The Intelligence Regime in South Africa (1994-2014): An analytical perspective

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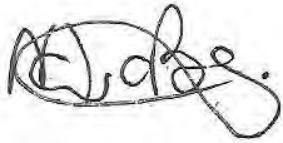
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DECLARATION

I declare that "**The Intelligence Regime in South Africa (1994-2014): an analytical perspective"** to be my own work, that it has not been previously submitted for any degree or examination purposes at this or any other university, and that all the sources used or quoted, have been indicated and acknowledged.

Signed   Date   03/04/2014

DEDICATION AND ACKNOWLEDGEMENT

I would like to dedicate this dissertation to my wife Cheryl, for her love, patience and unwavering support.

I would like to sincerely express my gratitude and appreciation to:

My parents, in-laws and family for support and sacrifices;

My kids – that this could serve as an example of encouragement;

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Soli Deo Gloria, thank you for dreams and inspiration.

For anyone - whose contribution has not been acknowledged herein - my sincere apology.

Lastly; the purpose of this dissertation is to promote an understanding of Intelligence in South Africa.

ABSTRACT

Intelligence, having espionage as its roots, is sometimes misunderstood due to its secret nature. It is due to this that intelligence as a vital component in a state, could be misused by the political regime through less democratic practices that infringe on human rights and the rule of law. The quest of this study (which is not classified, to make the research findings available to both practitioners and scholars of intelligence studies), is to attempt to contribute to the theory and understanding of intelligence studies as a sub-field within the political science in describing, explaining and analysing the intelligence regime. The primary aim is to provide a contextualised and systematic overview of the South African intelligence regime within the framework of the democratisation process in South Africa with specific reference to the period from 1994 to 2014.

This study analyses the intelligence regime in South Africa by specifically assessing the role, function and purpose of intelligence through history and within the context of the South African political regime. Therefore, the research problem examined in this study is: given the history and development of South Africa as a democracy, what is the role and function of the intelligence regime during the period 1994 to 2014 – specifically to determine whether intelligence practices were more or less democratic.

The theoretical framework formed the basis from which the concepts of state, political regime types and form and degree of government, was explored. It furthermore provided for a comparison of democratic and non-democratic intelligence practices. The study locates intelligence as a reflection of the political regime through the simultaneous typology of both the regime and intelligence, thereby to enable the identification of more or less democratic practices. The notion of a hybrid regime, as having elements of both democratic and non-democratic regimes, presented a fundamental shift in the perception of South Africa's democratisation process towards an attempt to reach the goal of being a consolidated democracy.

This study draw the conclusion that the role, functions and mandate of an intelligence service within a democracy, should *firstly* focus on providing the policy-maker with intelligence to be able to make policies; *secondly* on the identification of threats or potential threats to national security of the state and *lastly* to protect the constitution. This would ultimately enable the intelligence regime in South Africa to employ more democratic practices which could assist in reaching the goal of democratic consolidation.

KEY TERMS

Authoritarian

Control, Oversight and Accountability

Consolidated Democracy

Democracy

Democratisation

Government

Human Rights

Hybrid Regime

Intelligence: definition, elements and purpose

Non-democratic

Oligarchy

Political Regimes

Politicisation

Power Elite

Rule of Law

State

Totalitarian

Weak State

OPSOMMING

Intelligensie, met sy wortels en oorsprong binne spioenasie, word dikwels misken en verkeerdelik verstaan as gevolg van die geheime aard waarbinne dit funksioneer. Hierdie aard sowel as die sentrale funksie wat intelligensie binne 'n staatsopset vervul, bied dikwels die geleentheid dat die politieke regime, intelligensie kan misbruik deur minder demokratiese handelinge ten opsigte van mense regte en die regstaat beginsel.

Hierdie studie is nie geklassifeerd nie, ten einde die navorsing en bevindinge toeganklik vir beide akademici sowel as verbruikers van intelligensie te maak. Die studie poog om 'n bydrae te lewer tot 'n beter begrip van intelligensie teorieë en konsepte binne die intelligensie studieveld, wat deel vorm van die groter politieke studie terrein, deur die intelligensie regime te verklaar, ontleed en te analiseer. Die primêre doelwit is dus 'n kontekstualisering en sistematiese oorsig van die intelligensie regime binne die konteks van Suid Afrika se demokratiserings proses met spesifieke verwysing na die tydperk van 1994 tot 2014.

Die studie analiseer die rol, taak en funksie van die intelligensie regime in Suid Afrika teen die historiese verloop en ontwikkeling daarvan binne die konteks van die politieke regime. Die navorsingsprobleem wat deur die studie nagevors was, is: Wat is die rol en funksie van die intelligensie regime in Suid Afrika gegewe die historiese verloop en ontwikkeling daarvan, ten opsigte van demokratiese praktyke?

Die teoretiese raamwerk van die studie vorm die basis waarbinne konsepte soos staat, regering, politieke regime en die vlak en vorm van regering, ondersoek word. 'n Vergelyking tussen demokratiese en nie-demokratiese praktyke is ook deur die studie nagevors. Die studie stel voorts intelligensie voor as 'n weerspieëling van die politieke regime deur die gesamentlike klassifisering van beide intelligensie sowel as die politieke regime waarbinne dit funksioneer om sodoende meer of minder demokratiese praktyke te kan identifiseer. Die idée van 'n hibride of hibernerende regime wat beide elemente van 'n demokrasie sowel as 'n nie-demokrasie bevat, verskaf 'n fundamentele skuif in die persepsie van Suid Afrika se demokratiserings proses en sy doelwit om n gekonsolideerde demokratiese fase te bereik.

Hierdie studie het tot die gevolgtrekkings gekom dat intelligensie in 'n demokrasie *ten eerste* moet fokus op die voorsiening van intelligensie vir beleidsformulering en implementering deur die beleidmaker; *tweedens* dat bedreigings en potensiële bedreigings teen die veiligheid van die staat geïdentifiseer moet word; en *ten laastens* dat die grondwet ten alle koste deur intelligensie beskerm moet word. Hierdie optredes sal verseker dat die intelligensie regime in Suid Afrika meer demokraties handel en sodoende meehelp dat Suid Afrika 'n gekonsolideerde demokrasie word.

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LIST OF ACRONYMS

ANC	African National Congress
BIIS	Bophuthatswana Internal Intelligence Service
BOSS	Bureau of State Security
CCSI	Cabinet Committee on Security and Intelligence
CI	Crime Intelligence
CODESA	Convention for a Democratic South Africa
GCDCAF	Geneva Centre for the Democratic Control of Armed Forces
DG	Director-General
DI	Defence Intelligence
DIS	Department of Intelligence and Security of the African National Congress
DONS	Department of National Security
DMI	Division Military Intelligence
GNU	Government of National Unity
IA	Intelligence Academy
JSCI	Joint Standing Committee on Intelligence
NAT	Department of National Intelligence and Security of the African National Congress
NIS	National Intelligence Service
NIA	National Intelligence Agency
NCC	National Communication Centre
NC	National Communication
NICOC	National Intelligence Coordinating Committee
NSMS	National Security Management System
OIC	Office of Interception Centre
PASS	Pan Africanist Security Service
PSU	Presidential Support Unit
RI	Republic Intelligence
SANAI	South African National Academy for Intelligence
SASS	South African Secret Service
SB	Security Branch of the South African Police
SSA	State Security Agency
SSC	State Security Council
TEC	Transitional Executive Council
TIS	Transkei Intelligence Service
VNIS	Venda National Intelligence Service

ZAR   Zuid Afkrikaansche Republiek

ZAR GP   Zuid Afrikaansche Republiek Geheime Politie / Secret Police

CHAPTER 1: Introduction, Problem Statement and Methodologies

"All men by nature desire to know." Aristotle

1.1   Background

This is a study of the intelligence regime in South Africa. It attempts to provide an overview and assessment of the South African intelligence regime over the period 1994 – 2014 within the context of the democratisation of South Africa. It is not intended to be an exhaustive account of the transition period to democracy or of intelligence, but rather an attempt – within a broad theoretical framework – to address the question of the role and function of intelligence within a democracy, with specific reference to post-1994 South Africa. This study therefore also reflects on the current discourse pertaining to South Africa's democratisation and issues such as democratic consolidation and democratic practices.

Intelligence is regarded as a vital function of a democratic state ensuring economic growth, prosperity and security as stated in the South African White Paper on Intelligence (1995:3). If this is the case, it should then also be evident in South Africa through an analysis of the role and function of its intelligence regime. Regarding development in South Africa the following is highlighted in a statement made in 2008 by the Human Sciences Research Council (HSRC): ―In fact, there is an explicit commitment by the government and the ruling party, the African National Congress (ANC), to *the construction of a state that is both developmental and democratic"*. The interventions of the state to achieve economic development, growth and competiveness, include intelligence that forms part of the functions and processes within the broader political system. In the context of the relation between intelligence and politics, politics is described by David Easton (1953:129), as the authoritative allocation of values, goods and services. Cai (2010:1) adds that apart from the need for effective policy and governance by a democratic state, development is viewed as: ―…. an instinct of nations". All the same, there is also fierce competition between states in the international market.

According to a World Development Report on the state in a changing world (World Bank, 1997:1), without an effective state, sustainable development, both economic and social, is impossible. The report also reflects on the role of the institutional environment, the capabilities of the state and the mechanisms provided to public officials to do their jobs better. Furthermore, ―Intelligence services contribute to a democracy's ability to safeguard the security and well-being of the nation and its people, to good governance, and efficient and effective functioning of the state" (GCDCAF Intelligence Working Group, 2003:6). Intelligence services thus have to attend to several priorities in serving the government of the day. In order to adhere to the demand to collect intelligence on these priorities, as also stated by Nathan (2010:195),

intelligence agencies all over the world have special powers that permit them to operate with a high level of secrecy and to acquire confidential information through the use of intrusive measures. Nathan furthermore argues that politicians and intelligence officers can abuse these powers to infringe on civil liberties, harass government's opponents, favour or prejudice political parties and leaders and thereby subvert democracy. Consequently, states need their respective intelligence services to assist in order to strengthen its democracy and security, thereby ensuring that it is not regarded as a weakened state – as also explained by Migdal (1988:4-38). In countries with weak state capabilities and poor policies, income per capita grow only half a percent per year in contrast to countries with strong capabilities and good policies that averaged a three percent growth (World Bank, 1997:32-33). This has a major impact on the potential for people to ‗live the good life' in the long run.

The discourse on the role of intelligence in a democracy does not end here, as also discussed by several other authors and academics such as Bruneau and Dombroski (2004, 2006), Born and Caparini (2007), Gill (1994, 2003), Johnson (2009), Leigh (2003, 2009), Matei and Bruneau (2011), Vitkauskas (1999), Warner (2009) and Winkler (2002). In order to protect national security, intelligence agencies are given broad mandates and powers that result in secret activities. Implementing these powers can clash with basic human rights, therefore established and new democracies alike, are both confronted with the challenge to ensure that their intelligence services uphold the democratic system and are subject to democratic control, apart from the goal of reaching democratic consolidation. Nonetheless, intelligence as a statutory function within a democracy, as is also the case in South Africa, fulfils a specific function linked to the public policy-maker and policy-making which is crucial for protection and development of a state and its citizens. According to Nathan (2010:206) the tension between effectiveness and democratic control is one of the main themes of political debate and academic writing on intelligence in a democracy. An important outcome of governance in democratic societies, is that it opens up the political process to formulate and implement more transparent and responsive public policies, enhance national security, ensure human security, protect constitutional democracy and assist the policy-maker.

1.2   Problem Statement and Substantiation

From the above it is clear that intelligence is central to any government and therefore closely linked to the political regime. However, as a concept it is often used and sometimes little understood. Therefore the following concepts and constructs need clarification:

1.2.1   Intelligence Regime

Firstly, in today's challenging world (with demands on democratic governments to maintain peace and stability) it is not uncommon to hear the term intelligence being mentioned by public policy-makers and government officials alike in an attempt to safeguard their secrets and enhance their national interests. However, some of them in using this term do not have an adequate understanding of what it means, what its nature is, and what vital role it plays in terms of national security and policy-making; especially in a new democracy. The term is often used loosely, usually to denote secrets or catching spies and terrorists' as Shulsky and Schmitt (2002:1) argue in the opening paragraph of their book: In popular fiction and in the public imagination, intelligence has often been synonymous with espionage and skullduggery, with the sexual blackmail of a Mata Hari and the cloak-and-dagger exploits of a James Bond." This perception is also influenced by the movie-making industry where intelligence is generally portrayed as secretive, and in some cases as sinister.

What contributes to the professional adequacy of intelligence is that no government could function in the post-Cold War era without an intelligence service. This argument is supported by Born and Leigh (2007:4): The need for intelligence is a fact of life for modern governments. Few states take the view that they can dispense with a foreign intelligence service and none is sufficiently immune from terrorism or the inquisitiveness of its neighbours to forgo an internal security service". Caparini (2007b:1) adds to the discourse on the need for an intelligence service by stating that: Intelligence and security services are key components of any state, providing independent analysis of information relevant to the external and internal security of state and society and the protection of vital national interests. A fundamental precept of democratic theory is securing and maintaining public consent for the activities of the state." She furthermore makes the point, as supported in this study, that intelligence agencies must be perceived as performing a necessary function, operating efficiently and effectively, accountable for their actions and those of their members and under the firm control of elected authorities. In a democracy, and specifically a new democracy, this is the expectation of its citizens.

Nevertheless, this study supports the notion that intelligence differs from country to country. Classen (2005:20) writes in his unpublished book *The craft of intelligence analysis and assessment. A training manual for intelligence analyst:* It is generally accepted, when looking at intelligence from a comparative perspective, that the nature of a country's intelligence system to a great extent reflects the nature of that society – its traditions, history, culture, thinking and political system." In this context Roy Godson (1989b:2) explains that there are intelligence experiences throughout world history that are comparable, but there are in diverse historical and cultural context important differences". He furthermore argues that the mission of intelligence is

not a constant, invariable factor as some people may think of during periods of transition or fundamental change, as in the post-Cold War period, it needs to be adjusted to the requirements of the new environment. Thus it seems that an understanding of intelligence may vary according to the context of each state, a view that is supported by Lowenthal (2000:10): ‑Each nation practices intelligence in ways that are specific – if not peculiar – to that nation alone". This is also evident in South Africa since its transition to democracy – though not perceived as consolidated yet.

Nonetheless, South Africa is regarded as a model for new democracies and Africa in particular; therefore the transformation and change within its intelligence and security environment also requires scrutiny in terms of successes and failures. In this regard Born and Leigh (2007:2-3) debate, that as of 2006, democratic parliamentary oversight of intelligence services on a statutory basis, has become the international norm in democratic states and has received the backing of international bodies such as the parliamentary assemblies of the Council of Europe and the Western European Union. The terrorist attacks on the USA of 11 September 2001 contributed to this change. According to Born and Leigh (2007:3-4), a number of new or renewed concerns have been raised regarding both the professional adequacy of intelligence services and the risk of their role and findings being distorted by political measures. The question arises whether South Africa is still moving towards the stage of consolidation. Thus one could ask: *What is the role and function of the South African intelligence, as such, and as a key component of the state in reaching its goal towards that of a consolidated democracy?*

1.2.2   Intelligence as Academic Domain

Secondly, if an academic/scholastic approach is taken in an attempt to understand and conceptualise intelligence as a field of study, one is challenged and confronted with the fairly limited availability of comprehensive literature in comparison with other or older established academic fields. However, a growing body of literature exists on international and national security, intelligence services and spy cases. Due to the fact that intelligence is normally regarded as secretive by its very nature, it places additional restrictions on the study thereof. According to Michael Warner (In Johnson, 2009:17), intelligence practitioners by definition resists scholarship. He furthermore states that the study of intelligence is not one field but two: one on the ‗outside' with no official access to original records, and one on the ‗inside' to which only a few scholars have enjoyed sanctioned access.

