

## **TRANSFORMING THE INTELLIGENCE SERVICES: SOME REFLECTIONS ON THE SOUTH AFRICAN EXPERIENCE**

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### **I. Introduction**

Obviously, every country that works to reform its intelligence services is best placed to decide on the mechanisms and structures that are best suited for its needs. In recent years, South Africa's intelligence apparatus has gone through a tremendous transformation, and we will share some of our South African experiences in managing the transition from a repressive and racist security agenda to a new dispensation informed by democratic principles. We intend to stress those areas that we think were critical for success and which may be relevant to similar transitions in other countries. Our paper will present the following:

- an overview of the repressive conditions of the apartheid era and the security doctrine that prevailed at that time
- the process of political negotiations and its influence on the country's security agenda
- principles underlying the new intelligence dispensation
- the role of the country's new intelligence structures
- organizational challenges in transforming the intelligence structures
- key points to note for a transformation agenda

### **II. Our Previous Climate: A Climate of Repression**

Democracy in South Africa was preceded by decades of political and economic domination by a white minority whose rule was bolstered by their security forces. The country's leading liberation movements had been outlawed in 1961 and forced into exile from where they continued to wage an armed struggle. The 1980's were characterized by heightened repression. Legally sanctioned hit squads conducted repeated assaults on neighboring countries, ostensibly in pursuit of guerillas of the South African liberation movement. Often, innocent civilians were the victims. Inside South Africa, a State of Emergency took effect in 1986. Thousands of anti-apartheid activists were detained without trial, while apartheid-sponsored hit squads eliminated scores of prominent activists. Thousands of ordinary men, women and children lost their lives in internecine political violence.

The leading sections of the apartheid security forces in the implementation of repression during this period were from both the military and the police arms. Within the military, an offshoot of the Special Forces known as the Civil Cooperation Bureau, which had both intelligence and operational capabilities, may be singled out as an example of the military formations that were prominent in the execution of repression both internally and abroad. Within the police, the Security Branch of the South African Police was particularly prominent. Within the Security Branch special units were formed that spearheaded violent repression.

At the national level, security policy and strategy were coordinated by a State Security Council (SSC), which was chaired by the country's State President and consisted mainly of Security Ministers. The SSC established an extensive security presence, through the implementation of a National Security Management System (NSMS) which sought to integrate the security and welfare

aspects of a “total strategy” aimed at maintaining white political control. The rationale of this strategy of “winning hearts and minds” (WHAM) was that a governing power could defeat any revolutionary movement if it adopted the revolutionary strategy and principles and applied them in reverse. The NSMS structures went down to the local level with what were known as Joint Management Committees (JMC's).

These structures were dominated by the military for various reasons. Two reasons may have been the preferences of specific state presidents, as well as the simple ability of the military to plan, organize, and avail resources easier and more effectively than any other state department in a given local or provincial situation. But most important of all was the fact that the political system at the time was one whose conservative reformist underpinnings could only be upheld by coercion, because popular resistance to the apartheid regime was so great. The NSMS, including the network of JMCs, was disbanded in 1989 by the last State President to preside over apartheid, F.W. de Klerk. The status of the SSC was reduced to that of an ordinary cabinet committee. These developments took place at a time when there was not only unprecedented popular and international resistance to apartheid, but also growing schisms within the ruling party. After de Klerk’s appointment, the military began to lose its predominant influence over political life in the country, though it still remained a significant factor throughout the events that were to unfold.

### III. Initiatives to End the Conflict

Our recent history has been the subject of international scrutiny, and our negotiated political settlement has sometimes been hailed as a “miracle”. Of course, this outcome was the product of the concrete circumstances at the time, possibly the only route in an intractable war. Despite the repression of the 1980s, support for the national liberation movement continued to grow. Trade unions, democratic political organizations, civic, youth and women’s organizations, found ways to organize their constituencies and consolidate national demands and pressure for fundamental change. In the mid-eighties, Nelson Mandela, concerned about the intractable political conflict, quietly began to explore the prospect of negotiations with the South African government from his prison cell. In the same period, influential delegations of white South Africans, concerned at the racial polarization in the country, the uncertainty brought about by violence, and the international isolation of South Africa, visited the African National Congress (ANC) abroad and, on their return, pressured the government to begin talking to its adversary in exile. In the late eighties, a series of secret meetings between the apartheid government’s intelligence structures and members of the ANC leadership eventually led to the preparations for negotiations that were to take place inside South Africa between the ANC and the apartheid government.

