

Parliamentary Oversight & The Arms Deal



A South African Case Study

The Political Information & Monitoring Service at the Institute for Democracy (IDASA)

Mission:

To Challenge socio-economic & political inequality by strengthening people's power to participate in accountable democratic institutions

The Arms Deal: concise chronology



- Mid-2000: Auditor-General presents report to Standing Committee on Public Accounts (SCOPA) raising concerns about the probity of the decision to enter into a R29bn (\$4bn) arms procurement package
- September 2000: SCOPA holds hearings with various members of the executive

Arms deal chronology cont.



- October 2000: SCOPA publishes report with preliminary adverse findings, and
- Recommends quadruple-body investigation: Auditor-General; Ombudsman; National Director of Public Prosecutions; Special Investigating Unit (SIU)
- National Assembly passes unanimous resolution adopting SCOPA report

Arms deal chronology cont.

- January 2001: President declines to grant Special Investigating Unit a proclamation to start investigating
- Jan 2001: Head of ANC group on SCOPA (Andrew Feinstein) is removed by ANC Chief Whip (Tony Yengeni) & replaced by Deputy Chief Whip
- Feb 2001: ANC uses majority on SCOPA to pass resolution that SIU participation in the investigation was not intended

Arms deal chronology cont.



- March 2001: Sunday Times reveals that Yengeni was recipient of free or discounted Mercedes 4x4 via company with stake in the procurement package
- May 2001: leaked Feasibility Study suggests that SA can't afford the now R66bn (\$9bn) deal
- Triple-body joint investigation underway

Arms deal chronology cont.



- September 2001: Feinstein resigns from Parliament
- October 2001: Yengeni arrested & charged with corruption and fraud

Historical Context



- Decline in Nation-state democracy
- Growth of the Trans-national state;
- Other effects of Globalisation
- Side-lining of Parliament's as government is increasingly seen as a technical or management issue

Lessons/Issues



- Institutions are fragile in face of external pressures and party political interests - especially during the 'hard cases'
- Constitution arrangement hits the hard rock of political reality
- Role of Media & Civil Society - traditionally weaker in matters of oversight

Role of Civil Society



- Need a Mind-shift to recognise oversight as important as law and policy-making
- And, to see public accounting as programmatic/content rather than just adding the figures up...
- Making submissions to Oversight Committee
- Working with media and to inform wider society

PIMS/IDASA Intervention



- PIMS: Published in May 2001 Interim Report: "Democracy & the Arms Deal"
- Purpose: to keep eyes "on the ball"
- Help sustain the momentum of the public and institutional scrutiny
- Extract democratic lessons for the future
- www.idasa.org.za/pims/arms

Party Politics



- Powerful - especially in PR-type system where seats owned by the party...
-party can argue 'political mandate' requires party loyalty
- Like a whistleblower, individual MP faces conflict of values and duties
- Need to offer institutional reforms...

Party politics cont.



- ...and also make important distinction between delivering on electoral mandate through law and policy making and Oversight & Accountability
- Vital Conceptual Shift - needs to be matched by institutional arrangements...

Institutional Reform



- Separate key oversight bodies & parliamentary committees, with special rules and constitutional protection...
- ...main objective: to insulate them from party political pressures
- Regulate oversight practice in terms of annual reporting
- Change voting & other arrangements on Public Accounts and other key committees

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