Furthermore, although various scholars contributed to the intelligence field of study in recent years, a debate has emerged regarding a theory for intelligence. Sherman Kent (1955:1-11)

(regarded as one of the founding fathers of intelligence and more specifically intelligence analysis) wrote in the first edition of *Studies in Intelligence* as early as 1955, that although intelligence has taken on the aspects of a discipline with a recognisable methodology, vocabulary, and a body of theory, doctrine and techniques, it lacked literature. Even now, more than fifty years later, more contributions from scholars and practitioners of intelligence alike are required to build the theory of intelligence for a better understanding of concepts, definitions and functions thereof – especially in a democracy. In addition to the challenges faced in analysing intelligence in a democracy, Stephen Marrin (2009:142) states: ̶Basically, a profession without its own unique body of knowledge is merely a craft masquerading as a profession". So, one implication that intelligence professionalisation may have for intelligence education is the need to focus more attention on building a unique intelligence literature— in all of its forms—and making it more cumulative, i.e., a focus on theory as well as practice.

Nevertheless, the challenge exists within the study field of intelligence to contribute to the theory of intelligence in such a manner as to be able to deal with the past, present and future of its relevance as well as to validate and test concepts. David Kahn (in Treverton et al 2006:2) reports in this regard that theories of intelligence may be explored in three main ways - historical, mathematical, and psychological. A historical theory looks at intelligence in the past, the present, and the future. It would also be vital to research in this study the past, present and future of intelligence within a democracy, referring specifically to South Africa in this case. For example, in his article, ̶Bricks and Mortar for a Theory of Intelligence," Loch Johnson (2003b:1) notes: ̶The objective is less to impart new knowledge than to lay out what we know in such a manner as to suggest next steps in theory construction". Subsequently one could argue that any study of intelligence would also contribute and enrich the theory thereof.

All the same, in an analysis of what constitutes intelligence, one should not fall into the trap as Wilhelm Agrell (2002:1) describes: ̶When everything is intelligence – nothing is intelligence". Peter Gill states in his article on intelligence theory (Gill, Marrin and Phythian, 2009:223) that we need a theory that can inform intelligence studies everywhere and, whether we like it or not, many parts of the America's, Africa, Asia, the Middle East and parts of Europe have some way to go in achieving ̲democratic intelligence'. Challenges facing consolidation in new democracies also contribute to the need to conceptualise and understand intelligence. This also has specific relevance to this study of the South African democratisation process and the role and function of its intelligence regime.

1.2.3   Intelligence Mandate

Thirdly, the mandate of intelligence is vital for its task, role and function within a democracy. Vitkauskas (1999:10) wrote that this is also the guiding principle of an intelligence service's conduct of operations and measures its effectiveness. More than any other element in the system, the mandate must reflect the overall balance required. It must be broad enough to permit the agency to develop adequate intelligence on present and future threats to security, but it must also have clearly defined limits to ensure respect for human rights and the fundamental freedoms of nationals. The mandate and functions of an intelligence service will reflect, if it could be labelled, a democratic intelligence service.

All the same, the mandate of South African intelligence as legislated in the National Strategic Intelligence Act (39 of 1994), is to provide the Government with intelligence on domestic and foreign threats or potential threats to national stability, the constitutional order, and the safety and wellbeing of its people. The South African White Paper on Intelligence (1995:1) states, in addition to regarding the role of intelligence in South Africa, that: ‖In the South African context the mission of the intelligence community is to provide evaluated information with the following responsibilities in mind:

- the safeguarding of the Constitution;
- the upholding of the individual rights enunciated in the chapter on Fundamental Rights (the Bill of Rights) contained in the Constitution;
- the promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern Africa;
- the achievement of national prosperity whilst making an active contribution to global peace and other globally defined priorities for the well-being of humankind; and
- the promotion of South Africa's ability to face foreign threats and to enhance its competitiveness in a dynamic world".

The South African Intelligence regime is furthermore guided by government policies and statements such as the State of the Nation Address and the Government Programme of Action. In this regard the 2011 South African Government Programme of Action (www.thepresidency.gov.za) identified ten priority areas from 2009 up to 2014 relevant to intelligence, namely:

- speed up economic growth and transform the economy to create decent work and sustainable livelihoods;
- introduce a massive programme to build economic and social infrastructure;

- develop and implement a comprehensive rural development strategy linked to land and agrarian reform and food security;
- strengthen the skills and human resource base;
- improve the health profile of all South Africans;
- intensify the fight against crime and corruption;
- build cohesive, caring and sustainable communities;
- pursue African advancement and enhanced international cooperation;
- ensure sustainable resource management and use; and
- build a developmental state, improve public services and strengthen democratic institutions.

The role of intelligence is furthermore evident in the foreword by Matthews in the South African Ministerial Review Committee on Intelligence Report (2008:7) whereby he states that with the emergence of modern democratic states, a fundamental change has occurred in the nature of intelligence as an instrument of government. He continues his argument that the previous emphasis was on the security of the state and the survival of the regime, where as it has now shifted to human security and human rights and freedoms. This point is also enhanced by the Minister of the State Security Agency, Dr S Cwele, in the State Security Budget Vote Address to the South African Parliament on 2 June 2011 whereby he stated: ―Notwithstanding the prevailing peace and security, we should remain vigilant and united in our collective effort to uphold National Security of our young developmental state".

To summarise the problem statement: In order for South Africa to develop and prosper, to be safe and secure and consolidate its democratisation, it requires intelligence that is professional and non-partisan and which adheres to the rule of law and human rights as contained in the Constitution and the White Paper on Intelligence. However, continued restructuring, policy changes and increased politicisation of intelligence in South Africa impacts on the welfare and security of the state that leads to non-democratic trends and practices. If this situation persists, intelligence could not only fail in terms of its mandate and functions, but could also jeopardise the democracy in South Africa. This study aims to determine whether intelligence in South Africa also has an important function to fulfil in support of the public policy-maker to ensure vital policy-making and policies to the future successes of democratisation. It is therefore relevant in the analysis and understanding of the intelligence regime to determine, explore and understand democratisation in South Africa.

It is evident that the success of South Africa's democratic consolidation, would clearly impact on the development and security within the state and the ability of its citizens to ̲live the good life'. In addition, the contributing role of South Africa's intelligence (as a vital function of a state)

towards democratisation consolidation, could also be questioned. Albeit, the research problem will therefore examine; given the history and development of South Africa as a democracy, what is the role and function of the intelligence regime during the period 1994 to 2014?

The following research questions relevant to this study will be asked:

- What is the theory and concepts of intelligence?
- What constitutes intelligence practices in democratic and non-democratic states?
- What is the impact of South Africa's political system on its intelligence regime and its history?
- Does the intelligence regime contribute to democracy and development in South Africa?

1.3   Research Aim and Objectives

The purpose of studies and research on a Master's degree level is to contribute academically to the current field of study as well as practically through description and explanation, and thus assist in making sense or understanding of a phenomena or concept. The quest of this study and its significance is an attempt to contribute to the theory and understanding of intelligence studies as a sub-field within the political science in describing, explaining and analysing the intelligence regime. More so the primary aim is to provide a contextualised and systematic overview of the South African intelligence regime within the framework of the South African democratisation over the period from 1994 to 2014. In aiming to make the research results more accessible to scholars and practitioners within intelligence studies alike, *this study is not classified* and only overtly available sources of information are utilised and accessed. In addition, as very little is written on intelligence within the African and South African context in comparison to other countries, the aim of this study is also to add to current available literature in this regard.

The following specific objectives need to be attained through this study:

- To provide an insight in the understanding of intelligence;
- To determine and describe what constitutes democratic and non-democratic practices;
- To explore and assess the development of the intelligence regime in context to South Africa's political system; and
- To provide an analytical perspective on the role and function of the intelligence regime in contributing to democracy and development in South Africa over the period 1994 to 2014 – thereby identifying shortcomings and proposing possible areas for further research.

1.4   Central Assumption

Within the discourse on intelligence in a democracy, in terms of its secret nature, role and function to contribute to the national security and welfare of a state, intelligence could be used as an instrument of the state to infringe on the rule of law and human rights - thereby being non-democratic. This would increase the potential of preventing democratic consolidation and leave South Africa with a negated and reduced democratic transition. Therefore this study has as its central assumption that over the period 1994-2014, the role and function of the intelligence regime is epitomised by South Africa's democratisation process and could reflect both democratic and non-democratic practices.

1.5   Methods of Investigation

The research study design with regard to ontology and epistemology primarily follows a qualitative method in nature, and a realist approach, in an endeavour to provide a logical representation and description of the steps taken to arrive at the set aim and objectives. It is the premise of the research approach as stated by Poetschke (2003:2-4) that: "... there is a real world out there' so they are foundationalist's and it is possible to make causal statements. However, not all social phenomena, and the relationships between them, are directly observable". Furthermore as stated by Neuman (2006:149), qualitative researchers often rely on interpretive or critical social science and they apply "logic in practice" and they try to present authentic interpretations that are sensitive to specific social-historical contexts. Erasmus and Van Dyk (1996:12) write that qualitative research focuses on, and articulates the processes of change and seeks to understand a world which is continuously being constructed, not ready made. In addition, a number of theorists in the study field of intelligence are also realists as evident in this study; as they focus on how intelligence is viewed and perceived by people. Therefore, this study follows the realist approach as facts and objects can physically be described, the rationality of stakeholders can be determined such as governments, entities and services that act in their own interests.

The study approach is mainly deductive theorisation with the objective to understand, study and explore the topic within its specific context. The research will mainly focus on descriptive and comparative analysis methods. The history and development of intelligence in South Africa, as a new democracy, will be described and explained in order to be able to explore a framework for the understanding thereof. A brief comparative analysis of democratic and non-democratic intelligence practices will be conducted, to be able to establish the similarities and differences within the South African context. The literature will be collated and compared to determine relevant and applicable theories and models within the South African context.

As already indicated, overtly available information will be accessed in the literature study. In an attempt to describe, explore, and explain the methodological technique; historical and comparative research will be implemented. According to Babbie and Mouton (2008:79) social research has as common purpose; exploration, description and explanation. Therefore, in order to explain concepts, definitions, functions and contexts with regard to intelligence and democracy, this study would employ descriptive and exploratory methods. These methods are exploratory in nature and are used to: ̶explain concepts, constructs and paradigms and to develop hypotheses with regard to specific phenomena" (Duvenhage and Combrink, 2006:65).

The specific methodological steps of this study will be as follows:

- In conceptualisation and theoretical points of departure, the definitions, concepts, functions and purpose of intelligence will be defined and explained.

- The intelligence regime in democratic and non-democratic states will be explained and described in terms of its practices.

- The history and development of intelligence in South Africa will be described, explained and assessed through historical research and exploratory methods;

- The contribution of the intelligence regime towards development and democratisation in South Africa will be explored and analysed (through the reconstruction and interpretation of the intelligence regime against the role and function of intelligence in democratic or non-democratic countries), in order to align it with the central theoretical statement (that the intelligence regime is the epitome of the political system and practices of a state) and obtain the findings of the research/study.

1.5.1 An Analysis of the Literature or Sources

The challenge with a topic such as intelligence - that by its nature is secret - is to utilise overtly available sources of information that are un-classified/declassified in this study. *There is sufficient overt and academic material available as sources for this study that make the use of covert or classified material for this type of study unnecessary.*

Although African and South African literature relevant to the focus of the study in general is limited; there is sufficient material available that includes primary sources to conduct this study. A vast amount of literature is available on intelligence in other countries, both democratic and non-democratic states. A careful study was made in order to determine the most important sources relevant in assisting to the understanding of concepts and theory relevant to this research, which include scientific articles, study field related conference papers, academic journals, publications, research papers and articles on the World Wide Web. Nonetheless, it should be noted that reliable secondary sources pertaining to the history and development of

South African intelligence specifically; is somewhat limited in comparison to other countries. There are quite a few personal reflections and memoirs available such as *Shaking hands with Billy*, by Turton, *On South Africa"s Secret Service: an undercover agent"s story*, by Labuschagne, *A spook"s progress – from making war to making peace*, by Spaarwater and *Songs and Secrets: South Africa from liberation to governance* by Gilder – to name a few. These, however, are in most cases personal accounts of events and information should be verified before it could be accepted.

Even books such as Sander's *Apartheid"s Friends the rise and fall of South Africa"s secret service, Inside BOSS the South African Secret Police* by Winter and Blackburn and Cadell's *Secret Service in South Africa* – contain certain information that is not verified or correct. This nonetheless doesn't prevent meaningful and relevant study or research of the topic – it only presents broad and extensive utilisation of the number of reliable secondary sources in specific reference to the early history and development of intelligence in South Africa. However, these sources have been studied, evaluated and compared so as to determine the true meaning and value of its relevant content. In addition, a literature study was also undertaken on the main subject of this study, so as to provide a better insight into the research problem and the necessary background to the study.

1.5.2   Core Literature Applicable to this Study

The first category of literature deals with intelligence, intelligence history and the role and functions of intelligence in democratic and non-democratic states. Although the study field of intelligence is regarded as fairly new (in comparison to other fields such as political science, sociology or international relations) and the theory of intelligence is still under development, there is significant material, books and articles available on intelligence. Books such as Berkowitz and Goodman, *Best Truth: Intelligence and Security in the Information Age*; Sherman Kent*, Studies in Intelligence*; Keller's *The Liberals and J. Edgar Hoover: Rise and Fall of a Domestic Intelligence State*; Lowenthal, *Intelligence: From Secrets to Policy*; Shulsky, *Silent Warfare: Understanding the World of Intelligence*; Gill, Marrin and Phythian, *Intelligence Theory: Key questions and debates*; Johnson ed, *Handbook of Intelligence Studies and Strategic Intelligence vol. 1-4*; Andrew, Bar-Joseph*, Intelligence Intervention in Politics*, Aldrich, Wark, *Secret Intelligence: A reader;* Godson, *Security Studies for the 21ᵗʰ Century*, Gill and Pythian, *Intelligence in an insecure world*; Gill, *Policing Politics*; Born and Caparini, *Democratic Control of Intelligence Services* and Matei and Bruneau, *Policy-makers and Intelligence reform in new Democracies.* However, even though intelligence is conceptualised differently in countries all over, intelligence organisations face similar challenges globally, which makes current available

literature on intelligence in South Africa also relevant to this study. Books such as Kevin O'Brien's *The South African Intelligence Services: From apartheid to democracy 1948-2005*, Blackburn and Caddell, *Secret Service in South Africa* and Africa and Kwadjo, *Changing Intelligence Dynamics in Africa,* are also relevant.

The second category of literature deals with political concepts. In this regard, this study has various secondary sources available from recognised contributors to political science such as the works of David Easton, Robert Dahl, Gabriel Almond, Larry Diamond, Samuel Huntington, Joel Migdal and Max Weber. Furthermore, on the issue of data and sources on democracy and freedom ratings, there are various indexes available such as the Freedom Index from Freedom House, the Democracy Index published by the Economist Intelligence Unit, The Human Development Index of the United Nations Development Programme and the Rainbow Index published by the South African Institute for Race Relations.

Academic journals to be consulted include the Journal of Democracy, International Affairs, Human Science Research Council, Intelligence and National Security, Comparative Strategy as well as Intelligence and Counterintelligence. These include various articles such as L Nathan's, *Intelligence bound: the South African constitution and intelligence services, The use of intrusive methods of investigation by state intelligence services,* Sandy Africa; *Restructuring of the intelligence services in South Africa* and Bruneau and Dombroski, *Reforming Intelligence*. Various articles and research papers are available on the WWW such as articles from the Geneva Centre for the Democratic Control of the Armed Forces (GCDCAF), Loch Johnson's; *Bricks and Mortar for a Theory of Intelligence*, Arthur Hulnick's, *Intelligence reform: Fix or Fizzle*? Thomas Hammond's *Intelligence Organisations and the organization of intelligence* and Sandy Africa's *The Policy Evolution of the SA Civilian intelligence Services*.

