicated and more problematic” (Boëne, 2000: 26). Boëne (2000: 26) also argues that a study of CMR might have been complicated by the diminishing of the so-called Cold War psychosis.

⁴²⁰ *Readings in the Social Sciences: The impact of sociology* is not devoid of social criticism. Various chapters point out the danger of science and ideology becoming mirror images, the danger of the sociologist becoming a “servant of power”, the dangers of objectivity and various other contributions (see Baritz, Dahrendorf, & Bottomore in Douglas, 1970). The issue of CMR and civil control over the military was simply not centrally conceived at the time.

Samuel Huntington regards CMR as military-security policy. This, together with internal and situational security policies, is an aspect of national security policy working at operational security levels (Ngoma, 2004: 5). Necessarily, Huntington's limited definition of such relations, coupled with his rather conservative views on developing countries and the uncritical assumption of modernisation theory, does not work for me in this context. Duvenhage argues: "Huntington se klem op orde, stabiliteit en mag as vertrekpunte verleen aan sy beskouing 'n konserwatiewe en *status quo* konnotasie." Duvenhage, in describing Huntington's emphasis on order, stability and power, quotes Kesselman's criticism of Huntington: "Order is (no longer) a prerequisite for achieving the highest political good but itself becomes the highest political good" (Duvenhage, 1992: 31). Leys refers to "Huntington's obsession with authority" and the dangers it holds (Leys quoted in Duvenhage, 1992: 320).⁴²¹ For people that survived apartheid rule Ley's observation is painfully true. Also here *authority* (that slip-slided or was marched into authoritarianism) became an obsession with the goose stepping ORDER of modernisation.

Ngoma (2004) and Rupiya (2004) argue that among others Huntingtonian views emanate from liberal and democratic philosophies that champion market economies and related social arrangements and perceive the Western political sciences as the hub of the civilised Western world. Therefore, approaches such as those of Huntington relate to attempts to fit developing nations into the hierarchy of "a world dominated by the 'victorious' West" (Rupiya, 2004: 6). It has been argued that these approaches have limited value in the African context because of their traditional Western bias. Thus, a new viewpoint is required when CMR are at stake in Africa (Ngoma, 2004: 12; Rupiya, 2004: 12–15).

On the other hand, research to establish the attitudes of soldiers and military personnel for "purposes of (assistance in) policy formulation" is not a new phenomenon (Toby, 1971: 63). CMR as a sub-discipline in sociology in a more traditional perspective is both "something more and something less", and was demarcated for the purposes of this study as such.

⁴²¹ Students, including the author who studied Political Science ("Staatsleer") at the University of Stellenbosch during the 1980s, will recall the frequent emphasis on Huntington's work, i.e. *Political Development and Political Decay* (1965) and especially the voluminous *Political Order in Changing Societies* (1968). In fact Political Science students were fed mostly Western – especially US theorists – such as Lipset, Almond and Verba, Apter, Dahl and Milbrath, as if African and other "Third World" authors on the topic did not exist. It was not until 1987 (during a visit to West Africa), and 1988 during a visit to the Netherlands, my stay at IDASA (1986–1990) and a further research visit to the Netherlands (1996) that I discovered the rich warehouse of African and other so-called Third World "critical theorists" on democracy and democratisation, and needless to say, immersed myself in these new vistas. For me, at least it was clear that the discourses at Afrikaans universities at the time and elsewhere on the globe – at least with regard to countries that shared our situation – were worlds apart.

Cilliers *et al.* (1994: 4) regard *civilian control* as a condition to be achieved in ensuring that the military operates according to the constitution and parliament (see also Ferreira, 2006). Civil control thus refers to the control of the military by elected representatives of the people, as opposed to appointed officials, and implies the “principle of civilian supremacy” (Ferreira, 2000: 66). Therefore, the mechanism used to bring about civil control provides for the shared overseeing or control of the military by the legislative, the executive and the judiciary, in order to assert democratic control over the armed forces and defence policy (Ferreira, 2000: 66).