The ban on the ANC was lifted in February 1990, and several prominent leaders were released from long-term imprisonment owing to Mandela’s insistence shortly before this period. Nelson Mandela himself was released shortly afterwards, and with a number of ANC leaders from exile allowed into the country and together with leaders of the United Democratic Front (a broad, mass-based front of grassroots organizations inside the country) began to prepare for “talks about talks”. These took place in Cape Town May 2 - 4, 1990 and focused on how to begin the process of normalizing the political climate. Ironically, the apartheid security forces whose *raison d’être* had been the pursuit of members of the liberation movement were now in the role of ensuring their safe passage during the talks. This was all the more remarkable because technically, in terms of the legislation that existed at that time, the ANC leaders who were allowed free passage into the country could have been arrested and prosecuted for their role in the armed struggle. This, of course, did not happen.

Given the highly inflamed nature of the political situation, the main parties to the conflict agreed on the need to establish a climate conducive to free political participation, if fair democratic elections were ever to be held. In exchange for the ANC agreeing to suspend its armed struggle, the

movement insisted that the apartheid government release all remaining political prisoners, that exiles and political refugees be allowed to return freely and without victimization to the country, and that those wanted for prosecution for their political activities and beliefs receive indemnity from prosecution.

Although the political players had begun talking to each other, the situation remained volatile. Internecine violence erupted in black communities, and the accounts of the hand of the security forces (or at least a sinister “Third Force”) in these developments are now legion. In August, 1991, at the height of the violence inside the country, a National Peace Accord was adopted by all the major political parties who chose to participate in the negotiation process. Notwithstanding this, political violence increased, with the security forces playing no small role. The prominence of the security forces in resisting change and fuelling the violence probably spurred those at the negotiating table to give prominence to putting in place mechanisms that would encourage more accountable conduct during the transition.

#### *The Convention for a Democratic South Africa (CODESA)*

In the unfolding developments of the early 1990s, the political players on both sides obviously sought to consolidate their bargaining positions in preparation for the negotiations. These negotiations about South Africa’s political future began in earnest at the Convention for a Democratic South Africa (CODESA), which was first convened in December 1991. The Convention was a broad multilateral forum that saw its several hundred participants from 19 political formations trying to find common ground on a number of key issues. When it reconvened in 1992 (“CODESA 2”), Five Working Groups were established with the aim of reaching “sufficient consensus” on the following thematic areas:

- the creation of a climate for free political participation and the role of the international community
- general constitutional principles and the constitution-making process
- transitional arrangements, or the establishment of an interim government
- the future of the TBVC states (acronym for satellite “homelands” or *bantustans* of the apartheid government which had purported to afford black ethnic groups independence)
- time frames for the implementation of CODESA’s decisions

CODESA convened over several months in 1992, and there was a great deal of progress in all working groups. The ANC and its allies exercised considerable leverage in the process. Backed by strong populist structures, they brought to the negotiating table policies that reflected the people’s will for fundamental social, economic and political change. Not surprisingly, the Working Group dealing with constitutional principles and the constitution-making process could not initially reach agreement on the fundamentals of a new constitutional order. The entire negotiation process eventually broke down, and it took many months of behind-the-scenes talks for the process to be put back on track and for trust between the main political players to be restored. This was eventually achieved, and a provisional constitution was adopted by the still white-dominated parliament, which served as the foundation for the country’s first democratic elections.

#### *Establishment of the Transitional Executive Council (TEC)*

The outcome of CODESA’s deliberations on transitional arrangements was the promulgation of the *Transitional Executive Authority Act of 1993*. The objective of this act was to promote the establishment of a council which would promote, in conjunction with all legislative and executive structures at every level of government in South Africa, the preparation for and transition to a democratic order in South Africa. This was to be done by creating and promoting a climate for free

political participation, including the creation of conditions conducive to the holding of free and fair elections. Effectively, this meant that the liberation movements could participate in decision-making about the running of the country even before the first democratic elections were held in 1994.

In terms of the TEC Act, a number of sub-councils were set up, including Sub-Councils on Defence, Law and Order, Intelligence, Finance, the Status of Women, Foreign Affairs, and Regional and Local Government. The functions of the Sub-Council on Intelligence were to adopt a set of basic principles on intelligence which could also serve as a basis for the creation of a national capability in a new democratic dispensation and to formulate a code of conduct which would be binding on all members of all services during the period of transition and which would serve as a basis for an official code of conduct in a democratic South Africa. The intelligence services of the apartheid government were to remain intact, as were those of the TBVC states and the liberation movements. Of course, they continued to serve their principals with information during this critical period, but were bound by political agreement to begin crafting a single intelligence framework for the future. Unavoidably, the leadership of the intelligence structures themselves were drawn into negotiating their common future.