Existing theses and dissertations relevant to this category and the research findings where applicable will also be consulted, that includes P.C. Duvenhage's thesis: *Open-source environmental scanning and risk assessment in the statutory intelligence milieu* (2011), W.A. Bernhardt's thesis: *A qualitative conceptual framework for conducting risk- and threat assessment in the South African domestic intelligence environment*, (2003) and M.A. Duvenage's dissertation: *Intelligence analysis in the knowledge age: An Analysis of the Challenges facing the Practice of Intelligence Analysis* (2010), H.J.G. Kamffer (1999): *Die Geheime Diens van die ZAR*, as well as mini dissertations by D. T. Dlomo, P.F.B. Janse van Rensburg, and T.E. Netshitenzhe.

The following available primary sources will also be closely consulted: South African legislation that reflects on the mandate, structure and role of intelligence in South Africa, the White Paper on Intelligence of South Africa, South African Intelligence public reports, South African Constitution, Public Reports, Ministerial Speeches and Commission Reports such as the Potgieter, Pikoli and Matthews Commissions. Other primary sources include United Nations, NATO, World Bank, World Development Bank and African Union reports.

1.6   Structure of the Research

The research is based on the following chapter allocation:

Chapter 1:   Introduction

The first chapter will serve as an introduction where the problem statement, methodology and objectives for the rest of the study will be set out.

Chapter 2:   Intelligence concepts and theoretical points of departure

Chapter two will attempt to provide an understanding of intelligence. The root forms of the word intelligence and the history of intelligence will be determined. The different concepts relevant to this study will be described and the approaches to the study of intelligence will be addressed. This chapter will reflect on theories *of* and *for* intelligence. It will also deal with a description and explanation of definitions of intelligence and provide a working concept thereof.

Chapter 3:   Intelligence regimes: democratic and non-democratic practices

This chapter will deal with a description and exploration of democratic and non-democratic state concepts and practices. It will place the intelligence regime as part of a more comprehensive political system in the context of democratic or non-democratic states and practices. Concepts within democratisation will also be addressed. A typology for the classification of intelligence services as well as political regimes will be determined, as relevant to this study.

Chapter 4:   The history and development of the South African intelligence regime

Chapter four will provide a brief historical overview of the history of the intelligence regime and its development in South Africa within the context of its political system. It will furthermore specifically focus on the time period 1994 to 2014, which includes the amalgamation of the statutory and non-statutory intelligence services, up to the instigation of the current State Security Agency (SSA).

Chapter 5:   A political evaluation of the South African intelligence regime

Chapter five will provide a reflection and analysis of the intelligence regime in South Africa in context to its democratisation process. This chapter will aim to further an understanding of the current intelligence regime in terms of intelligence functions, structures, mandate, policy and oversight within the broader political system as well as its contribution to South Africa's democracy and development. The political regime and intelligence practices will be placed against a framework and typology as determined in chapter three.

Chapter 6:   Conclusion

The final chapter will seek to summarise the main issues addressed in the study and make some crucial points arising from the study. The propositions formulated in the research problem will also be analysed. The central theoretical statement will be evaluated to be able to provide findings and conclusions of the study. References will also be made for further study and contribution to the theory of the intelligence regime within a democracy.

Lastly, the significance of this study needs elucidation.

1.7   Conclusion: Significance of this Study

Firstly, research indicated that there are no registered MA or PhD studies on the South African Intelligence Regime as a comprehensive topic; although several relates to specific issues within intelligence. Secondly, there are also limited reliable resources available as indicated in reference to the history and development of the South African intelligence regime.

The most notable significance of this study will therefore be two-fold, namely; a contribution to the understanding of the intelligence regime within the broader context of democratic and non-democratic states and practices on the one hand and on the other a contribution to the conceptualisation and understanding of specifically South African intelligence practices from early times, up to the inauguration of the State Security Agency (SSA) in context to the democratisation process.

A lesser contribution, though significant, will be the reconstruction of a framework for the typology of an intelligence service within a specific political regime or system.

CHAPTER 2: Intelligence Concepts and Theoretical Points of Departure

"Intelligence today is not merely a profession, but like most professions it has taken on the aspects of a discipline: it has developed a recognised methodology; it has developed a vocabulary; it has developed a body of theory and doctrine; it has elaborate and refined techniques. It now has a large professional following." Sherman Kent

2.1 Introduction

In an attempt to provide an analytical perspective on the intelligence regime in the South African context, it is necessary to first and foremost attempt to provide an understanding and overview of intelligence concepts and theoretical points of departure. Though intelligence (or more commonly, spying), is as old as organised mankind, governments only started to create separate and more or less permanent intelligence institutions since the early 19th century. Intelligence has as its origin **the concept of spying/espionage.** This reference to the conduct of espionage, has subsequently brought about that intelligence is being perceived and referred to as the second oldest profession" (Andrew, 1985:1 and Polmar and Allen, 1997:IH). Furthermore, the use of the words information or intelligence even in non-governmental organisations is not uncommon and it is even referred to as concepts such as business and/or competitive intelligence. In fact, intelligence explained by Warner (2002:15): "means many things to many people, boiling it down to one single definition is difficult". However, as also supported in this study, Herman (1996:1) explained that intelligence in government has a more restricted meaning than just information and information services. This narrows the concept of intelligence to a specific purpose and understanding.

Intelligence Studies as a fairly new study field in comparison to other major fields of study, is not a main study discipline in itself, but should rather be regarded as a subfield of study. It should be noted that intelligence services differ from country to country and as intelligence studies are regarded as a sub-study field under political science and security studies; it is also influenced by security and political concepts. There are however diverse approaches to the study of intelligence that also requires attention and could assist to clarify points of departure.

This leads to the discourse on what then is the purpose of intelligence? As instruments of the state, intelligence services can be used for the better or for the worse" (GCDCAF, 2003:2). In this regard Vitkauskas (1999:3) quotes Henry Kissinger as follows: Historically, where a state was totalitarian; its leaders knew' how to rule with the help of the secret police, but not with the secret ballot". He furthermore states that the type of political systems, whether authoritarian or democratic, usually dictates the paradigm wherein intelligence services are structured and

functions. This is also important to this study which not only focuses on the structure of intelligence, but rather more inclusive on the intelligence regime as a concept. Nevertheless, each nation's national security interests are dependent on the type of regime and its ideological outlook. A regime's ideological character as well as factors within the international system and the country's political culture, determines whether it views a foreign country as a threat. This viewpoint is also relevant to this study, specifically in terms of the South African context which would receive specific attention in the next chapters. Because of the different views by countries of what constitutes a threat or potential threat to its national security, this would also impact on their focus of both external or domestic threats as described by Shulsky and Schmitt (2002:4-7), to include aspects such as law enforcement, economics and even non-traditional intelligence focuses such as environmental issues.

Defining intelligence is regarded as a complicated issue as Allen W. Dulles (2006:39), a former Central Intelligence Director in the United States of America explains: ―Intelligence is probably the least understood and most misrepresented of all professions". In contributing to the debate, Turner (2006:3) argues the point that intelligence professionals have a different view. To them, intelligence is a particular kind of information that helps to inform, instruct, and educate policy stakeholders. To consumers of intelligence - the policy-maker, intelligence is that, and more. To political leaders, secret intelligence can also be a political asset or a political liability, depending on whether intelligence information helps or hinders the fulfilment of political goals. *For the purpose of this study the main focus would be on intelligence as a statutory function within a state*. In the interest of the reconstruction of the study field and to ensure a common understanding of the conceptual framework of the intelligence regime addressed in this study, chapter two describes and explains the relevant concepts that are used in the discourse on the intelligence profession or discipline within a democracy. It starts with an explanation of the meanings and root form of the word intelligence, followed by a brief description of the evolution and development of intelligence from espionage to modern times; reflecting on concepts such as physical and verbal intelligence as well as the impact of the digital, analog, computer and internet revolution on intelligence.

In addition this chapter also explores, discusses and reconstructs the following intelligence concepts within the study field namely:
* the approaches to the study of intelligence and relevant intelligence theory,
* the philosophy and purpose of intelligence, and
* the elements of intelligence.

In conclusion, intelligence is defined in its three dimensions namely product, activity and organisation which also supports the main point of departure of this study and will set the tone for the third chapter, where the intelligence regime will be discussed within the context of democratic, hybrid and non-democratic regimes and practices.

2.2   The Evolution and Development of Intelligence as Practice

2.2.1 The Meanings of the Word Intelligence

Initially intelligence activities as understood today were referred to as espionage or spying, and the concept of *intelligence* is only being used since the 19th century as pointed out by Herman (1996:9). The Oxford Dictionary (2011) explains the activity *to spy"* as follows: *...*shortening of Old French *espie* 'espying', *espier* 'espy', of Germanic origin, from an Indo-European root shared by Latin *specere* 'behold, look'. The word in its Latin form literally means *to read between the lines"*.

The Oxford English Dictionary (1984) states that intelligence means *the faculty of understanding, the intellect"*. In addition to this, the Concise Oxford Dictionary (1999) defines intelligence as *„the ability to acquire and apply knowledge and skills"*. This concept further developed into the modern day use and understanding of the word intelligence as the knowledge and information needed to make informed decisions about statecraft (Johnson, 2007b:19), is also supported by this study. As indicated by Agrell (2002:2), intelligence has become a key element not only in business but in all fields of public as well as private affairs and is seen as a concern for every organisation and nearly every individual. He however stated a concern of broadening the concept of intelligence in its application to activities that are not really intelligence in the professional sense of the word. He therefore argues that the meaning of every concept has limitations and a word for everything is a word for nothing specific and states *„When everything is intelligence – nothing is intelligence"* (Agrell, 2002:5). This notion is supported by this study which focuses on the concept of intelligence as a statutory function of a state, thereby excluding other references to intelligence.

> *__The meaning of the word intelligence__: The knowledge and information needed to make informed decisions about statecraft.*

2.2.2 Evolution of Intelligence: from Espionage to Intelligence

Intelligence has its roots in espionage and initial records could be traced back to ancient soothsayers such as the Delphi oracle during the 8th century BC (Encyclopaedia Britannica, 2011 and Classen, 2005:2). Modern intelligence has much of its development and processes from its main predecessor and current counterpart – military intelligence. A reconstruction of the evolution of intelligence and its development from espionage in terms of time period and important changes, as relevant to this study could be illustrated in the following figure:

TIME	DEVELOPMENT & CHANGE		
Ancient Times 1st Century	Soothsayers Delphi Oracle Spies (HUMINT) Syrian Clay Tables Chanakya's Arthasastra Sun Tzu's Sunzi Bingfa Greek City States –couriers Roman Empire – Speculatores & Frumentar Thucydides' Peloponnesian War	*Physical Intelligence*	RAW DATA
Middle Ages 5th – 14th Century	Catholic Church Inquisition Crusades		
Renaissance 14th – 17th Century	Ambassadors/Diplomats Nation States – own intelligence Look-out Posts and Ciphers Machiavelli's The Prince Encrytions Dead drops		
Industrialisation 18th – 19th Century	Ministers and Secretaries of State Cardinal Richelieu John Turloe – Department of Intelligence Sir Francis Walsingham French Revolution – Espionage Networks Deciphering – Black Chambers Mail Interception Wilhelm Stieber – Single Military Intelligence Agency Daquerre – Photographic Pictures Samuel Morse – Morse Code Bell, Watson - Telephone – Wiretapping Counter Intelligence	*Industrial Revolution*	INFORMATION
WWI & WWII Cold War Era 1914 – 1991	Real Time Intelligence HUMINT Military Intelligence Units Signal Intelligence Electronic Interceptions Integrated Intelligence Analysis & Assessment Intelligence Theory Intelligence Cycle Intelligence Community (Civilian, Military, Police) Covert Action Surveillance IMINT, ELINT, SATINT	*Verbal Intelligence* *Analogue Revolution*	INTELLIGENCE
Modern Era 1991 - Present	Strategic Intelligence Intelligence Liaison Economic Espionage Open Source Democratisation of Intelligence Sophisticated Intelligence Development by Non-State Actors	*Digital Revolution Computer Revolution* *Information/Internet Revolution*	

ESPIONAGE / MILITARY INTELLIGENCE / INTELLIGENCE

Figure 1: Evolution and Development of Intelligence*

(Source: Own Construct)

[* The history and evolution of intelligence is depicted on a time line ranging from the ancient times, medieval period, through the First and Second World War's and the Cold War to modern times. A reflection is also provided on relevant and important developments and changes in the world that made an impact thereon, such as physical and verbal intelligence as well as the digital, analogue, and information/internet revolutions. The development of the concept of intelligence from its ancient roots in espionage and its predecessor as well as from a raw data format into information and intelligence is also indicated. The following resources could be consulted for further reading, background and study of the history and development of intelligence namely: Andrew (1985), Andrew, Aldrich and Wark ed (2009), Berkowitz (2003), Classen (2005), Dulles (2006), Gill and Phythian (2006), Gill, Marrin and Phythian (2009), Herman (1996), Intelligence Studies Centre (2009), Johnson (2007b), Kahn (2001 and 2006), Polmar and Allen (1997), Rathmell (2002), Troy (1991), Wark (1993) and Warner (2002, 2006 and 2007).]

2.3   Intelligence Studies and Theories "For" and "Of"

2.3.1 Approaches to the Study of Intelligence

The main disciplines or study fields where intelligence could be studied were identified through research conducted in this study as *Political Science*, *International Relations* and lastly *Security Studies*. This study follows the approach from *Political Science as the main study discipline with Intelligence Studies* being regarded as a subfield within that field. In approaching the study of intelligence, Kahn (2006b:11 and *In* Gill, Marrin and Phythian, 2009:8-10) argues that theories of intelligence may be explored in three main ways—historical, mathematical, and psychological. According to him a historical theory looks at intelligence in the past, the present, and the future.

However, Scott and Jackson (2004:139-169 and *In* Johnson and Wirtz, 2010:230) argue that scholars tend to approach the subject of intelligence from three relatively distinct objectives that differ from the three approaches of Khan. They explain the first approach as characteristic of theoretical approaches that seek to explain the relation between organisational structure and public policy making that is favoured by historians. The second approach is described to establish general models that explain the successes and failures of the intelligence processes. It is characteristic of a political science approach to focus on the levels of analysis and decision, and of the effective use of intelligence in the public policy process. The first two approaches focus primarily on intelligence as a tool of foreign and defence policy. According to Scott and Jackson (2004:143-144) the third approach focuses on the political function as a means of state

control with the aim to study the use of intelligence sources to understand the role of ideology and state power in political, social and cultural life.