Ngoma (2004: 4) argues that, “the nature of democratic CMR implies an adherence to principles that conform to accountable, legitimate democratic authorities, and the existence of a parliament that exercises oversight over the military ... (and) democratic CMR is also defined in terms of good governance ...”⁴²² It is for this reason that the South African government (since 1996 and with the acceptance of the New Constitution, Act 108 of 1996), has institutionalised a civilian defence secretariat. The Defence Secretariat (DefSec), according to Chapter 11, Article 204 of the Constitution, “must be established by national legislation to function under the direction of the (relevant) Cabinet member responsible for Defence” (Republic of South Africa, Constitution: Act 108 of 1996: 114).

Further to parliamentary control over the military, the role of the multi-party Parliamentary Standing Committee on Defence is highlighted. Necessarily, Chapter 11 of the new Constitution must be read in conjunction with Chapter 2, *The Bill of Rights*. There is one qualification: “This sort of civilian control mechanism is not aimed at usurping or interfering with the military chain of command, or with the military disciplinary code. Defence policy should thus be determined by parliament, debated and agreed upon by the Standing Committee on Defence in parliament and accepted by cabinet” (Ferreira, 2000: 66–67). (Note that the terms *civil control*, *civilian control* and *democratic control* are often used

⁴²² This study relates to societies that made the transition from authoritarian rule to democracy, resulting in multi-party systems within constitutional states – which in itself is a Western-orientated, if not Eurocentric, concept. Valuable insights can undoubtedly be gained from studies of societies that do not adhere to the multi-party concept and the way in which their CMR are structured. A case in point is the earlier attempts to build a non-party state in Uganda. Pre-communist Cuba provides another example – in this case where civil-military issues became fused under authoritarian rule and the corrupt government of Batista, with detrimental effects to human rights. See Perez, L.A. 1976. *Army Politics in Cuba, 1898–1958*. University of Pittsburg Press. Other case studies that may bring some interesting insights to the fore as examples of “non-democratic” states are China and Cuba under socialist rule.

interchangeably, even if contested and debated by various more puritan authors. For the purposes of this study the term *civil control* was used.)

“The central issue in theories of CMR is that of civilian control of the military” (Segal, quoted by Von Bredow & Kümmel, 2000: 125–126). More importantly: “Democratic control comprises all formal norms and rule, laws and regulations which are designed to integrate the organization of the armed forces into the democratic political system and the soldiers, especially the officer corps, into the democratic political culture” (Von Bredow & Kümmel, 2000: 126. For a more specific application to South Africa, consult Liebenberg, Schutte & Minnaar (1999: 84ff): “Recommendations for the future”). The important flip side of the coin is a military that has developed an ethos and professional attitude not to be drawn into partisan politics by politicians, as countless examples testify. One may choose to refer to it as a *constitutional military* or in a post-authoritarian state as a *reprofessionalised military*.

Human rights

Human rights reflect long-standing debates - in some senses a discourse without end. I will limit myself to a general discussion related to the area.

If human rights were not at stake, resistance against authoritarian states would be unlikely. Without resistance liberalisation would not occur and transition to democracy not become a reality. If it were not for the (large-scale) abuse of human rights, it is unlikely that post-authoritarian societies would face a choice on how to deal with the past. South African society through its new leadership chose the TRC approach. Human rights and human-rights abuses are thus interwoven with democracy and related concepts. It is knotted into any discussion on processes of attempted reconciliation.

The notion of *Habeas Corpus* appeared with the move away from feudal rule and non-democratic monarchies. For the purposes of the study, I decided to assume an informed readership and not go through the toil and turmoil of human-rights debates since 1688. Furthermore, I also assume that human rights are not the prerogative of liberal-capitalist states.

International initiatives are to be mentioned, and perhaps they are more important than national attempts at defining human rights and the protection thereof. Examples here include the International Declaration of Human Rights (1948), where an outline of human rights was

defined to be binding on all states regardless of their political composition. In the past, many conferences on the African continent were called to pursue the attainment of human rights in a one-party state. For example, issues such as human rights in a one-party state received vigorous attention during the 1960s and 1970s (International Commission of Jurists, 1978).