Senior ANC leaders say that the ruling white government had at first resisted the idea of negotiating a new intelligence dispensation on the grounds that intelligence issues could not be discussed in open political forums. They offered, it is said, to simply absorb members of the liberation movement and the TBVC states' intelligence structure into the white government's organization from the apartheid era, the National Intelligence Service. This maneuver was of course rejected, and the political players involved in intelligence went on to negotiate one of the most highly regarded intelligence dispensations in the world today. Besides looking into the basic principles and code of conduct, a number of multi-service working groups was set up under the auspices of the Transitional Executive Authority to explore the future shape, role and development of the proposed new intelligence dispensation. The various players drew on their own experiences, but also sought relevant lessons from international best practice. The ANC was strongly influenced by a desire to ensure that the intelligence services would never again be used as instruments of political control, and would be subject to oversight and strong public accountability.

#### IV. Transforming the Intelligence Services of South Africa

For the purpose of this discussion, two almost simultaneous phases can be highlighted as having been followed in the South African experience of transforming the intelligence structures. The first phase involved an elaboration of the political and strategic parameters that should inform the process or serve as departure points. These parameters originated from broader consultative processes and in particular the national processes discussed previously, such as the deliberations in the TEC sub-structures around constitutional and legal frameworks. The first phase has obviously been primary, but with experience gained in implementation (conveniently termed phase two here) some changes in legislation have become necessary, sometimes for purely tactical reasons of ensuring that where there was ambiguity exploited by officials, such ambiguity has been replaced with concise wording or reassigning of responsibilities. The second phase involved actual implementation of the transition or transformation.

This process of negotiating a new intelligence dispensation began before the country's first democratic elections and continued thereafter. The outcomes were to find their expression in government policy and in new legislation establishing the intelligence services of the new democracy.

### *Constitutional Principles Governing National Security*

In the first instance, the post-apartheid South African Constitution paid special attention to outlining the principles of a new security dispensation. The following quotes from the Constitution reflect key departure points for all the security services. They too, reflect the outcome of the negotiations process:

#### Constitutional governing principles- Article 198

- (a) “National security must reflect the resolve of South Africans, as individuals and a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.
- (b) The resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in terms of the Constitution or national legislation.
- (c) National security must be pursued in compliance with the law, including international law.
- (d) National security is subject to the authority of Parliament and the national executive.”

#### Establishment, structuring and conduct of security services-Article 199

- (4) “The security services must be structured and regulated by national legislation.
- (5) The security services must act, and must teach and require their members to act, in accordance with the Constitution and the law, including customary international law and international agreements binding on the Republic.
- (6) No member of a security service may obey a manifestly illegal order.
- (7) Neither the security services, nor any of their members, may, in the performance of their functions:
  - (a) prejudice a political party interest that is legitimate in terms of the Constitution; or
  - (b) further, in a partisan manner, any interest of a political party.
- (8) To give effect to the principles of transparency and accountability, multiparty parliamentary committees must have oversight of all security services in a manner determined by national legislation or the rules and orders of Parliament.”

The Constitution also outlined out principles for the functioning of the intelligence services in Article 210:

“National legislation must regulate the objects, powers and functions of the intelligence services, including any intelligence division of the defense force or police service, and must provide for the following:

- (a) the co-ordination of all intelligence services; and
- (b) civilian monitoring of the activities of those services by an Inspector appointed by the President, as head of the national executive, and approved by a resolution adopted by the National Assembly with a supporting vote of at least two-thirds of its members.”