According to Scott and Jackson (2004:144), the best writings about intelligence incorporate all three of the approaches in different ways. The diverse approaches to the study of intelligence is further elaborated upon by Thomas (1988:236-239), who details four approaches. Some of these approaches are similar to Scott and Johnson's. Thomas (1988:236-239) continues and describes the approach to the study as follows: the first *historical/biographical approach* referred to specific historical case-studies or chart chronological periods that include memoirs and archives. The second approach is the *functional approach - which* focuses on intelligence activities and processes. The third approach is the *structural approach* which studies intelligence agencies and organisations; and the fourth approach is the *political approach* which studies the political dimension of intelligence that includes decision making and public policy requirements. The approaches of Thomas (1988) are applied within this study and Scott and Jackson's (2004) argument are supported that *the best writings about intelligence incorporate all the approaches in different ways.*

2.3.2 Theories For - and Of Intelligence

Warner (In Johnson (ed), 2009:17) identified two distinct fields of intelligence study namely one form of study on the ‗outside' with no (or limited) access to original records; and the second form from the ‗inside' where a few scholars enjoyed sanctioned access. These two types of scholars can however bring the practitioner – who by nature resists scholarship – closer to an understanding of the study field. This contributes also to the creation of a broader community of intelligence scholars. It could be perceived that studies on the ‗outside' are similar to theories *of* intelligence with the purpose of understanding intelligence and that studies on the ‗inside' prefer theories *for* intelligence as it relates to practitioners. According to Gill (2009: 212) it should be noted that there are similarities between what intelligence scholars and some practitioners do and that theories *of* and *for* intelligence have different roles. Gill furthermore states that there is no conflict between theories *of* and *for* intelligence. He continues to argue that a good theory *of intelligence* should, by definition, be useful *for intelligence* and that the starting point is that intelligence does not exist in a vacuum, as the world it surveys is not a ‗closed" system.

However, to be able to have a better understanding of the approaches and disciplines of the study of intelligence as a subfield within the broader academic field, a reconstruction thereof (as relevant to this study) could be depicted as follows:
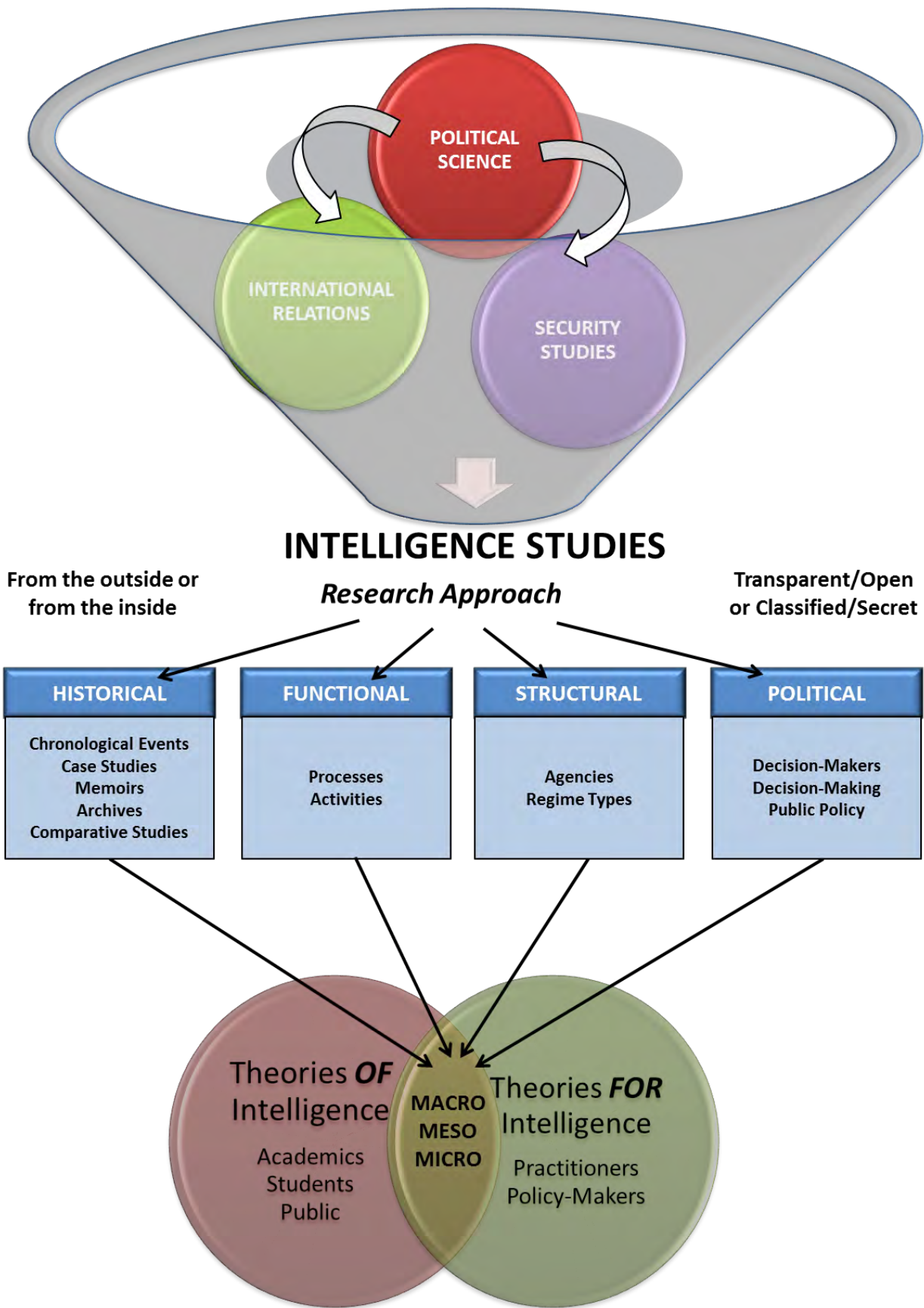
Figure 2: Approach to the Study of Intelligence Theory*

(Source: Own Construct)

[* The model is an attempt to provide an understanding and explanation of the main disciplines within the study field of intelligence and the approaches to the study of intelligence in relation to the macro, meso or micro levels of intelligence theories. In addition, transparency, secrecy and theories *OF* and *FOR* intelligence, are also depicted.]

This study integrates theories *of* and *for* intelligence and could therefore be relevant to both academics and practitioners thereof. Due to the perceived limited access to intelligence records and the obvious secret nature of the intelligence profession, intelligence studies could also be conducted in an open or transparent manner (as in the case of this study), as opposed to a classified or secret study. This could hamper the building of theory and limit discourse on intelligence practices in comparison to other more transparent study fields. Nevertheless, an increase in the development and study of intelligence could be noted if one compares the current number of worldwide academic institutions that presents intelligence courses and qualifications, accompanied by the increased number of both academics and students in this field with the situation a few years ago.

2.4   Intelligence Philosophy, Elements and Definitions

2.4.1   The Philosophy and Purpose of Intelligence

The philosophy and purpose of the intelligence regime comes afore. In elaboration to this, Godson (1983:5) indicates that the meaning of the word intelligence varies among people and within governments. He states that western states contrast sharply with most non-western and totalitarian states in their viewpoint and application thereof. Totalitarian states direct their intelligence systems first against their own societies and only then against external objectives. They usually focus more on police and security aspects in national security. According to Godson (1983:5) they are free to employ methods prescribed in western democracies, and they have few limitations on the way intelligence can be used. This is also evident in the different intelligence definitions in the theory that includes different perspectives. Chapter three of this study will elaborate more on democratic and non-democratic practices.

All countries have an intelligence apparatus of some scope and capability as Bruneau (2000:12), argues. Almost all states have their own understanding of what intelligence is and what it is for. In this statement lies the philosophy of intelligence as supported by Bay (2007:14) in his article about intelligence theory where he indicates that: ―Definitions are based on presumption about the world; more often than not these presumptions are not vocalized but assumed in quiet making it difficult for the reader to evaluate an author‗s motive behind a

definition". These presumptions are of great importance to understand why certain definitions prevail. They also answer the question why we have intelligence, why we need it, what its purpose is and how it should be used. The latter is also a focus that is relevant to this study. In an understanding of what intelligence is, Classen (2005:70) states that it is sometimes necessary to observe what something is not – in order to understand what it entails. He quotes the following statements to support this viewpoint to describe intelligence:

- Intelligence is not the formulator of objectives; it is not the drafter of policy; it is not the maker of plans; it is not the carrier out of operations … Intelligence cannot serve if it does not know the doers' minds, it cannot serve if it has not their confidence; it cannot serve, unless it can have the kind of guidance any professional man must have from his client …" (Kent 1966:182).

- The purpose of intelligence is not to predict the future. In short, foreknowledge is worth little without appropriate planning and preparation… Intelligence alone cannot win battles… Even if one had access to an adversary's plans, it would be unwise to proceed as though he were bound to behave in accord with them" (Feer, 1994:2-2 *In Classen 2005:70*).

- Intelligence is not the subversion of a foreign government or political party. Intelligence is not the kidnapping or murder of foreign (or one's own) statesmen or agents" (Kennedy, 1983:23 *In Classen 2005:70*).

In so far as the purpose of intelligence is concerned it could be that in providing foreknowledge, warning intelligence or information on threats or potential threats, the greatest value of intelligence is as a guide to the future (GCDCAF, 2003:5). This concept of relevance to future events is supported by Lowenthal (2009:2-4) who has come up with four main reasons why intelligence agencies exist, namely:

- To avoid strategic surprise: The foremost goal of any intelligence community must be to keep track of threats, forces, events and developments that have the ability to threaten the nation's existence.

- To provide long-term expertise: This is all about continuity of expertise, because all senior policy-makers are compared with the permanent bureaucratic staff – transients. It is virtually impossible for them to be well versed in all of the matters and issues with which they will be dealing. They will have to call on others who have the necessary expertise.

- To support the policy process: Policy-makers have a constant need for tailored, timely intelligence that will give them the background, context, information, warning, and assessment of risks, benefits and likely outcomes.

- To maintain the secrecy of information, needs and methods: The pursuit of secrecy and secret information is the mainstay of intelligence. Secrecy does make intelligence unique. This aspect includes the counterintelligence function of intelligence.

In support to the last two reasons provided by Lowenthal for the existence of intelligence, Caparini (2007b:3-5) explains that intelligence and security services are key components of any state. She highlights that the intelligence sector is a special area of state activity as it has a vital role in safeguarding national security (both internal and external); resulting in a strong imperative for secrecy. She continues saying that intelligence is presented to policy-makers to help them in their decision-making process and choice of policy options. Intelligence thus could be directed externally towards foreign entities such as other states or non-state actors on the one hand or against perceived domestic threats to the security of the state and society on the other. Bruneau and Boraz (2007:6-7) also argue in line with Caparini, that intelligence serves two purposes: "first and foremost, to inform policy and second to support operations, be they military, police or covert, with the ultimate goal of ensuring state security". According to them intelligence and the armed forces share the same ultimate goal namely to ensure national security. This is furthermore deliberated upon by Shulsky and Schmitt (2002:3-7) who add their explanation regarding the concept of national security and the concerns of a state which is also the traditional scope of intelligence; that its core meaning has to do with the protection of nations against threats that require the attention of the nation's intelligence services.

In reference to the purpose of intelligence; Classen (2005:70) furthermore quotes Handel as follows: "In the end, intelligence is a means of comprehending reality – be it the present or future reality. Intelligence is a means – one of several instruments of power - to assist decision-makers to control their environment, to face risks, to deal with ambiguity, contradiction, evidence and uncertainty". Therefore the function of an intelligence regime reflects each specific country's unique threat perception and specific intelligence requirements which supported by Lowenthal (2009:11) in that "each nation practice's intelligence in ways that are specific – if not peculiar – to that nation alone". Herman (1996:15) adds that intelligence as information is as old as government, so too is secret intelligence. Gill and Pythian (2006:1-2) adds to the discourse in describing intelligence as a means to an end. Kent (1953:ix) contributes to this by stating that: "Intelligence, as I am writing of it, is the knowledge which our highly placed civilians and military men must have to safeguard the national welfare". This end is the security, and even prosperity, within a state.

> *Points of departure:*
> - *The need for intelligence is a fact of life for modern governments and is a vital statutory function within a state.*
> - *The nature of a country's intelligence system to a great extent reflects the nature of that society – its traditions, history, culture, thinking and political system.*
> - *When everything is intelligence – nothing is intelligence.*

However, Classen (2005:83) provides the following figure as an explanation to the primary functions of intelligence:

PRODUCER → **OUTPUT** → **CONSUMER**

INTELLIGENCE

PURPOSE:

Preventing …

- Surprises/the unexpected
- National disasters
- Fast developing crisis

PURPOSE:

Enlightening/Informing …

- Policy and decision-making
- New trends and information
- Better comprehending reality
- Feed-back on policy decisions
- Helping to develop the "big picture"

PURPOSE:

Helping to …

- Develop alternative courses
- Close the uncertainty gap
- Illuminate the unknown
- Reduce risks
- Obtain the competitive edge
- Adapt to change

"The intelligence community does not only exist to churn out facts, or issue timely warnings; it also provides an opportunity to develop deeper insights and examine the feasibility of alternative policies".
(Michael I Handel, 1989)

Figure 3: Primary Functions of Intelligence

(Source: Reproduced from Classen (2005:83))

In terms of the purpose and function of intelligence Caparini (In Born and Caparini, 2007:5) summarises intelligence as the collection and analysis of information, presented to policy-makers in a form that will help them in their decision-making process and their choice of policy options. She continues to state that intelligence can be directed externally towards foreign entities such as other states and non-state actors, as well as against perceived domestic threats to the security of the state and society, which is traditionally known as security or security intelligence. Nevertheless, the issue at hand, which is also the focus of this study, is that intelligence is a vital function in maintaining national security in a democracy as supported by Caparini (2007b:1), Born and Leigh (2007:4), Lowenthal (2009:1), Godson (1983:5) and Meyer (1987: 6).

A clearer description of the purpose of intelligence which is also supported by this study is provided by Turner (2006:4) who defines intelligence as: ‖...policy-relevant information; collected through open and clandestine means and subjected to analysis, for the purposes of educating, enlightening, or helping *American* decision makers in formulating and implementing national security and foreign policy. This definition reflects the myriad approaches to understanding intelligence as a governmental activity". Lowenthal (2003:8 and 2009:9) provides the following working definition: ‖Intelligence is the process by which specific types of information important to national security are requested, collected, analyzed, and provided to policy-makers; the products of that process; the safeguarding of these processes and this information by counterintelligence activities; and the carrying out of operations as requested by lawful authorities". Therefore *this study* views and describes a reconstruction of the purpose of intelligence as having two major functions: firstly to provide the policy-maker/decision-maker with intelligence to be able to take sound decisions for making and implementing public policies and secondly; to identify threats and potential threats to national security, to enable the policy-maker/decision-maker to take decisions for the effective countering thereof.

> *Threefold Purpose of Intelligence:*
> - *To provide the policy-maker/decision-maker with intelligence to be able to take sound decisions for making and implementing public policies.*
> - *To identify threats and potential threats to national security, to enable the policy-maker/decision-maker to take decisions for the effective countering.*
> - *Protect the constitution*

This is also relevant to the South African context where the White Paper for Intelligence (1995:1-3) provides a framework for the understanding of the philosophy, mission and role of intelligence as initially mandated by the National Strategic Intelligence Act (39 of 1994), to

provide the Government with intelligence on domestic and foreign threats or potential threats to national stability, the constitutional order, and the safety and wellbeing of its people.

2.4.2 Elements or Functions of Intelligence

The functions or elements of intelligence also need to be described and explained as it forms a vital part of the intelligence regime within any state. The elements of intelligence as indicated in the theory are *collection, analysis, counterintelligence and covert action* (Born and Caparini, 2007:5; Shulsky and Schmitt, 2002:8-158; Bruneau, 2000:8-15; Lowenthal, 2009:69-178; Codevilla, 1992:4 and Godson, 1983: 5-18). Godson (1983:5-6) argues that the four elements or disciplines of intelligence are interdependent. As elements of the same craft he argues that they form part of a whole. Turner (2006:88) adds to this argument that the policy-maker requirements initiate the intelligence process, and intelligence collection gives it substance. The specifics of each element could be described briefly as follows:

Collection according to Bruneau (2000:13) refers to the gathering of raw data through espionage; technical means (photography, interception of electronic communications, and other methods involving technology); exploitation of "open sources" (for instance, publications, and radio and television broadcasts); or in any other manner. GCDCAF provide the following useful description of intelligence collection that is also supported by this study. Collection is the gathering of information using methods such as:

- *Open source intelligence* – the assembling of openly available information, such as that provided in the media and academic journals;
- *Human intelligence* – information collected from agents, defectors, diplomats; or from reports from counterintelligence operations, interrogations, discussions with foreign personnel, etc.; and
- *Technical intelligence* – data and information collected through intercepts; monitoring and localising of radio, microwave, radar and other means of electromagnetic emission; communications intelligence; electronic intelligence; telemetry intelligence; foreign instrumentation signals intelligence; cryptology intelligence; measurement and signatures intelligence; imagery intelligence; photographic intelligence and computer network exploitation (GCDCAF, Backgrounder 2006:1-2).