The Universal Declaration of Human Rights (1948) aims to reconcile human rights (and to envision human dignity) in liberal, socialist and centrally-controlled states. The Organisation for African Unity (OAU), subsumed by the African Union (AU) in 2002, also attempted to draft declarations that include the rights of people in one-party states.

In South Africa, the issue of human rights is not without complications. The country moved from an authoritarian state to democracy through a negotiated transition (1990–1995). As a result of protracted negotiations, a constitutional state (comparable with a *Rechtstaat*) was achieved that included a declaration on human rights in the Constitution (the so-called Bill of Rights, Chapter 2 of Act 108 of 1996). However, the liberal constitutional character of the new democratic state has been criticised for not allowing enough space for social rights (third-generation rights). So it seems that South Africans collectively at least assume the right of individuals to be protected as in the classical liberal state, “plus more”. The “more” apparently implies including community-directed rights (the realisation of ubuntu?) or third-generation human rights in a South African context (see Seleoane 1996; Sindane & Liebenberg, 1999). In short, human rights in the South African context encapsulate the minimal liberal-constitutional rights (inclusive of the right to life and rights of the private person) and more: empowering people to eradicate poverty, have access to land, and to have collective rights to health and work.

CMR and civil control of the military have to follow suit in accommodating the above insights on human rights (inclusive of human security) on the continent. Part of this discourse evolved from the debates on CMR, civil control over the military, and security sector reform, the latter aimed at human security as imperative (see Rupiya, 2004: 3ff; Le Roux *et al.*, 2004: 85ff). The SATRCR (Volume 5) briefly refers to some other international agreements that should be inculcated within the South African social-political ethos (1998: 348).

Policy, policy-making and policy implementation

In its most generic form, policy is about what governments, role players or groups of people *choose to do or not to do* and *how* they do it (Anderson, 2000: 4). Wayne Parsons (1995: 85)

argues: “Policy-making may be viewed as a form of ‘collective puzzlement’ on society’s behalf; it entails both deciding and knowing.” Hecló (1972: 84), while indicating that at least some consensus exists on the definition of policy, provides the following broad statement: “As commonly used, the term policy is usually considered to apply to something ‘bigger’ than particular decisions, but ‘smaller’ than general social movements ... Policy is a concept placed roughly in the middle range (and an) essential element is purposiveness of some kind.” Simply put, policy is more than a decision. It is a decision implemented in order to benefit people, the citizenry of a country or a nation of self-chosen citizens. It is (and should be) action-orientated if it is to benefit human beings at a certain place and time.

Anderson (2000: 4), following Friedrich, is more to the point by postulating that policy provides a proposed course of action by a person, a group, or a government within a specific context to overcome obstacles or provide opportunities to reach a goal or realise an objective. In the case of this study, policy relates to the enhancement of CMR, inclusive of civil control over the military in new/emerging democracies.

It is often stated that the definition of a problem is part of the problem. The genesis of a policy (and the decision to embark on such a policy) involves *inter alia* the recognition of a problem (Parsons, 1995: 87). In this study, the discussion on civil-military policy relates to problem solving, in other words a *problem-solving approach* (Mouton, 2001: 52; Parsons, 1995: 92ff; Meehan, 1988). Here one may consider the following sequence:

ISSUE	PROBLEM	POLICY
Conflictual relations between civilian government and the military	Military imposes its own rules on society	Implement policies to subject the military to civilian rule *