The following responsibilities for intelligence were adopted by the key actors in the process and later incorporated into the new government’s policy document, the White Paper on Intelligence:

- the safeguarding of the country’s democratic Constitution
- the upholding of the individual rights enunciated in the Constitution’s Bill of Rights
- the promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern Africa

- making an active contribution to global peace and other globally defined priorities for the well-being of humankind
- the promotion of South Africa's ability to face foreign threats and to enhance its competitiveness in a dynamic world

And according to the White Paper, the intelligence services should be governed by the following principles:

- the primary authority of the democratic institutions of society
- subordination of the intelligence services to the rule of law
- compliance of the intelligence services with democratic values such as the respect for human rights
- political neutrality of the intelligence services
- accountability and parliamentary oversight for the intelligence services
- maintaining a fair balance between secrecy and transparency
- separation of intelligence from policy-making
- an ethical code of conduct to govern the performance and activities of individual members of the intelligence services

#### V. Composition of the South African Intelligence Community

The actual shape, role and functions of the intelligence community were the product of much debate between the parties involved in the South African conflict. One of the major departure points was to the idea of having two civilian intelligence services, one for domestic intelligence and another for foreign intelligence. As outlined in the White Paper on Intelligence and in the National Strategic Intelligence Act of 1994, the mission of the domestic intelligence service (the National Intelligence Agency) is to conduct security intelligence within the borders of the Republic of South Africa in order to protect the Constitution. The overall aim is to ensure the security and stability of the state and the safety and well-being of its citizens. In South African law, "domestic intelligence" is defined as intelligence on any internal activity, factor or development which is detrimental to the national stability of the Republic or any threat (or potential threat) to the constitutional order of the Republic and the safety and well-being of the South African people.

The mission of the foreign intelligence service (the South African Secret Service) is to conduct intelligence in relation to external threats, opportunities and other issues that may affect the Republic of South Africa, with the aim of promoting national security and the interests of the country and its people. The law defines "foreign intelligence" as intelligence on any external threat or potential threat to the national interests of the Republic and its people, and intelligence regarding opportunities relevant to the protection and promotion of such national interests irrespective of whether or not it can be used in the formulation of the foreign policy of the Republic.

Changes within the intelligence structures of the South African Police Services have also been informed by the principled outcomes of the negotiation processes. In the immediate post-1994 period, the government's policy agenda on law enforcement was shaped by two objectives: 1) to rehabilitate the police to ensure they became protectors of our communities; and 2) to mobilize South African citizens to participate in the provision of safety and security. Critical to this process was the establishment of effective mechanisms of civilian oversight. This initial policy direction was laid out in the 1994 Green Paper, which emphasized three key policy areas – democratic control, police accountability and community participation in issues of safety and security. In 1996, the Government adopted the National Crime Prevention Strategy (NCPS). The NCPS provided a means by which government departments could integrate their approaches to problems of crime control and crime prevention.

We will not elaborate on the legislative framework currently governing the South African Police Service, as several aspects of this framework are under review. However, there has been a demilitarization of the rank structure of the South African Police Service and appointment of skilled civilians into key positions within the Secretariat for Safety and Security. It is important, however, to state for the purposes of this discussion, that crime intelligence conducted by the police is also governed by the National Strategic Intelligence Act.

During the apartheid era, the leadership of the Department of Defense was militarized, with most of its functions being performed by Defense Headquarters. In the interests of entrenching democratic civil-military relations, the Defense Amendment Act of 1995 provided for a restructured Department of Defense, which is comprised of the Defense Force and a civilian Defense Secretariat. The Secretary of Defense manages the Secretariat and is the accounting officer of the Department of Defense as well as the principal advisor to the minister regarding defense policy and matters which may be investigated by the Joint Standing Committee on Defense.

The South African White Paper on Defense of 1996 considered among other issues: the challenge of transforming defense policy and the armed forces in the context of the South African Constitution and other local and international law guidelines; civil-military relations; as well as primary and secondary functions of the South African National Defense Force. The new constitution establishes a framework for democratic civil-military relations. In terms of this framework, the Defense Force is non-partisan; it is subject to the control and oversight of the duly elected and appointed civilian authority, and it is obliged to perform its functions in accordance with the law.

Defense intelligence structures, while part of the Department of Defense and the Defense Force, are also subject to the intelligence legislation. The National Strategic Intelligence Act of 1994 makes a distinction between *domestic military intelligence* and *foreign military intelligence*. Domestic military intelligence refers to intelligence required for the planning and conduct of military operations within the Republic to ensure the security and stability of the South African people. Foreign military intelligence refers to intelligence regarding the war potential and military establishments of foreign countries (including their capabilities, intentions, strategies and tactics) which can be used by the Republic in the planning of its military forces in time of peace and for the conduct of military operations in times of war. The Act however restricts the conduct of domestic military intelligence and defines the authorization procedures to be followed before the intelligence division of the Defense Force can conduct intelligence covertly, in support of the police and within the country. The rationale for this is simply to retain the professional status of the military and to avoid situations where it becomes involved in domestic political conflict.