Analysis is the screening and collation of data and the transformation into intelligence products to assist policy-makers by providing relevant and trustworthy information designed to make sense of complex situations and issues (GCDCAF, Backgrounder, 2006:1). In reference to analysis, Turner debates that collecting intelligence information is of little value unless someone

corroborates and evaluates the information, puts it into context, and uses it to form a series of judgements about foreign capabilities and intentions. He concludes that: ―Analysis is the heart of the intelligence process‖ (Turner, 2006:107). In addition Bruneau (2000:11) defines the element of analysis as what to conclude from raw information and adds that this element has always been the big challenge in intelligence.

Counterintelligence Born and Caparini (2007:5) argue, concerns information or activities aimed at neutralising the activities of hostile intelligence services and are necessary to protect the state‗s secrets from falling into the hands of other states. This is also supported by Bruneau (2000:11) that at its most basic, the purpose of counterintelligence is to protect the state and its secrets. A more inclusive description of the defensive and offensive functions of counterintelligence is provided by the Geneva Centre for the Democratic Control of Armed Forces - GCDCAF (Backgrounder 2006:1-2): ―Counterintelligence focuses on preventing foreign intelligence services or other foreign-controlled groups from committing espionage, subversion and sabotage against the state. This consists of defensive measures, such as inquiries, vetting and surveillance, and offensive measures such as conducting operations to penetrate, deceive, disrupt and manipulate these organisations‖. Prunckun (2012:23-25) also describes counterintelligence in two taxonomic categories of defense and offense. Defensive counterintelligence according to him gathers together those activities that contribute to deterrence and detection that would include security whereas the offensive category contributes to detection, deception and neutralisation and include activities such as counterespionage operations and investigations.

Covert actions or the British term ―special political actions‖ and the Soviet‗s ―active measures,‖ are actions intended to influence another state by means that are not identified with the state behind the actions, according to Bruneau (2000:13). The concept differs from the other elements of intelligence according to Shulsky and Schmitt (2002:8-9) in that while collection, analysis and counterintelligence are concerned with seeking and safeguarding information, covert action seeks to influence political events directly. They continue to explain covert action in terms of intensity that can range from persuasion or propaganda to paramilitary action and concludes that it has been described as "an activity midway between diplomacy and war". Bruneau (2000:13-14) identifies three main categories of covert action namely propaganda; political action which includes funding to government leaders, political parties, unions, religious groups, the armed forces and the third type as paramilitary activity, which involves the use of force. GCDCAF (Backgrounder, 2006:2) adds disruption of illicit activities on foreign soil as another category. However, according to Born and Caparini (2007:5) covert action remains a highly controversial subject. This is also relevant in the South African context where the practice of covert action is not supported as stated by the White Paper for Intelligence (1995:7):

Measures designed to deliberately interfere with the normal political processes in other countries and with the internal workings of parties and organisations engaged in lawful activity within South Africa, must be expressly forbidden. Intelligence agencies or those within them guilty of such breaches must be disciplined in the severest terms". This however, remains a controversial issue in most democracies.

The key characteristics are that these functions are centred in and intended for the state and they are secret as argued by Bruneau (2000:8-15). He continues to state that obviously not every country has robust capabilities in all four intelligence functions, but the fact that they exist, that *any nation* has these capabilities, means that this is the global framework within which intelligence must be understood. Intelligence is created to defend the state. It must defend it within the context of potential enemies, and taking into consideration the instruments they have available (Bruneau, 2000:15). According to Bruneau (2000:18) the state needs to make several decisions regarding the intelligence regime of which one is to determine which of the four functions will be implemented and how much of the country's resources will be allocated to them. This study supports the elements of intelligence as described as collection, analysis, counterintelligence and covert action in principle for the purpose of understanding the functions of intelligence, but is however of the opinion that it needs further reflection and delineation for further study – specifically due to the controversy in the practice of covert action within a democracy on the one hand, and the lack of inclusion of concepts such as domestic and foreign intelligence on the other.

2.4.3   Definitions of Intelligence

Intelligence is loosely used to refer to and describe different issues by both practitioners and academics. In defining 'intelligence', we need to recognise that it is an umbrella term. Although Kent (1953:vii) followed a pragmatic view in his description of intelligence as a simple and self-evident thing", this statement is not necessarily taken as a majority viewpoint in understanding intelligence. During the RAND workshop on discussions on a theory for intelligence in 2005, the following transpired: The workshop participants, a group of 40 practitioners, academics, and specialists from Europe and North America, generally agreed that a good definition is a prerequisite for good theory as well as for comparative study and concluded that the following four elements merit scrutiny: secrecy, state activity, understanding/influencing, and foreign entities. To provide a definition is fundamental and involves the discourse of what intelligence is.

Adding to this issue Lowenthal (2009:1) states that if this were a text on any other government function – defence, transportation, diplomacy, agriculture – there would be little or no confusion about, or need to explain, what was being discussed. He states that the secret nature of

intelligence and the impact that this secrecy has in democracies, is reasons for this discourse. In describing the nature of intelligence a clear distinction should be made between information and intelligence as Lowenthal (2009:1) explains. He defines information as not secret and anything that is known, and intelligence as a little different from information in that it is secret. Apart from stating that the full concept of intelligence is much richer than the popular fiction and public imagination of intelligence as synonymous to espionage and skullduggery, with Mata Hari sexual blackmail and the cloak-and-dagger exploits of James Bond. Shulsky and Schmitt (2002:1) state that intelligence is also referred to as: "…information relevant to a government's formulation and implementation of policy to further its national security interest and to deal with threats from actual or potential adversaries". It should however be noted that the conversion of information into intelligence is regarded as a process or activity that will also be addressed in this study. Here one should take note of the focus on the secret nature of intelligence versus open source information.

Nevertheless, intelligence is by its nature considered as secret as argued by Bruneau and Dombroski (2006:1), and Turner (2006:3). Warner again took the lead and comments on the definitions supplied by members of the discussion group in the workshop report (Toward a Theory of intelligence RAND, (in Treverton et al, 2006:10): the following definitions that could be described as two schools of thought. The first that perceive intelligence as: information for decision makers" and the second that defines intelligence as: a secret state activity designed to understand or influence foreign entities". The first definition is broad in scope and includes all manner of decision-makers, from business people to sports coaches to policy-makers. Herman (2001:6) also debates that if intelligence has any single, defining characteristic in the eyes of governments and the public, it is this secrecy and the mystique it attracts.

On the nature of intelligence Warner (in Treverton et al, 2006:10) continues his reflections on the second school of thought where the following three issues are highlighted in defining the concept intelligence, namely: secrecy, intelligence for national policy-makers is different, and intelligence includes clandestine activities and information. He elaborates on each as follows: On *secrecy*, it is manifestly true that intelligence cannot just be about 'secrets'. States need reams of information and cannot restrict themselves to gazing only at classified data," on the one hand, or, on the other, using only information that is deemed politically correct at the time". Warner continues that states also need to keep secrets, and thus someone in the state must be good at keeping them. He argues that a working definition of intelligence for states must include a consideration of secrecy which is also supported in this study.

Gill and Phythian (2006:7) provide the following definition of intelligence that mainly focuses on intelligence activities: Intelligence is the umbrella term referring to the range of activities - from

planning and information collection to analysis and dissemination - conducted in secret, and aimed at maintaining or enhancing relative security by providing forewarning of threats or potential threats in a manner that allows for the timely implementation of a preventive policy or strategy, including, where deemed desirable, covert activities".

According to Gill and Phythian (2006:7) any definition of intelligence needs to make reference to the following factors:

- It is more than merely information collection.

- It covers a range of linked activities.

- Intelligence is security-based.

- It aims to provide advance warning.

- It encompasses the potential for intelligence agencies or other entities to engage in covert actions as a possible response.

- Secrecy is essential to the comparative advantage being aimed for.

2.5   Defining Intelligence

This study postulates and supports probably the most accurate description of intelligence as based on the discussions of Sherman Kent on the understanding of intelligence in his book *Strategic intelligence for American World Policy* - first published in 1949. He is regarded as one of the major contributors to the theory of intelligence and as the intellectual founder of the US intelligence analysis discipline (Lowenthal, 2009:146). His description has created a precedent which has since then been endorsed by most authors of intelligence in the modern era (Classen, 2005:67) and is even more useful as most other definitions of intelligence could be linked into it – even more recent definitions. Kent (1953: ix) defines intelligence in three distinctive contexts namely; a kind of knowledge, a type of organisation and the activity pursued by the organisation. Godson (1983:5) also adds that intelligence is at once knowledge, organisation and process (or activity). This is also referred to by Shulsky and Schmitt (2002:1) as making the full concept of intelligence much richer. Intelligence organisation refers to the structure or intelligence community while intelligence activity is what they do and the intelligence information (knowledge) is what they produce (Herman, 1996:2).

This study also supports and postulates the notion that a definition of intelligence is at once three distinctive concepts namely; as an organisation, as an activity or process and lastly as a product. This obviously involves the policy-maker as client/consumer of the intelligence product; the intelligence producer as the organisation consisting of intelligence practitioners and the analysis and collection process as the activity/process, whereby intelligence is acquired and

produced. This definition, also viewed in this study, could be depicted as such in the following diagram:

Figure 4: A Definition of Intelligence as a Three Tier Concept

(Source: Own Construct)

2.5.1   Intelligence as Knowledge/Product

In describing intelligence as knowledge, it also includes the roots of intelligence as by the Chinese General and writer Sun Tzu in his *Art of War*, taking a practical view, wrote: ―What is called 'foreknowledge' cannot be elicited from spirits, nor from gods, nor by analogy with past events, nor with calculations ... It must be obtained from men who know the enemy situation" (In Giles, 1910:151). However, Troy (1991:433-454) is one of the few authors who tackles the issue head on and argues that intelligence is ―knowledge of the enemy". Kent (1953:3) however refines this concept even further as he focuses on national policies. In describing intelligence as knowledge, Kent (1953:3) states that intelligence means the kind of knowledge our state must possess regarding other states in order to assure itself its cause will not suffer, nor its undertakings fail because its statesmen and soldiers plan and act in ignorance. He argues that this is the knowledge upon which high-level national policies towards other states are based both for prosperity as well as for defensive-protective policy. Shulsky and Schmitt (2002:1) confirm this in their definition of intelligence where they state that intelligence refers to

information relevant to a government's formulation and implementation of policy to further its national security interests and to deal with threats from actual or potential adversaries.

The context of intelligence as knowledge is furthermore supported by Meyer (1987:6) in his definition: ―In the real world, intelligence has broadened to become organized information. More precisely, intelligence has come to mean information that not only has been selected and collected, but also analyzed, evaluated, and distributed to meet the unique policymaking needs of one particular enterprise. It is this transformation of what has been collected in to finished, polished, forward-looking, analytic products designed to meet the unique policymaking needs of one enterprise - and the organisational effort required to do it - that marks the difference between what intelligence used to be and what it has become." His definition is supplemented by Turner (2006:4) who states that intelligence can be defined as policy-related information collected through open and clandestine means and subjected to analysis in educating and enlightening decision makers in formulating national security and foreign policy.

Nevertheless, Lowenthal (2003:2) adds to his initial definition and redefines it as: ―Intelligence refers to information that meets the stated or understood needs of policy makers and has been collected, processed, and narrowed to meet those needs. Intelligence is a subset of the broader category of information. Intelligence and the entire process by which it is identified, obtained, and analyzed respond to the needs of policy makers. All intelligence is information; not all information is intelligence". In adding to the defining of intelligence as a product, one should also describe the means and type of intelligence product. In this regard Shulsky and Schmitt (2002:57-61) argue that the product could be in any means ranging from a formal report to a hurried conversation. They continue to divide intelligence products into three groups: current intelligence, basic intelligence and intelligence estimates. Their division is based on the description by Kent (1953:8) who explains that basic descriptive products are factual and deals with information of the past, current intelligence refers to that of the news media that focus on about the present and estimative intelligence deals with possible future developments.

Within this realm, Clark (2010:50-52) defines intelligence into three levels namely strategic, operational and tactical intelligence. In his broad definition, strategic intelligence deals with long range issues on national strategic policies and international situations, operational intelligence on capabilities and intentions of adversaries required for specific intelligence operations and tactical intelligence referring to every day requirements of military and law enforcement agencies. Classen (2005:74) builds on the definition of Kent, apart from explaining the functions of intelligence, to also describe the relation to intelligence products. Mostert (2009 and 2011) in turn elaborates on the definition and concepts of both Kent and Classen and provides an

illustration to explain the tasks, elements, level and products of intelligence or commonly referred to as TELP. Tasks refer to descriptions or explanations and interpretations or estimations; whilst element refers to facts, findings or forecasts. Level is described as operational/tactical, functional/departmental or national strategic. The product is explained as a situation report, assessment or estimate. Combined, the description of the TELP is depicted as follows indicating the three different areas:

Figure 5: The TELP Model: Task, Element, Level and Product

(Source: Reproduced from Mostert, 2009: Unpublished PowerPoint Slide)

As this study entails the conceptualising of intelligence within South Africa, the official definition as stated within the White Paper on Intelligence (1995) needs also to be added in the debate. The definition is described as follows: ―Intelligence refers to the *product* resulting from the collection, evaluation, analysis, integration and interpretation of all available information, supportive of the policy- and decision-making processes pertaining to the national goals of stability, security and development. Modern intelligence can thus be described as ₌organised policy - related information‗, including secret information". This is also relevant to this study.

2.5.2   Intelligence as a Process or Activity

In defining intelligence as the activity which the organisation performs, Kent (1953:151-158) explains the process of intelligence. His definition is supported by Bruneau (2000:7) who depicts intelligence as mainly defined by a process constituting the gathering and using of information for some purpose. He then focuses on the elements of intelligence as part of that process in close conjunction with one another. Johnson (2003b:1-28) however in his article ―Bricks and Mortar for a Theory of Intelligence"; portrays intelligence as an activity which is furthermore based on the so-called intelligence cycle (also stated by Kent, 1955:30; Herman, 1996:286-287 Lowenthal, 2009:55-57; and Clark, 2010:8-25) as a model to describe the activities necessary for the collection and interpretation of information. Johnson (2003b:1-28) follows the same route as Bruneau (2000:7) and Shulsky and Schmitt (2002:8-127) to add the elements of intelligence also as part of the process in including explanations of counterintelligence and covert action. The intelligence cycle is a military creation used by NATO that described it as a logical system of thought and action for providing the intelligence required by a commander which was later accepted by the civilian intelligence, which had no formal doctrine (Herman, 1996:286-287). Furthermore, Berkowitz (2003:1) elaborates by adding the intelligence cycle reflects the best thinking of how an information service should work in the late 1940's and 1950's, when current intelligence organisations were first being established and that it has been a durable concept pervading the thinking about intelligence.