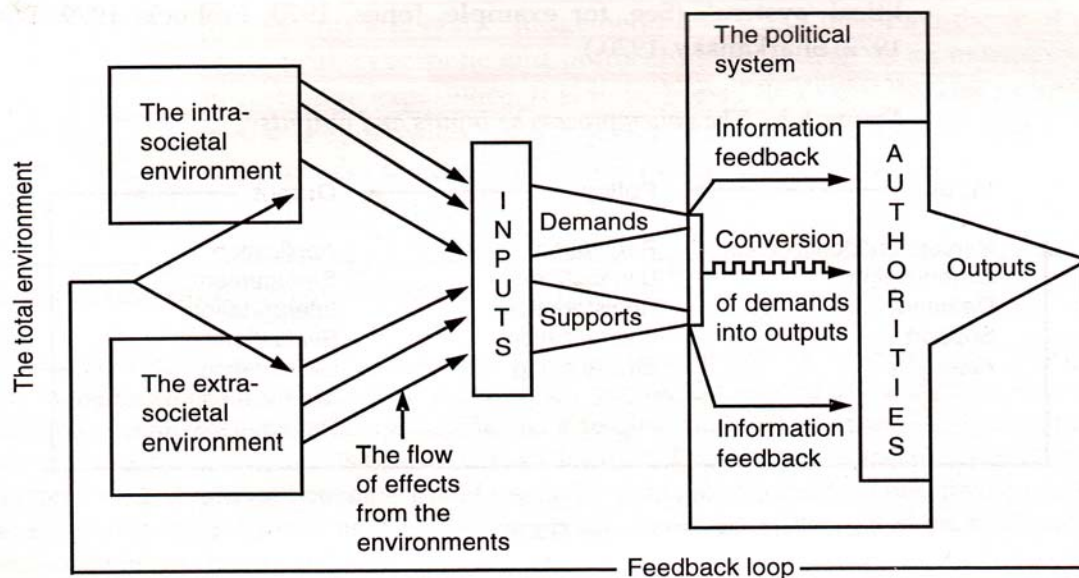
* This process to include educating, or the socialisation of political leadership not to call on the military or “invite them into” politics to uphold a partisan (or repressive) state or government.

In the present study, discussions of policy relate generally to policies directly linked to TRC processes or constitutional references to the role of military and security institutions. With regard to military and security institutions, reference is made in the study to policy where

applicable to CMR and civil control over the military – and where such policies can solve observable problems or resolve potential civil-military tension in a new or emerging democracy. However, other policies put in place in South Africa, i.e. as an outcome of the White Paper on Defence, also formed part of this discussion.

Policy analysis deals with the interface between policy-making, people, government and the necessary policy outputs to attain and sustain “a better life for the citizen”. The point of departure or genesis of such policy decisions and steps to implement policy in this case, is the recognition of a specific problem. Provided that the problem is sufficiently defined, corrective policy steps can be taken through policy decisions, formulation of policy and implementation of policy.

The Eastonian Black Box of Policy making



Notes:

The intra-societal environment:

- ecological system
- biological system
- personality system
- social system

The extra-societal environment:

- international political systems
- international ecological systems
- international social systems

Source: Adapted from Easton (1965: 110)

Source: Adapted from Easton by Parsons in Parsons (1995: 97)

Finally, in the present study, policy-related topics implied enhancing and honing CMR and civilian control over state-security organs with the view to sustain and expand the culture of human rights and human security for the citizenry. It also embodies the notion of working

CMR and civil control of the military in a rather new democracy. Needless to add that again these observations and arguments will be viewed through the researcher as part of the research process. The researcher as the eye (“I” also) and tool within the broader process again enters the picture.

Important to note is that in the interface between the needs and demands of the citizenry and the policy maker forced to take action that satisfies (or at least attempts or pretends to satisfy) demands, certain outputs or actions are necessary. The analogy of policy-making can also be found in other choices made by a government, i.e. on pathways to reconciliation. The SATRC was not initially intended as a policy. It was under various pressures a choice to adopt a public process. The analogy remains. The DRP and the White Paper (*“Defence in a Democracy”*) was intended to become policy decided upon and implemented. Again the analogy remains. This thesis touches on the lack of realisation, the lack of foresight that these processes could have complemented, informing one another and adding benefit (add value if you wish) to working CMR and nurturing human rights in South Africa. Policy choices and implementation in the field of study remain an inescapable sub-text.

APPENDIX 3

SCHEDULE FOR FACE-TO-FACE INTERVIEWS

TRCs and civil-military relations/civil control over the military

General/Biographical information

(in the case of interviewee not known to the interviewer)

Country in which you live currently

Country of birth

Current nationality

Past involvement in the military/civil-military field (brief notes)

Would you describe your current position as one of observer or participant in political processes?