Finally, the introduction of a statutory coordinating structure for the intelligence community is another decisive break from the past when intelligence structures struggled for hegemony and influence over the policy-makers. A Coordinator for Intelligence is responsible for coordinating the supply of intelligence by the different agencies to intelligence clients, and the National Intelligence Coordinating Committee (NICOC) prioritizes intelligence activities within the intelligence community.

## VI. Challenges of Implementation

Designing an enviable dispensation has been one thing, but the actual implementation of the transition or transformation has probably been the most challenging task. It has required courage to systematically do away with that which is against the ideals as summarized in law and to actively initiate and support activities and processes that entrench the new dispensation. In South Africa, the implementation of the new intelligence apparatus is driven by the Minister of Intelligence acting primarily in consultation with the Minister of Defense and the Minister of Safety and Security.

This implementation has involved the amalgamation of six disparate intelligence entities from the apartheid services and the liberation movements into two new civilian intelligence structures; the careful selection of officials to occupy or to understudy key areas to help drive the processes; the setting up of relevant oversight institutions; and close political monitoring and supervision of the implementation process inside each service. Change has sometimes been resisted by officers who have come from vastly different backgrounds, and retraining and reorientation, even though they have enjoyed high priority, have not always met with the best results. Let us look at some of the challenges encountered along the way.

As explained previously, NICOC is a statutory body set up to coordinate the activities of all statutory national intelligence structures. (The relevant act of parliament that established NICOC outlines the respective legal mandates of all the statutory intelligence services.) The legal requirement for NICOC to provide (annual) national intelligence estimates also provides an opportunity for the executive, apart from being informed and forewarned, to assess the quality and relevance of what the national intelligence structures consider to be the state of the nation, in security terms. Apart from this collective intelligence product, respective intelligence departments are required to prepare departmental intelligence estimates for consideration by their ministers. From the departmental estimates and the collective national estimate, it is possible for the executive to assess which departments may be lacking in focus. It may be said that it has taken some time before the executive pushed the security ministers to take primary responsibility as a collective for the quality of service delivered by the national intelligence structures. Today, this collective is institutionalized and will result in better coordination of resources and policy formulation.

Unfortunately, the initially weak intelligence and operational capability of the South African Police Service in relation to the challenges posed by criminal groups (one must remember that over decades the police had been largely trained to deal with internal political resistance) resulted in the extended deployment of the South African National Defense Force inside the country in support of the police service. However, one of the key benefits of the limitations imposed on Defense Intelligence by the new legal mandate has been the implied requirements to disband secret projects of fronts that were directed internally. Moreover, the circumstances under which the National Defense Force could deploy its covert operational capacity inside the country were strictly regulated.

The dawn of the new dispensation, and in particular the Constitution with provisions such as Chapter Two of the Bill of Rights, meant that security forces, and in particular the police, could no longer rely on crude (now illegal) methods to obtain information from or about suspects. This requirement has therefore put tremendous pressure on the South African Police to develop the capability of doing their work efficiently without infringing on human rights. This task has not been easy. Personnel changes from the level of minister to department head took place at the beginning of the government term in 1999 in order to address matters of competence and delivery. The key point to note is the following: a change in operating procedures must be simultaneously supported by a corresponding introduction of new skills. It is vital to invest in retaining and reorientation of members of security structures.

As discussed earlier, defense intelligence structures are subject to the overall intelligence legislation and the same oversight structure in parliament – the Joint Standing Committee on Intelligence. This legislation, the Intelligence White Paper, Defense Act and the White Paper on Defense are some of the most important framework documents that inform Defense Intelligence functioning. In the first five years of South African democracy, the South African National Defense Force was still headed by a general from the apartheid era, who even at the time of the country's first democratic elections, accused some leading ANC members, without providing evidence, of involvement in secret conspiracies intended to undermine the negotiation process.



It need not have surprised many when the same officer, some four to five years later hand-delivered to President Mandela a highly classified intelligence report that implicated many key military officers from the ANC including his heir-apparent, as people plotting a coup. A judicial team appointed to evaluate that report effectively dismissed it as lacking credibility. This officer was replaced soon afterwards. Some individuals have expressed the concern that the report, as laughable as it became afterwards, nearly caused serious harm to the transformation process. Although the report had not gone through basic verification processes or through the NICOC, it had still somehow made its way to the head of state.