Although there is a serious discourse on the relevance of the intelligence cycle to modern day intelligence activities, it remains useful to examine the traditional intelligence cycle as a point of departure, as also relevant to this study. The intelligence process is usually explained by using the concept of the intelligence cycle, typically comprising five stages: Planning and direction, Collection, Processing, Analysis and Production and lastly, Dissemination. Planning and direction involves management of the entire intelligence effort, from identifying the need for data to delivering an intelligence product to a consumer. Collection is the gathering and reporting of the raw information that is needed to produce finished intelligence. Processing and collation involves the conversion of raw information into a form usable by analysts. Analysis and production is the conversion of basic information from all sources into finished intelligence. It includes integrating, evaluating, and analysing all available data and preparing intelligence products. The last step is the distribution of the finished intelligence to the consumers, whose needs initiated the intelligence requirements.

The intelligence cycle is depicted in the following diagram by the CIA (Gill and Phythian, 2006:3 and Clark, 2010:10):
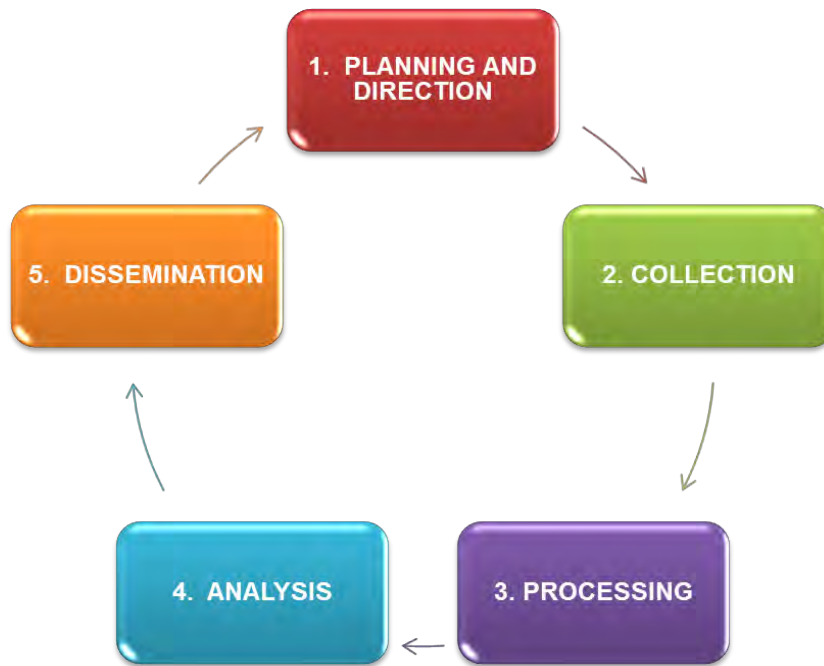
Figure 6: Intelligence Cycle

(Source: Reproduced from Clark, 2010:10 and Gill and Phythian, 2006:3)

As indicated, the concept or model of the intelligence cycle did however receive criticism over the past few years by various scholars including Hulnick (2006:959-979). Others, like Clark (2004:16), adapted the traditional model to be more relevant to operational intelligence units by placing the target central to all intelligence processes and activities as depicted in the following diagram (Clark, 2010:14):
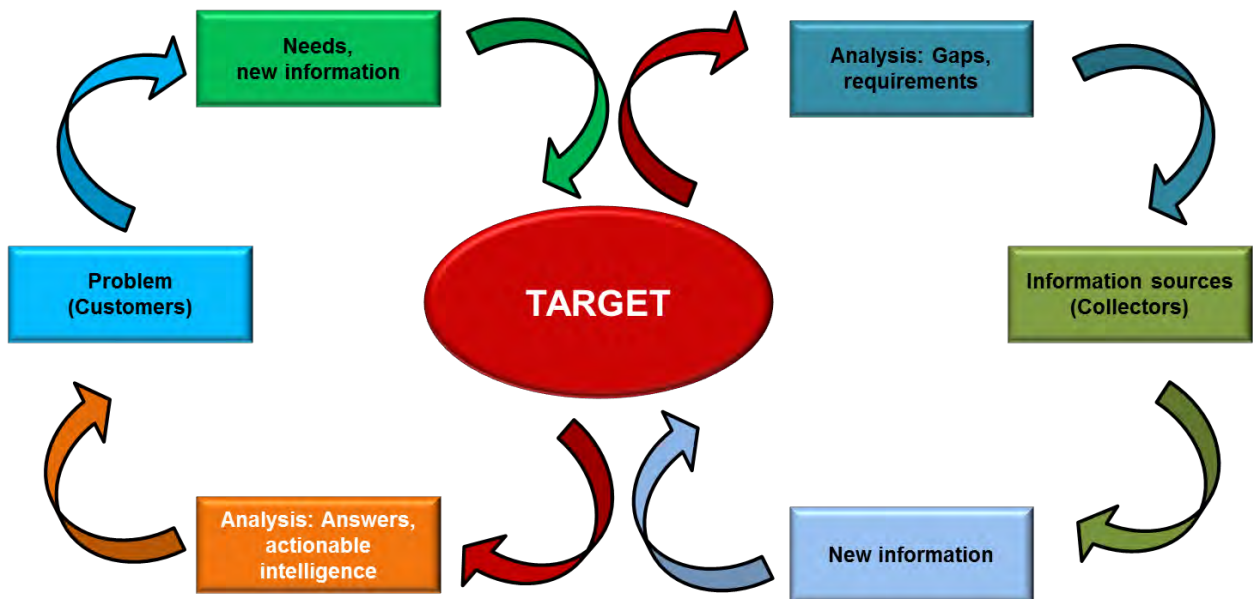
Figure 7: Target-Centric View of the Intelligence Process

(Source: Reproduced from Clark, 2010:14)

In his discussion and consideration of the intelligence process, Lowenthal (2009:65-67) argues that thinking about the intelligence process and given its importance as both a concept and organising principle, a more realistic model is required, which is based on the contention that the intelligence process is ‑in reality … linear, circular, and open-ended all at the same time". He continues to state that it is not merely the policy-maker asking questions and then a few steps later getting an answer. Lowenthal makes mention that it is sometimes required to go back a few steps to address any gaps. He explains that feedback to the collector of intelligence by the policy-maker is also required.

Lowenthal furthermore supports the view that the process lines could be repeated over and over to portray any of the various parts of the process and the fact that policy issues are rarely resolved in a single neat cycle. Apart from critique of being trapped in a cycle process, the intelligence cycle has several flaws as it only reflects collection and analysis and excludes counterintelligence and covert action. Although Duvenage (2011:18-20) proposes a reductive, conceptual nexus towards an all-discipline intelligence process inclusive of positive intelligence, counterintelligence and covert action; it could be argued that counterintelligence and covert action do not follow the same process as positive intelligence, namely collection, analysis and management. Nevertheless, the intelligence cycle remains a useful tool to describe and explain intelligence as a process. Lowenthal (2009:66), portrays the multi layered intelligence process as follows:
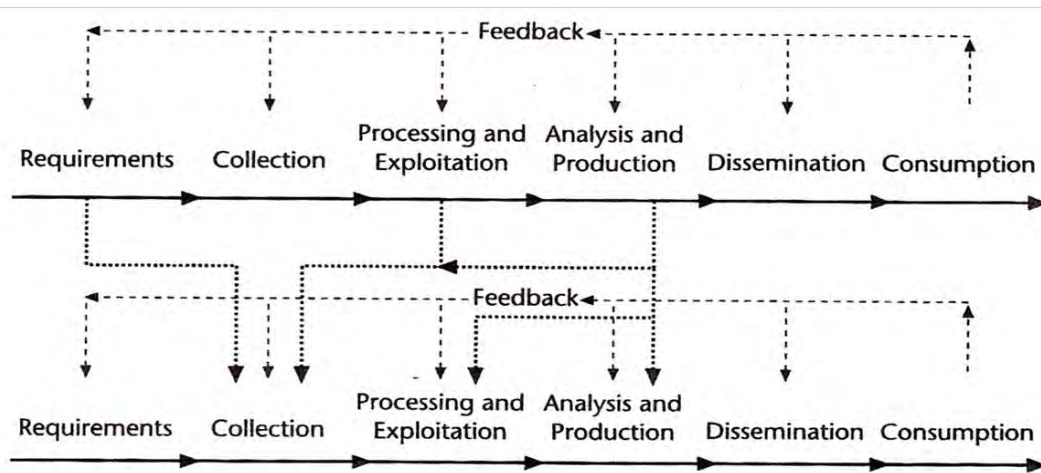
Figure 8: The Intelligence Process: Multi-Layered
(Source: Lowenthal, 2009:66)

In adding to the multi-layered process considered by Lowenthal, Krizan (1999:7-10) discusses in her monograph, ‗Intelligence Essentials for Everyone', that the intelligence process is multi-dimensional, multi-directional and interactive. She argues that the purpose of the process is for the intelligence service to provide decision-makers with tools or products that assist them to be able to identify key decision factors. Krizan (1999:8) depicts the intelligence process as follows:
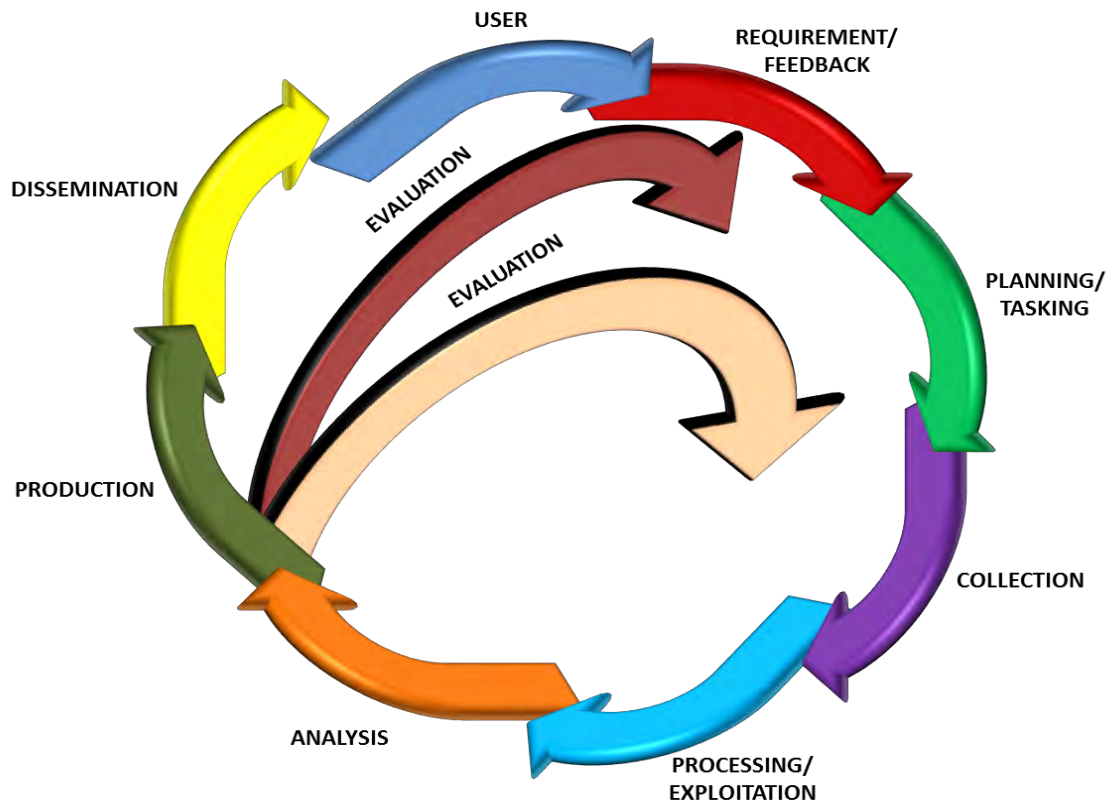
Figure 9: Process of Intelligence Creation and Use

(Source: Reproduced from Krizan, 1999:8)

The traditional intelligence cycle (See Fig. 6) clearly has less explanatory and organisational utility in the post-Cold War world according to Dupont (2003:34). He continues to argue that the discrete functionality implied in the separation of the intelligence process into collection, collation, analysis and dissemination reflects the concepts, practice and organisational dynamics of an earlier era. Most importantly, Dupont (2003:15-39) debates that what will distinguish the successful practitioners of twenty-first-century intelligence, is the ability to fuse and integrate all elements of the process to provide seamless support for policy-makers and operational commanders.

However, relevant to this study is the South African legislation on intelligence with its foundation on Chapter 11 of the Constitution of 1996 (Act 108 of 1996), regarding the functions of intelligence services: ―National legislation must regulate the objects, powers and functions of the intelligence services, including any intelligence division of the defence force or police service". The Intelligence Services Control Act 40 of 1994 defines intelligence as an activity or process as follows: ―intelligence means the process of gathering, evaluation, correlation and interpretation of security information, including activities related thereto". The National Strategic Intelligence Act 39 of 1994 focuses on the activities of intelligence in terms of: ―to gather, correlate, evaluate and analyse" as well as: ―identify", ―inform", and ―supply". The focus remains

then on intelligence as an activity or process. The premise of this study nonetheless goes beyond intelligence as activity only and supports the three tier approach by Kent (1953:3), who also includes intelligence as a product and organisation.

2.5.3   Intelligence as an Organisation

Intelligence is also referred to as an organisation. In layman's terms the policy–maker or client of the intelligence product would refer to „*intelligence*' to collect and compile intelligence products to address their specific needs or requirements. Here, as defined by Kent (1953:69): „…. intelligence is an institution; it is a physical organisation of living people which pursues the special kind of knowledge at issue". This part of the threefold intelligence definition of Kent is considered as the key element according to Herman (2001:1-3). He portrays intelligence in government as based on the particular set of organisations with that name; the intelligence services or the intelligence community. Herman (1996:2) continues to state that organised intelligence of this kind has a permanent institution within most governments. Lowenthal (2009:8) adds to this in his view of intelligence as an organisation: „Intelligence can be thought of as the units that carry out its various functions". The intelligence regime according to Herman (1996:2), is a significant part of the modern state and a factor in government's success or failure. As indicated in this study, the structures of an intelligence service or intelligence community evolved from a military origin during times of war into a civilian cloak during the Cold War era and beyond that, and even include crime intelligence within its realm.

Nonetheless, these functional government departments are usually established and mandated by law. Shulsky and Schmitt (2002:2) state that such organisations carry out the intelligence activities under one of the most notable characteristics, namely secrecy. They elaborate in arguing that intelligence agencies are organised to enhance their capacity for secrecy. Herman (1996:2) adds that intelligence communities „consume sizable if not massive resources. …. It constitutes its own particular kind of state power: „*intelligence power".* Intelligence as a set of permanent institutions has its origins in the military and specifically with the development of such structures during war time as was the case during the First and Second World War (Herman, 1996:11-15; Kahn, 2006a:125; and Gill and Phythian, 2006:9).

The structure of each state's intelligence community differs according to the unique needs and requirement of each state. This is also evident in the differences between intelligence regimes in democratic and non-democratic countries that forms part of this study and is addressed in chapter three. Rathmell (2002:102) argues that intelligence bureaucracies in contemporary Western Societies still tend to be bastions of modernist meta-narratives of state power, state

sovereignty and national security as well as being formalised modern hierarchies. Within this context, the South African Intelligence Services Act 65 of 2002 regulates the establishment of intelligence services and the National Strategic Intelligence Act 39 of 1994 the establishment of the National Intelligence Coordinating Committee (NICOC).

The different missions of intelligence according to Schreier (In Born and Caparini, 2007:31) would also have an impact on intelligence as an organisation whereby democratic states would separate domestic and external services. Therefore, different intelligence needs often lead to the creation of several services as well as different collection methods such as technical means which includes cryptology, signal intelligence and communication intelligence (GCDCAF, 2003:28-32). In addition, intelligence services are organised according to geographical areas of operation, threats or a specific issue (GCDCAF Backgrounder, 2006:3). Intelligence services whose mandate is based on a specific geographical area of operation include an external or foreign service (that collect, analyse and produce intelligence relevant to the external security of the state and warn of impending external threats); and an internal or domestic service - often called security services (that collect and analyse data relevant to the internal security of the state and the maintenance of public order and safety). Intelligence services whose mandates are based on a specific issue or domain include Military or Defence Intelligence Services (that generate intelligence relevant for defence planning and the support of military operations); Criminal Intelligence Services (that produce intelligence on organised crime, corruption and criminal activities to aid law enforcement) and Specialised national centres (that focus on particular issues, such as the US National Counterterrorism Centre).

