

Definition of "President"

1. In this Chapter, "President" shall mean the President of the Republic of South Africa acting in concurrence with the Deputy Presidents and the Cabinet.

Establishment of the Defence Force

2. (1) There is hereby established for the Republic of South Africa as its only defence force, the South African Defence Force.

(2) The South African Defence Force which is in existence immediately prior to the commencement of this Act, shall constitute that Defence Force and shall, subject to the provisions of this Act, continue to exercise such functions and powers and comply with such duties as are or have been prescribed or determined by or under any law which is of force immediately prior to such commencement.

(3) The South African Defence Force shall consist of a civil and a military component and the military component shall include a full-time and a part-time force which shall include the components of the South African Defence Force as defined in section 5 of the Defence Act, 1957 (Act No. 44 of 1957), and a reserve.

Employment of the Defence Force and conduct of its members

3. The South African Defence Force and its members -
- (a) shall be employed and shall perform their functions and duties and exercise their powers, solely in the national interest for -
 - (i) the efficient defence of the Republic; and
 - (ii) the protection of its peoples,in accordance with the provisions of this Act or any law which may from time to time be applicable and of force;
 - (b) may not be used for or against or further or prejudice any party political interest.

Chief of the South African Defence Force

4. (1) There shall be a Chief of the South African Defence Force who shall be appointed by the President in terms of section 15(2)(d) of this Act.

(2) The provisions in any other law pertaining to the appointment of heads of Departments of State, the functions,

powers and duties of the Chief of the South African Defence Force and accounting officers of Departments of State shall *mutatis mutandis* apply to the Chief of the South African Defence Force and any act, delegation, power or duty executed, given, granted or imposed on or with respect to or by the Chief of the South African Defence Force prior to the commencement of this Act or before the appointment of such a Chief as contemplated in subsection (1), shall remain of full force and effect as if executed, given, granted or imposed under this Act.

(3) The Chief of the South African Defence Force who is appointed as such immediately before the commencement of this Act shall be deemed to have been appointed under this Act as the Chief of the South African Defence Force and shall continue so to act under the terms and conditions of his original appointment.

(4) The executive military command of the South African Defence Force and the Reserve as defined in the Defence Act, 1957 (Act No. 44 of 1957), or any portion thereof shall, subject to the provisions of this Act and any other applicable law, vest in the Chief of the South African Defence Force.

President is the commander-in-chief of the South African Defence Force

5. (1) The President shall be the commander-in-chief of the South African Defence Force.

(2) The President may, subject to the provisions of this Act -

- (a) proclaim martial law in time of war or civil war or when, due to severe civil unrest the existence of the State is in jeopardy, and terminate it;
- (b) declare war and make peace;
- (c) with the prior approval of the Joint Committee on Security Matters of Parliament employ the South African Defence Force as provided for in law except in emergencies when such prior approval may be dispensed with subject, however, to him reporting the matter to such Committee as soon as possible after such employment; and
- (d) appoint the Chief of the South African Defence Force.

(3) The South African Defence Force shall only be employed in accordance with the principles of section [3] of this Act.

(4) The President may, during the existence of martial law by proclamation in the *Gazette*, order that any police force or other para-military, regional or other force of whatever description be placed under the authority and fully at the

disposal of the South African Defence Force to restore public order and to bring the situation giving rise to the declaration of martial law, to an end.

(5) A declaration of war shall only be made by the President if approved by motion by Parliament.

(6) The President shall, if Parliament is in session at the time of his

- (a) declaring martial law;
- (b) mobilizing the South African Defence Force or any part of it; or
- (c) employing the South African Defence Force on service referred to in section 3(2)(a)(i) (other than in connection with the discharge of the obligations of the Republic arising from any agreement of a peaceful nature between the Republic and any other state or international organisation), (ii) or (iii) of the Defence Act, 1957 (Act No. 44 of 1957),

forthwith communicate the reason for such action to Parliament, and if Parliament be not then sitting, the President shall summon the Joint Committee on Security Matters to meet as soon as possible but not later than 14 days after having taken such action, and he shall thereupon at its first sitting communicate the reason aforesaid.

(7) Notwithstanding anything to the contrary in any law contained the South African Defence Force shall not be deployed in any region of the Republic without the prior request thereto by the regional government of such region except when the national security and interest in the opinion of the President so demand.

Citizens liable for military service

6. Notwithstanding anything herein to the contrary contained, all citizens shall be liable to render military service as provided for in law.

State to make good losses of South African Defence Force members sustained in the execution of their duties

7. The State shall pass such laws and shall take such measures so as to ensure that any member of its armed forces or his immediate dependant who suffers any loss due to the loss of life or limb by any such member in the execution of his duties in time of war, martial law or civil unrest, shall be fully compensated for.

Senior appointments in South African Defence Force

8. No appointment of an officer of or to the rank of lieutenant general or equivalent or higher rank in the South African Defence Force, shall take place without the recommendation of the Council of Defence referred to in section [9] of this Act.

Council of Defence

9. Within one month of the commencement of this Act there shall be established a Council of Defence, which shall be constituted in such manner and be charged with such advisory functions and duties as the President may from time to time determine by proclamation in the Gazette relating to -

- a. the organisation, structure, composition and training of the South African Defence Force;
- b. all matters concerning personnel requirements of the South African Defence Force; and
- c. legislation by Parliament for the South African Defence Force.

Joint Committee on Security Matters

10. A Joint Committee on Security Matters shall be appointed by Parliament within 14 days of the commencement of the first session of Parliament after the commencement of this Act and shall consist of representatives of all political parties represented in Parliament in proportion to their representation in Parliament.

Conferment of commission

11. The President may on the advice of the Council of Defence, confer permanent commission to such members of the South African Defence Force who are properly qualified and who merit such commission.