It may be argued therefore that it is not always enough to have good legislation and good oversight institutions; officials must be committed to the basic laws of the country as well. The experience of the period between 1995 and 2000 has shown that the quality of departmental intelligence and interpretation contributed by the national intelligence structures represented by the National Intelligence Co-ordinating Committee is heavily influenced by perceptions. Old categorizations of the country's enemy do not disappear on their own in the minds of the functionaries; thus, there needs to be practical orientation measures to ensure a changed threat perception as the basis for intelligence action.

The establishment of the Inter-Ministerial Commission on Transformation of Defense Intelligence has provided an opportunity for assessing the extent to which structures and activities that existed in the past continue to influence the present. Personnel changes in key areas aimed specifically at successful implementation of the new dispensation have been made, however this is an on-going process.

One of the challenges faced by the South African government in the course of the development of a new security dispensation has been the development of private intelligence structures. Some intelligence officers who left the services in the process of change continued to use their skills outside of the legally controlled framework. It has not been easy to effectively investigate their activities as some of these former officers still enjoyed sympathies from some members within the statutory intelligence services. While stringent laws and procedures existed to control activities of national intelligence structures, no similar restrictions existed to govern private intelligence activities. The government is currently preparing new legislation to address this anomaly.

## VII. Key Lessons from the South African Transition

Every transition is unique, and it would be a mistake to assume that everything about the South African experience is relevant to the experiences of other countries. But the broad principles that guided the transformation of the South African intelligence services are worth at least considering. It is important to remember that during the early days new intelligence services are likely to be essentially the same as old ones. Therefore, it is necessary to develop a program to systematically and courageously replace all the unwanted aspects of the old system with the new apparatus. Some of the elements of such a program may include the following:

- Reflect the envisaged ideal situation for the intelligence services in law and policy. If necessary, amend existing legislation, but if possible start off with a clean slate. Define the country's security vision and framework in law.
- Effectively market the essential elements of the new security dispensation to civil society, as well as within the intelligence services.
- Use every new "incident" of present day "abuses or violations" that is reminiscent of past behavior as an opportunity to accelerate reforms. Short term commissions of inquiry or ministerial task teams can be convenient and effective tools at the disposal of ministers.

- Ensure ministerial supervision of the services, as opposed to arms' length knowledge of their functioning.
- Comprehensively review internal procedures to be in line with new legislation and ministerial directives.
- Develop or strengthen managerial ability that will enable the services to overcome difficulties of transformation.
- Stakeholders at the level of ministerial sub-committees and even full executive must be willing to provide clear guidance regarding intelligence priorities to inform major planning and spending cycles of the intelligence services.
- Insist on accountability and do not fund activities that one is not completely convinced of; many insidious programs may still be latent, and financial transparency is critical in the transition.
- Each intelligence service must have procedures for internally authorizing operations that are sufficiently clear and could therefore be audited for effectiveness, should a minister wish to confirm the legality of a particular operation.
- Establish parliamentary oversight as an important mechanism to support and encourage implementation of defined change programs.
- Systematically ease or phase out individuals at managerial levels who are working against the goals or outside of the perimeters of the new dispensation.
- Use short-term, focused task teams and/or ministerial commissions of inquiry backed by effective terms of reference to assist ministers in developing ministerial directives. Such task teams perform some kind of staff function for ministers, and thereby help the ministers and department leaders to avoid making uncoordinated, piecemeal changes.

## VIII. Conclusion

Change is almost never easy; redirecting intelligence services from a repressive agenda to one upholding a new democratic dispensation is a mine-field. But the rewards are great. South Africa can now look back with pride on its achievement: the creation of an intelligence apparatus that is founded on democratic principles. We need to be ever vigilant, however; the nature of intelligence is such that the balance between secrecy and democracy will always be a fine one to strike.

## IX. Sources

Sandy Africa and Siyabulela Mlombile were both activists involved in the transition processes around the South African intelligence services. While they were appointed by the South African Intelligence Ministry to attend the Project on Justice in Times of Transition's Round Table Discussion on Guatemalan Intelligence Reform in March, 2000, they take personal responsibility for the contents of their input and this documents. The following sources may be of interest to the reader who would like a more detailed account of the legislative framework for intelligence in South Africa:

Transitional Executive Council Act, 1993 (Act 151 of 1993)  
 White Paper on Intelligence, October 1994  
 Intelligence Services Act, 1994 (Act 38 of 1994)  
 National Strategic Intelligence Act, 1994 (Act 39 of 1994)  
 Intelligence Services Control Act, 1994 (Act 40 of 1994)  
 The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)

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