The Mission of Intelligence in South Africa:

- *the safeguarding of the Constitution;*
- *the upholding of the individual rights enunciated in the chapter on Fundamental Rights (the Bill of Rights) contained in the Constitution;*
- *the promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern Africa;*
- *the achievement of national prosperity whilst making an active contribution to global peace and other globally defined priorities for the well-being of humankind; and*
- *the promotion of South Africa's ability to face foreign threats and to enhance its competitiveness in a dynamic world.*

However, authors on intelligence studies such as Classen (2005:14-97), Turner (2006:56-60), Herman (1996:1-385) and Andrew (1985) in his book ―Secret Service: The Making of the British Intelligence Community‖ and Godson (1988) in his book *Comparing Foreign Intelligence*; also reflect the British intelligence system (National Intelligence Machinery, 2001:1-24) as a classical structure of an intelligence community.

Such a classical structure of an ̲intelligence community‘ would consist of the following intelligence organisations:

* a foreign intelligence service (such as the British Secret Intelligence Service – SIS or MI6);

* an internal or security service (equivalent to the British Security Intelligence Service or MI5);

* a technological service for government communications (reflected in the Government Communications Headquarters – GCHQ),

* a military intelligence structure (Defence Intelligence Staff),

* a police intelligence structure (Special Branch of Scotland Yard),

* the foreign affairs/relations department (Foreign and Commonwealth),

* and a joint intelligence coordinating body (Joint Intelligence Committee – JIC).

This study supports the concept of a classical structure of an intelligence community which could be illustrated as follows:
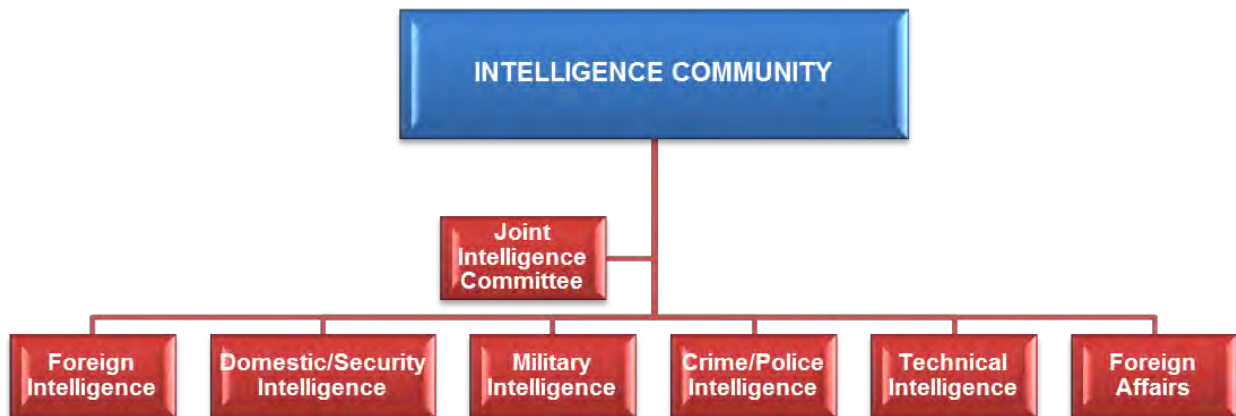
Figure 10: The Classical Structure of an Intelligence Community
(Source: Own Construct)

In addition Lowenthal (2009:313) debates, that virtually every nation has some type of intelligence service – if not both civilian and military, at least the latter. He continues to argue that: ―…. each nation‘s intelligence services are unique expressions of its history, needs and preferred government structures". His statement is augmented by Herman (2001:3) who argues that the use of the intelligence label also varies from country to country. This is also evident of the South African Intelligence as focus of this study.

> *A Definition of Intelligence:*
>
> *It is at once three distinctive concepts namely; an organisation, an activity or process and a product that involves the policy-maker as client/consumer of the intelligence product; the intelligence producer as the organisation which consists of intelligence practitioners and analysis and collection as the activity/process whereby intelligence is acquired and produced.*

Intelligence could be understood in the following framework as supported by this study, namely:

- Intelligence should be understood as a sub-study field within the broader study field of Political Science and includes theories of and for intelligence as well as the approaches to the study thereof.

- It is vital to understand the elements of intelligence namely collection, analysis, counterintelligence and covert action within the context to the purpose and function of intelligence.

- Intelligence has a threefold purpose which is the protection of the Constitution, the identification of threats and potential threats against the security of the state and thirdly, the provision of intelligence for the policy-maker to make and implement public policies.

- Intelligence consists of a three-tier concept:
  o Intelligence is a product;
  o Intelligence is a process or activity and;
  o Intelligence is an organisation.

For the purpose of reconstructing and re-interpreting the concept of intelligence, this study postulated and discussed a framework to better an understanding thereof in this chapter, which could be delineated by the following diagram:
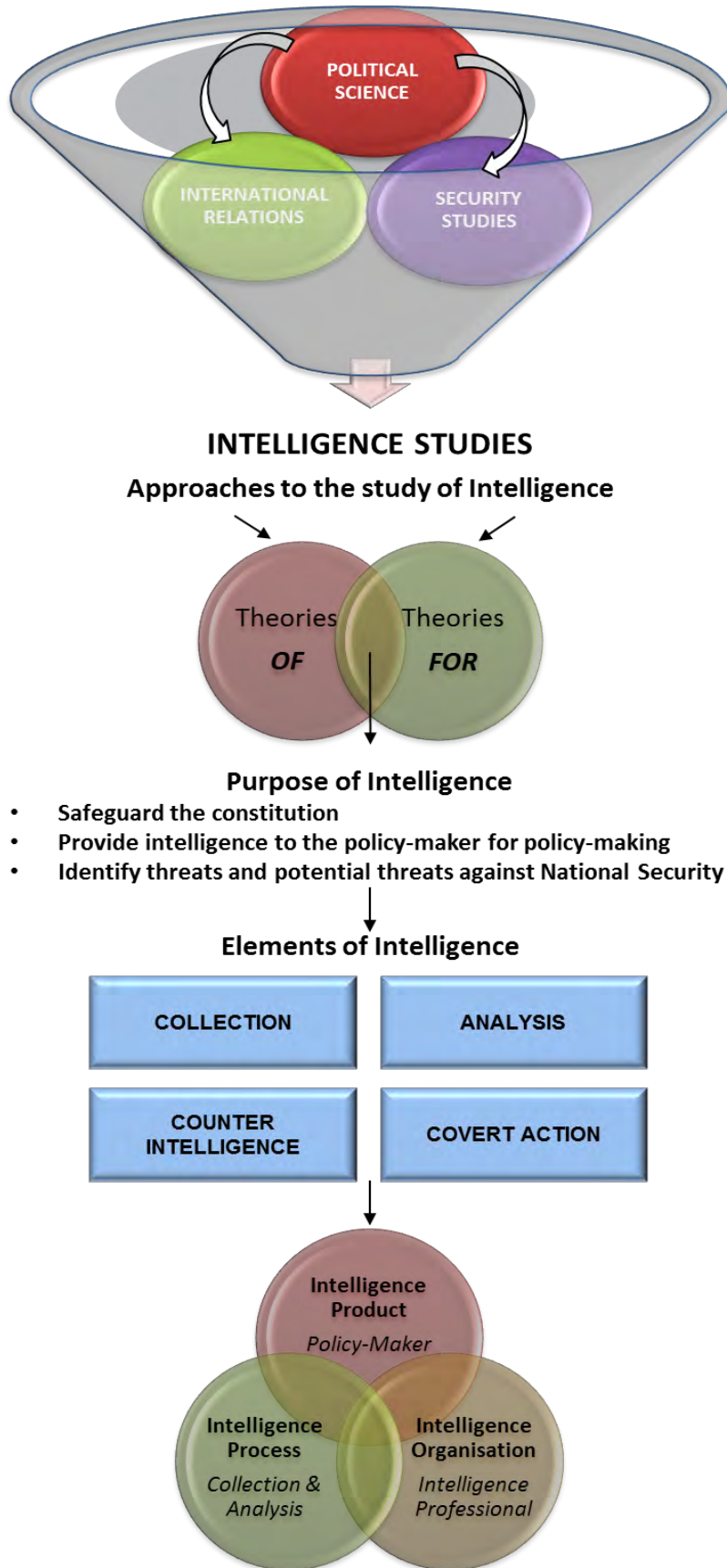
Figure 11: A Framework for Intelligence as Concept

(Source: Own Construct)

2.6   Conclusion

In summary, intelligence and the concept of intelligence remains a debatable notion that is still misunderstood and misused in many contexts. The aim of this chapter is to provide a broad understanding of intelligence theory and concepts. Reflective of this is the many uses of the concept and terminology within the business world, even in South Africa where former intelligence practitioners continue in what is labelled as ‚private' intelligence. As discussed in this chapter, intelligence cannot be regarded as a broad and all-encompassing concept which includes meaning everything and anything within all sectors of society. Intelligence is only intelligence if it is in reference to statutory intelligence. Other concepts should be viewed as merely information, as also postulated by this study. In addition, countries seek information regarding threats and opportunities; to protect their secrets and citizens and to gain an edge against competitors in the global economic market and therefore need intelligence agencies. Thus, as argued in this study, when everything is regarded as intelligence, nothing is intelligence.

To conclude, this study supports the following five main issues as discussed within this chapter: Firstly, the necessity of having an understanding of the utilisation of concepts and definitions of intelligence as explained from the root form of the word - to the historic development of modern intelligence from espionage. Thereby this chapter aims to explain that intelligence is much more than the initial concepts of espionage or spying. The concept of intelligence as discussed and supported by this study is confined in its narrower concept of a product, an organisation and a function/activity which is directly linked as a vital tool for the policy-maker. In this view intelligence is regarded as a vital statutory function, aiming to contribute to public policy-making as well as safeguarding the constitution. However, due to challenges faced in a changing world, the purpose or mandate of an intelligence service could change over time. This nevertheless does not mean that intelligence should not be subjected to democratic accountability, control and oversight - which would be discussed in the next chapter.

Secondly, intelligence studies encompasses several approaches to the study thereof – of which a combination of the four main approaches (functional, historical, political and structural), as illustrated in Fig. 2, is furthermore supported by this study.

Thirdly, a distinction is apparent in theories *of* and theories *for* intelligence, albeit on the macro, meso or micro theoretical levels. This study indicates that theories *of* intelligence are relevant to academics and students within the sub-field and theories *for intelligence,* are relevant and

applicable to the policy-maker and practitioners of intelligence. Nevertheless, both contribute to the intelligence study field.

Fourthly, a clear understanding of the elements (analysis, collection, covert action and counterintelligence) as well as definitions of intelligence and its purposes is also required and as explained within this chapter; although it is clear that these are employed according to each country's specific needs and requirements.

Lastly, this study deemed it necessary to explain and understand the nature and theory of intelligence, in terms of the three broadly defined contexts namely, *a kind of knowledge*; *a type of organisation* and *the activity or process* pursued by that organisation (See Fig. 4). A framework to understand intelligence as a concept was conceptualised and diagrammatically provided by this study, as depicted in Fig. 11. This would not only assist in addressing the functions, products and structures of South African intelligence as applicable to this study on the one hand but also forms the foundation of the theoretical point of departure for the chapters to follow, on the other.

It is also important as described in this section to comprehend the vital function of intelligence in a democratic state to ensure development, prosperity and safety, and adhere to its statutory function within a democracy as linked to the policy-maker and policy-making. The study field of intelligence is a fairly new field and the limited availability of comprehensive literature in comparison to other academic fields, including the approaches to the study of intelligence and the extent of intelligence theory is also to some extent addressed in this chapter. Through the reconstruction and interpretation of intelligence as concept, this study also aims to contribute to a better understanding of intelligence for both theories *of* and *for* and this then serves as a framework for the rest of this study. All the same, this study is of the opinion that the discourse on what intelligence is, and what it ought to be, would remain. Nevertheless, in the real world intelligence is a reflection of a state and its nation and is furthermore structured and mandated according to the requirements and needs of the policy-maker. A good link should therefore exist between the intelligence officer and the policy-maker, as Johnson (2003b:1-28), argues. However, this does not mean that intelligence should be partisan. The political regime is a key factor to take into consideration when one conducts research on intelligence and its practices. Thus, in analysing intelligence in a democracy it is also required to have an understanding of what constitutes democratic and non-democratic intelligence practices. Therefore the next chapter will focus on a description and explanation of democratic and non-democratic political regimes as well as their respective intelligence practices.

CHAPTER 3: Intelligence Regimes: Democratic and Non-Democratic Practices

"Among the increasingly intricate arsenals across the world, intelligence is an essential weapon, perhaps the most important. But it is, being secret, the most dangerous. Safeguards to prevent its abuse must be devised, revised and rigidly applied. But, as in all enterprises, the character and wisdom of those to whom it is entrusted will be decisive. In the integrity of that guardianship lays the hope of the free people to endure and prevail".   Sir William Stephenson (A Man Called Intrepid)

3.1   Introduction

A notion exists that intelligence is a mirror reflection of the state in which it functions. This is supported by Gill (GCDCAF, 2003:4) who promulgates that the actual structuring of any particular state's security intelligence agencies and the appropriate forms of control, oversight or review; will be determined finally by the particular political culture and traditions of that state. In analysing the intelligence regime in South Africa as the aim of this study, it is therefore also vital to understand the political system and practices within which it functions. As no state functions without an intelligence regime of some sorts and while intelligence is mostly synonymous with and often demands secrecy, free nations in a democracy require transparency and openness. The intelligence regime conducts such work in the midst of a generally open political culture that is a challenge for any democracy. Emerging or new democracies, however, must deal with the even more arduous task of transforming intelligence regimes into the realm of democratic control, oversight and accountability for them to be able to protect and serve the national security interests of their country in order to prosper, while at the same time aim to reach democratic consolidation.

In the post – Cold War era the international security environment is also confronted with security sector reform due to the emerging of new democracies, effective improvement of older democracies and new intelligence threats. The intelligence regime is forced to adapt to the changes in the political system as well as to be able to address challenges and threats to national security. Leigh (in Johnson, 2007:67) continues this discussion and explains that close attention is required towards fundamental values and norms such as human rights, rule of law and civilian and control over intelligence communities due to these changes and threats. Furthermore, Leigh argues that: ―Few states take the view that they can dispense with an intelligence service and none is sufficiently immune from terrorism or the inquisitiveness of its neighbours to forgo a security service" (In Johnson, 2007:67). As described and explained in the previous chapter (Vitkauskas, 1999; Shulsky and Schmitt, 2002; Bruneau, 2000 and Born & Leigh, 2007), each state practices intelligence in ways which are specific to that nation dictated by the type of political system, ideological outlook and culture that formulate its views on national threats against which the intelligence regime is utilised. To this extent it is also possible

to determine if the intelligence regime transforms and changes into more or lesser democratic practices.

In building on the theoretical reconstruction and conceptual basis provided for an understanding of intelligence concepts in the preceding chapter, chapter three examines the intelligence regime as part of a more comprehensive political system in context to non-democratic, hybrid or democratic states. The classification of concepts are explored such as government, state and regime, as well as regime change/transformation, liberal-democratic, hybrid and non-democratic (including totalitarian and authoritarian). It will commence by focusing on a description and explanation of state, government and regime; followed by an examination of the typology democracies, non-democracies and hybrid states. This chapter also examines concepts such as institutionalisation, strong and weak states and regime change, as relevant to this study.