Questions related to the focus of the research project

- (1) What is/was your personal experience in:
 - 1.1 Military affairs;
 - 1.2 Civil-military relationships;
 - 1.3 Truth and reconciliation processes;
 - 1.4 Describe briefly your role in terms of the civil-military relations/civil control over the military/ democratisation/civil society involvement, i.e., activist, professional soldier, elected member of parliament, member of the judiciary, official of a government department or administrator of policy. Indicate the area(s) of your involvement/experience (*note by interviewer: if the interviewee covers wider territory that may be conducive to the study, do not interrupt. Make a mental note to ignore incriminating evidence. DELETE!*)
- (2) How many years of exposure did you have in the specific relevant field(s)?
- (3) What was the situation in your country regarding civil control over the military before transition to democracy?
- (4) Did your country choose for a TRC process? If so, why? Did you agree with the choice? If so, why?
- (5) Did your country choose *not* to embark on a Truth and Reconciliation process? If so, why? Did you agree with the choice? If so, why?
- (6) If a TRC process was followed: (a) What effects did it have on the future guarantees for human rights? (b) Did it contribute to better civil control over the military in your view? (c) Did the military adapt themselves in terms of reprofessionalising as a military within a democracy following the TRC process? (d) What problem areas remain in the area of civil-military relations following transition? (e) Could your country have done better in terms of civil-military relations and civil control over the military without a TRC?
- (7) *If a TRC process was NOT followed:* (a) Did the transition to democracy show positive effects on future guarantees for human rights in terms of civilian/military relationships?

- (b) Did the transition to democracy contribute to better civilian oversight over the military? (c) Did the military as a professional institution adapt to the new democracy following the transition to democracy? If so; in what respects? (d) What problem areas remain in the area of civil-military relations? (e) Would your country have done better should you have had a TRC like process?
- (8) If you were in a position at the time to make policy proposals or recommendations what recommendations or proposals would you make? (a) Suggest a TRC process; (b) go without a TRC process (c) Rather advocate a ‘forgive and forget’ approach and rather retrain/educate the military about the need for civil oversight and the role of the professional soldier in democracy and the maintenance of human rights? (**Probe:** *If you reflect on the past, what mistakes and/or oversights happened. A more personal probe: How do you feel about how we dealt with these oversights?*)
- (9) If in a position to influence security policy depending on your involvement and experience (See earlier questions) what would you improve? (a) Civil-military interaction (b) Proper control by citizenry or their representatives (c) reprofessionalising of the military to adapt to a constitutional state/democratic structures.
- (10) Anything that you would like to add?

THANK YOU FOR YOUR VALUABLE TIME AND CONTRIBUTION TO THIS STUDY

APPENDIX 4

SCHEDULE FOR E-MAIL QUESTIONS – SELECTED PARTICIPANTS

TRCs and civil-military relations/civil control over the military

General/Biographical information

Country in which you live currently

Country of birth

Current nationality

Would you describe your current position as one of observer or participant in political processes?

Questions related to the focus of the research project

- (1) What is/was your personal experience in:
1. 1 Military affairs;
 1. 2 Civil-military relationships;
 1. 3 Truth and reconciliation processes;
 1. 4 Describe briefly your role in terms of the civil-military relations/civil control over the military/ democratisation/civil society involvement, i.e., activist, professional soldier, elected member of Parliament, member of the judiciary, official of a government department or administrator of policy. Indicate the area(s) of your involvement/experience [Please expand in no more than 300 words].

- (2) How many years of exposure did you have in the specific relevant field(s)?

- (3) What was the situation in your country regarding civil control over the military before transition to democracy?

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- (4) Did your country choose for a TRC process? If so, why? Did you agree with the choice? If so, why?

- (5) Did your country choose *not* to embark on a Truth and Reconciliation process? If so, why? Did you agree with the choice? If so, why?

- (6) *If a TRC process was followed:* (a) What effects did it have on the future guarantees for human rights? (b) Did it contribute to better civil control over the military in your view? (c) Did the military adapt themselves in terms of reprofessionalising as a military within a democracy following the TRC process? (d) What problem areas remain in the area of civil-military relations following transition? (e) Could your country have done better in terms of civil-military relations and civil control over the military without a TRC?

a.
b.
c.
d.
e.

- (7) *If a TRC process was NOT followed:* (a) Did the transition to democracy show positive effects on future guarantees for human rights in terms of civilian/military relationships? (b) Did the transition to democracy contribute to better civilian oversight over the military? (c) Did the military as a professional institution adapt to the new democracy following the transition to democracy? If so; in what respects? (d) What problem areas remain in the area of civil-military relations? (e) Would your country have done better should you have had a TRC like process?

a.
b.
c.
d.
e.

- (8) If you were in a position to make policy proposals or recommendations what recommendations or proposals would you make? [*This question applicable to TRC and non-TRC interviewees. Please specify CLEARLY whether you are from a country which had a TRC process or NOT. If any other process, i.e. International Tribunal or no action taken (“forgive and forget”)*]. (a) Suggest a TRC process; (b) go without a TRC process (c) Rather advocate a ‘forgive and forget’ approach and rather retrain/educate the military about the need for civil oversight and the role of the professional soldier in democracy and the maintenance of human rights?

a.
b.
c.

- (9) If in a position to influence security policy depending on your involvement and experience (See earlier questions) what would you improve? (a) Civil-military interaction (b) Proper control by citizenry or their representatives (c) reprofessionalising of the military to adapt to a constitutional state/democratic structures.

a.
b.
c.

- (10) Anything that you would like to add?

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THANK YOU FOR YOUR VALUABLE TIME AND CONTRIBUTION TO THIS STUDY

APPENDIX 5

INFORMED CONSENT AGREEMENT

This agreement serves to confirm that the research subject (participant) mentioned below kindly gave her/his consent to participate in a qualitative study regarding *the Truth and Reconciliation Commission and Civil-military relations in South Africa*. The research participant agrees to provide the researcher with his/her experiences and views of the area of research to the best of his/her ability.

The undersigned participant understands the purpose and nature of this study and understands that her/his participation is voluntary and that s/he may stop the interview/compiling solicited essays/memoranda at any time. The participant further grants permission for the data collected to be used in fulfilment of part of the requirements for the degree DLitt et Phil by Ian Liebenberg.

The data collected will be used for research purposes only, the researcher undertakes neither to disclose the identity of any of the participants, nor the origin of any of the statements made by any of them, unless the participant choose to do so and has given his/her informed consent. The undersigned participant understands that in terms of the ideals of the study's methodology that the researcher are obliged to make use of verbatim statements from the transcribe taped interviews and/or excerpts from solicited essays and/or any other visual (e.g. photographs) in order to illustrate the world of the research participants and their perspectives in the research report.

The participant grants permission for the audio recording (where so mutually decided upon) and that the researcher may make notes of her/his views and experiences.

The participant undertakes to give a full personal interpretation of her/his perspective and/or her/his experiences as far as possible and in terms of qualitative research ethics.

I,the undersigned participant, agree to meet at mutually agreeable times and duration(s) or other means of communication, e.g. by e-mail or telephone, as reasonably necessary to enable the researcher to gain a through understanding of the process to be researched. I further acknowledge that I received a copy of this agreement or that it has been discussed and confirmed between the interviewer and myself and that I may contact any one of the under mentioned if I have any subsequent queries.

Signature of research subject:	Researcher:
Title, initials & surname:	Employer:
Tel:	Date:.....
E-mail:	
Place:	Fax:

Research supervisor/study leader:

Prof Willem Schurink: Tel/Cell: 082 779 2294

Prof. Vladimir Shubin: Vladimir.shubin@inafr.ru

The participant is welcome at any given time to consult with the study leaders and or to direct enquiries to the promoters. The same applies to the above- mentioned researcher.

APPENDIX 6

A STORY WITHIN A STORY: IMAGES OF A RESEARCH PROCESS

AUTOETHNOGRAPHY 13

AUTOETHNOGRAPHY Originally defined as the cultural study of one's own people, this term now commonly refers to a particular form of writing that seeks to unite ethnographic (looking outward at a world beyond one's own) and autobiographical (gazing inward for a story of one's self) intentions. The aim in composing an autoethnographic account is to keep both the subject (knower) and object (that which is being examined) in simultaneous view. It is commonly claimed that the striking stories that frequently comprise autoethnography are intended to illustrate and evoke rather than to state or make a claim, and that the author of such a text aims to invite readers into the text to relive the experience rather than to interpret or analyze what the author is saying. See also EXPERIENCE, NARRATIVE, WRITING STRATEGIES.

A

line only part.

Key References

Ellis, C., "Evocative Autoethnography: Writing Emotionally About Our Lives," in W. G. Tierney & Y. S. Lincoln, eds., *Representation and the Text: Re-Framing the Narrative Voice*. Albany: State University of New York Press, 1997.

Ellis, C., & Bochner, A. P., "Autoethnography, Personal Narrative, Reflexivity: Researcher as Subject," in N. K. Denzin & Y. S. Lincoln, eds., *Handbook of Qualitative Research*, 2nd ed. Thousand Oaks, CA: Sage, 2000.

Hayano, D. M., "Autoethnography." *Human Organization*, 1979, 38, 99-104.

Reed-Danahay, D., *Auto/Ethnography: Rewriting the Self and the Social*. Oxford, UK: Berg, 1997.

→ Could be:

Narrative → personal narrative
 a person's story ↔ a
 peoples story
 the peoples story

decisions past + present taken

+ / will observations

= Outcomes unknown

The beginning of all studies: Experience and reading ...



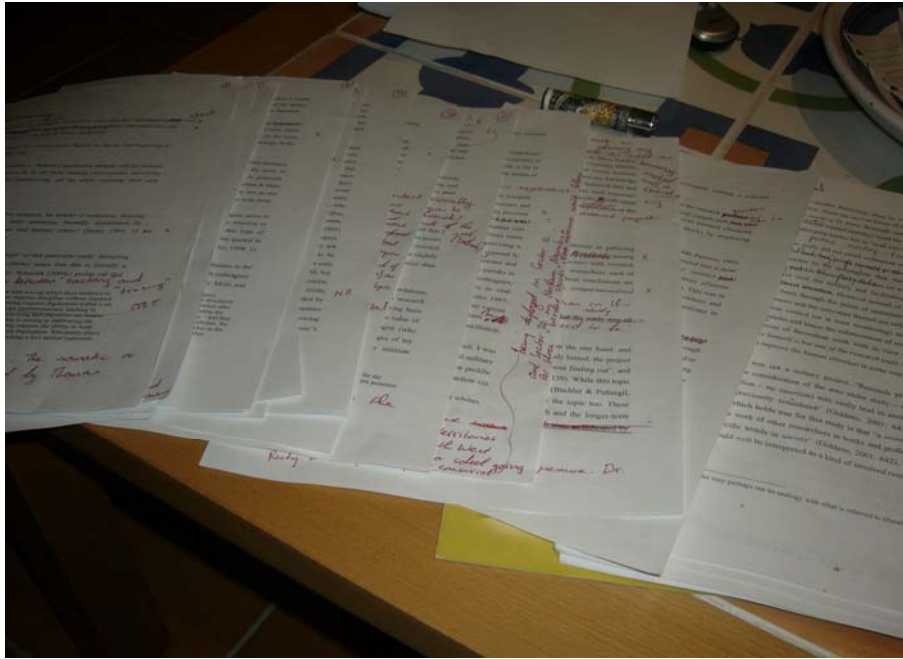
In 2003 I met with Vladimir, later to become my second promoter, to discuss the study. Photo taken at a street café following our meeting at the Institute for African Studies, Spiridonovka Street, Moscow.



With Rocky and Dries Liebenberg, an old varsity friend at 107 Valley Street, Clydesdale. Frequent discussions with Rocky led to some joint publications related to the SATRC and civil-military relations.



In August/September 2004 I eloped to Rooigat, a farm of friends, Tienie and Hettie in the bushveld to work in relative isolation. Top photo: The stone with the name of the farm. Second photo: I took all the material along in “Bakkie” and set up a work station (third photo) – quite a logistical challenge. I was to repeat the exercise again in October 2005.



Editing on the go. When attending conferences such as one in Cuba (February 2007) I took separate chapters to work on/edit.



In the course of the study I seldom had the privilege to have one static workstation. Rooigat, the wendy at our home in Valley Street, the deck, Mariaan's study and a laptop when on the go had to suffice. I seldom worked at my place of work due to frequent interruptions.



With Willem Schurink, promoter, 2006: Discussing revision and research in progress. We met frequently for discussions and feedback. And frequently, I had more homework to do and report upon ...



March 2007: Willem Scurink (chief promoter) and Vladimir Shubin (co-promoter) met at our home to give joint feedback on work done by the candidate. Both promoters were critical yet very supportive and gave feedback timely. This assisted with progress.

A STORY AROUND A STORY ...



Friendship circles and support structures: Karateka40 provided for a supportive group of people sharing an interest outside our world of work. We shared sweat and and frequently laughter. Left to Right: Marlene, Mariaan, Louis, Pieter, Stephan, Jan, the author, Senseini Len Els and Solly Pokroi.



Family and extended family. The author, Marian, I-Ben and Juliet.
In the front – nuisance factor, Miga.



During a break with Mariaan, I-Ben and Marian. Mariaan's support was an important motivating factor and the young lions offered patience (to a measure of scale, obviously!). Overall a most amicable and supportive environment ...

ABBREVIATED CV: IAN LIEBENBERG

Holds an M.A. Degree in Development Studies from the Institute for Development Studies (ISD) at the University of the Western Cape (1994), a Masters degree in Political Science from the University of Stellenbosch (1988) and B.A. Hons in Philosophy (1985). He worked as tutorial assistant and junior lecturer at the University of Stellenbosch (1984–1986) and as a part-time researcher for the Centre for Intergroup Studies at the University of Cape Town during 1985–1986 and 1991. In November 1986 he joined the Institute for Democracy in South Africa (IDASA) as a regional and student coordinator in an activist role, which served as a test for and honed organisational skills.

In the following year he became a research consultant and a year later Director of Research for IDASA. In 1991 he took up a post at the South African Human Sciences Research Council (HSRC) as a senior researcher within the Group Social Dynamics. In the Group Democracy and Governance he acted as project leader for Social Identities research and was involved with the Policy Analysis Programme where he directed projects on public participation in South Africa for the HSRC and produced together with Gregory Houston of the South African Democracy Education Trust a book on the topic. In 2000 he became a Research Associate of the Centre for International Political Studies, University of Pretoria. He lectured part-time in Political Science at the University of Johannesburg and the University of Pretoria (2nd year, Hons and MA modules) between 1993 and 2005.

As an independent consultant (1999–2000) he produced reports for funding principals such as the European Union, Department of Science Arts and Technology, the African Centre for the Constructive Resolution of Conflicts and the Institute for Security Studies.

Research interests of the applicant resulted in completed research, contract projects, reports and publications in the fields of Democracy and Democratisation, Democratic Nation Building, Civil military Relations, Civilian Oversight over Security Institutions in Young Democracies, Public Participation, the struggle for liberation and transition to democracy and a variety of others over the past twelve years. He is a member of various academic associations.

On invitation of the Ministry of Defence and the South African Defence Secretariat, he participated in the first National Defence Review Process. The applicant assisted the Independent Complaints Directorate with a major research document on deaths in police custody during 1998 and he published widely. Among his publications are seven co-edited books and one independently authored work (a variety of chapters contributed to the edited works), approximately 80 articles (25 or more in accredited national and/or in international journals and 30 popular articles in newspapers). Papers delivered at conferences, mostly national, accounts for 25+ (12+ international).

He was a member of staff of the Department of Sociology at the University of South Africa (2000–2007) and involved with multi-national inter-disciplinary research projects. In 2007 he was appointed to the Centre for Military Studies at the Military Academy of South Africa in Saldanha, Faculty of Military Science, University of Stellenbosch as a full time researcher and lectures at the Department of Political Science at the faculty.