Chapter three discusses the intelligence regime within democratic, hybrid and non-democratic practices, as well as identifies and illustrates intelligence control and oversight mechanisms as such. The process of democratisation is also addressed. In an attempt to provide an analytical perspective of the intelligence regime in South Africa in this study, this chapter examines a typology of an intelligence regime linked to a typology for regime types. More specifically, this chapter seeks to provide a framework to categorise the intelligence regime within a specific regime type that could be a useful application in analysing intelligence practices within such regimes. This would set the tone for chapter four, where the history and development of the intelligence regime in South Africa will be examined to assist the analysis thereof, as well as chapter five which aims to provide a reflection and analysis on the current intelligence regime in South Africa and the challenges it faces.

3.2   Intelligence, State, Regime and Government

The state is now the dominant principle (although not the only principle) of political organisation on the world's landmass according to Hague and Harrop (2007:13). In addition, Jackson and Jackson (1997:75) explain that all states have comparable features to other states, although they exhibit unique institutions, organisational features, and behaviour based on its history, society and economy. These differences and regularities thus provide the basis to understand politics and government and in addition, for the purpose of this study, to reflect on the intelligence regime. According to Gill and Phythian (2006:1), states are: ―….the principal customers of intelligence and the key organizers of collection and analysis agencies in the contemporary international system…" In the light of modern developments in a changing world it is necessary to reflect on the types of government and different political regimes and

mechanisms and institutions of a state in order to explore its specific effect or impact on the intelligence regime's functions and structure. Intelligence is an inescapable necessity for modern governments as argued by Cawthra (2002:80): democratisation, socio-economic development and security are increasingly interlinked, both in theory and in practice". However, as already indicated in chapter two, intelligence is not an isolated state activity. It is an integral part of government that reflects the character of national constitutions and the societies in which it is set (Gill in Johnson 2007:83). Gill furthermore explains that intelligence is not just any government activity – along with other security functions it has a peculiarly intimate relationship to political power". It is in this context that Bar-Joseph (1995:7) argues that if intelligence is indeed the second oldest profession", then the problem of political biases and misuse of the intelligence product is just as old.

All the same, Harold Lasswell (1936) wrote that politics is who gets what, when and how. Adding to this, Almond et al (2008:12) defines a state as a particular type of political system that has sovereignty, that is an independent legal authority over a population in a particular territory, based on the recognised right to self-determination. Heywood (2007:4) adds that politics in the broader sense refers to the activity through which people make, preserve and amend the general rules under which they live. David Easton (1953) explains that the end towards which political activity should be directed – is to live the good life. To this extent Max Weber (1919) adds in a lecture to students that later became an essay, that we wish to understand politics by understanding leadership and the influencing of a political association, hence today, a state. Weber (1919:77-78) adds that politics is striving to share power or to influence the distribution of power among groups within a state. This brings the concept of state to the fore. Weber (1946) later defined the state as: a human community that claims the monopoly of the legitimate use of physical force within a given territory". This definition of Weber was later updated to include characteristics of authority over citizens and all actions within its territory through an administration and legal order. Here the essence of stateness is defined in enforcement.

However, state is defined in terms of force and leadership in terms of power. This includes the ability of the state to make and implement policies and maintain law and order – thus providing safety and security. This is ensured according to Weber through an administration that is relevant for the purpose of this study pertaining to intelligence as a function of the state. This study thus conceptualises the concept of the state according to these predominant views based on the Weberian model. The state is therefore viewed in a broadened concept where a political regime functions with subordinate government institutions. According to the Weberian model as supported by this study, stateness is a fundamental prerequisite for any political regime. This includes elements such as civil rights, rule of law, civil liberties, freedom and governance that is

accountable. The concepts of state, political regime and government could be delineated by this study, as follows:

STATE	REGIME/POLITICAL SYSTEM	GOVERNMENT
Compulsory citizenship	Members of a social organisation (group) who are in power, Political Parties	Few elected & appointed officials Membership not compulsory
Absolute unlimited authority & sovereignty	Sources of power: force, influence, and authority	Limited/delegated power & no sovereignty
Territory	None	None
Permanent No change	Semi – permanent Could change from and to democracy/non-democracy	Changes frequently Different types of government through e.g. elections
Abstract Concept Cannot be seen Never acts	System of rules, norms and institutions that determine how government is organised and how decisions are made	Concrete Concept Physical manifestation Acts for the state
Citizens could never go against the state as they are part of it	Could change through military interventions or negotiated settlement as is the case in SA	Citizens could go against government.
Government as state machinery	Encompasses mechanisms of government and institutions of the state	Agent of state Part of the state

Table 1: The Differences between State, Regime and Government

(Source: Own construct)

3.2.1 State

The concept of the state could be defined in an empirical or normative manner. Weber (1919:1) provides an empirical definition of the state which focuses on the monopoly over the use of force within a given territory. All the same, Ilyin et al (2012:5) connote a definition of state as having two concepts namely statehood and stateness, which is also supported by this study. Statehood is defined in a normative sense referring to sovereignty and foreign policy capabilities, and stateness in terms of domestic political capabilities that include the political regime and government. This brings the concept of failing in stateness or even collapse states, to the fore. Geldenhuys (1998:23) explains in a media report that three types of state collapse/failure is well-known in Africa namely; soft, weak and broken". Broken in this context is a failed state. He continues that corruption is high on the list of activities within a soft state. A

weak state is characterised having a significant part of the population not in support of certain leaders, or segments of the state.

Geldenhuys (1998:23) defines a collapse state as having a state that could not offer security, stability and order with limited capabilities of fulfilling certain vital functions of government. Nevertheless, Fukuyama (2005:1-57) addresses the issue of stateness in his book *"Missing Dimensions of Stateness"* where he argues that stateness and efficiency can be measured by the strength of state institutions as well as the scope of state functions. These functions nevertheless follow the Weberian model of the state which connotes that the state is responsible to ensure the rights of its citizens to cultural, social, economic and political issues.

Therefore this study also supports Gill (in Johnson, 2007:83) who debates that we need to examine how national systems are related to the social, political, economic and cultural conditions within which they have developed. Hutton (2007:2) elaborates on this issue and is of the view that the issue of governance is closely tied to the internal order and political culture of a state and as governance structures are a product of the political evolution of the state, it bears the fruits of or scars inflicted by previous regimes. In addition, in reference to modernisation and change; Inglehart (1997:324) argues that economic development, cultural change and political change go together. This view is also supported by this study. Heywood (2013:272) explains that it is still possible to distinguish between regimes on the basis of how their political, economic and cultural characteristics interlink in practice and illustrates the key regime features as follows:
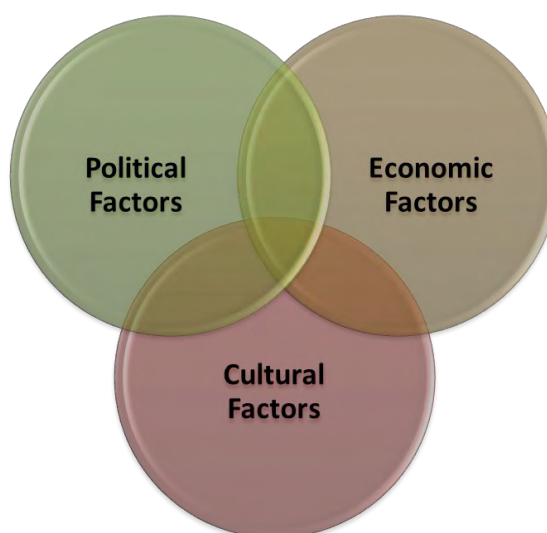
Figure 12: Key Regime Features

(Source: Reproduced from Heywood, 2013:272)

The traditional-modern spectrum to classify states includes, according to Jackson and Jackson (1997:75), the degree to which they are economically and politically developed, also referred to

as the developed-developing spectrum. In this view the concept of states are also categorized according to their range of economic development. All the same, the following figure is a conceptualisation by this study of the different forms of state in relation to organisation, economy and rule or head:

STATE AND ORGANISATION
- Centralised: → Unitary: United Kingdom, Sweden
- Decentralised:
  - Federation: USA, India
  - Confederation: Switzerland

STATE AND ECONOMY →
- Developmental: Thailand, Singapore, Botswana
- Liberal/Capitalism: EU, SADC, ECOWAS Countries etc
- Laissez-faire: None
- Non-Liberal/State Capitalism: People's Republic of China
- State Socialism: Republic of Cuba
- Market Socialism: Socialist Republic of Vietnam
- Economic and Social Welfare: Denmark, Finland

STATE AND RULE/HEAD
- Monarchy →
  - Absolute: Qatar, Saudi Arabia, Oman
  - Constitutional: Lesotho, Belgium, Morocco
- Republic →
  - Presidential Rule: USA
  - Parliamentarian Rule: Germany

Figure 13: A Classification of State

(Source: Own construct)

In summary, this study supports the concept of the Weberian model of a state as discussed and postulates the following definition;

> The **state** is a **sovereign entity** consisting of a **political system of rules** formed by a **territorial population** which is subjected to a **government.**

Albeit, the political regime as a system of rules; also needs further examination.

3.2.2 Political System

The explanation and classification of a political system/regime, contributes to an understanding of the intelligence regime and the mechanisms which include how intelligence is organised, how decisions are made about intelligence and importantly; how it is utilised. This is specifically significant to this study that focuses on the concept of intelligence regime. Regime in politics (from the French word meaning form of rule) refers to a form of government and denotes a system of rule. Regime is synonymous to system as defined in The World English Dictionary (2010), the Collins English Dictionary (2009), the Oxford English Dictionary (1984) as well as the Online Etymology Dictionary (2010). It encompasses the holders of office in government, the mechanisms and institutions.

Therefore, political regime and political system is regarded as synonymous by this study. The word political refers to authority or power and system/regime as an organised whole with interdependent parts and functions. In this study intelligence regime is viewed as part and parcel of the political regime.

In this context, Almond et al (2008:12) explains the political system as a particular type of social system that is involved in the making of authoritative public decisions with institutions such as governments, parliaments and bureaucracies as central elements, and includes political parties and interests groups. However, some political scientists (Alvarez et al, 1996:3-22, Przeworski, 1996:3-4 and Sartori, 1987:3-20, 182-203) have argued that democracy should be conceived as a dichotomous phenomenon: a government is either democratic or it is not.

However, as governments developed over time they were categorised based on the qualities of their government system, which is mostly either between democracies or authoritarian regimes. In this classification, states are compared using the form of government or systems/regimes of rule and then located on a spectrum ranging from democratic to authoritarian. Linz (2000:2-45) as well as Van den Bosch (2013:1-14) nevertheless maintain the notion of a trichotomy of regime types namely democracy, authoritarian and totalitarian.

Even so, this study proposes the adaption of this trichotomy to include the notion of hybrid regimes and describes regime types as either democratic, hybrid or non-democratic (inclusive of both authoritarian and totalitarian regimes). This notion of a trichotomy of regime types would also enable the typology of intelligence services.

In reconstructing an understanding of the political spectrum, this study illustrates political regimes in the modern world with examples of each, as follows:
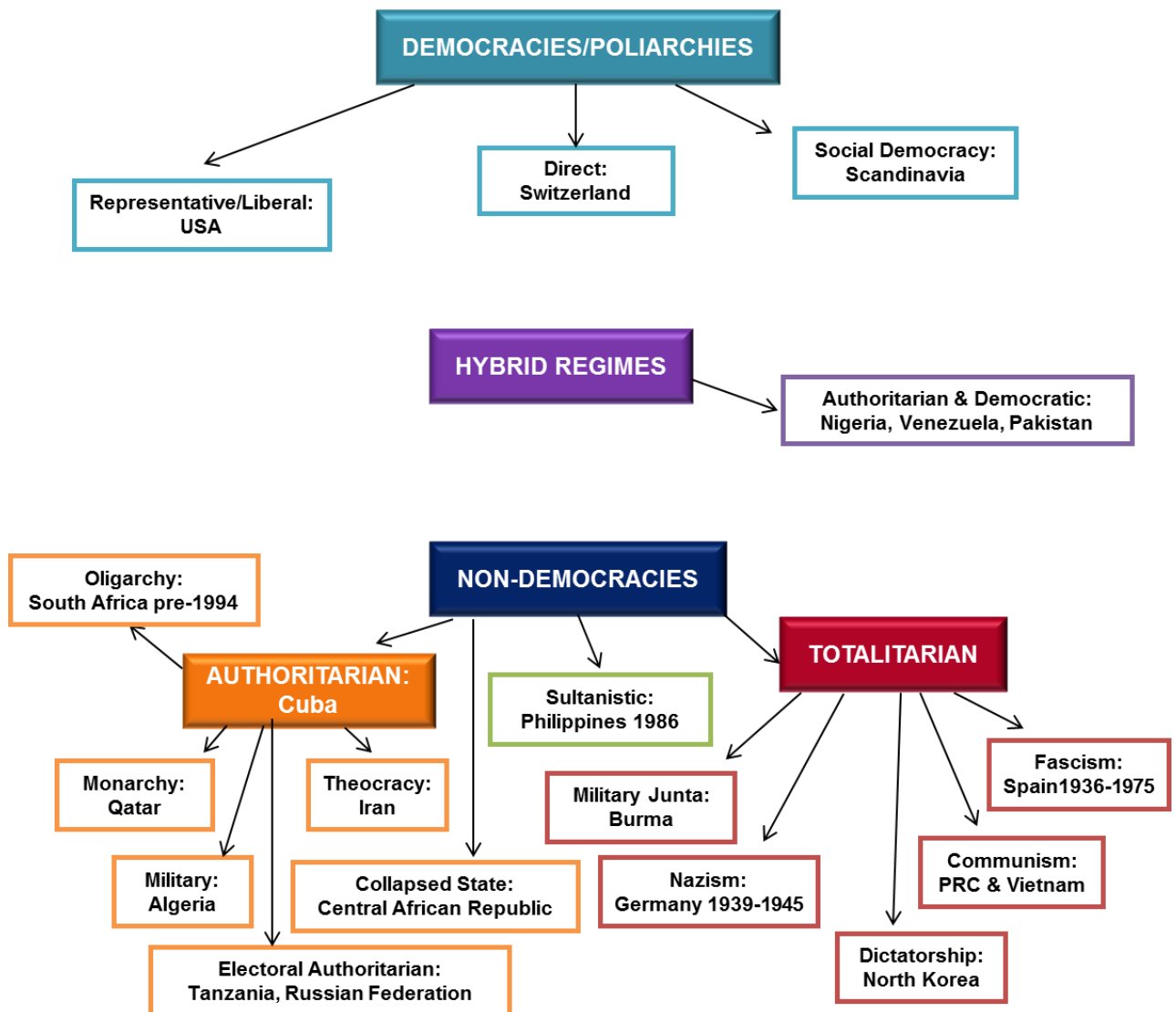
Figure 14: Classification of Political Systems/Regime Types in the Modern World

(Source: Own Construct)

However this study deems it necessary to first examine the concept of government – before political regime types are further explained.

3.2.3   Government

The political entities we recognise today as modern states and governments have their roots in earlier traditional forms of politics that can be traced back to Aristotle in ancient Greece. He classifies governments in terms of who rule, how many people rule and in whose interest they make their decisions, which could be illustrated (Dyck, 2003:31) as follows:

FORM OF GOVERNMENT	WHO AND HOW MANY RULE	IN WHOSE INTEREST THEY RULE
Kingship	One	The common good
Tyranny	One	The ruler's own good
Aristocracy	Few (best)	The common good
Oligarchy	Few	Their own good
Polity	Citizens as a whole	The common good
Democracy	Citizens as a whole	Their own good
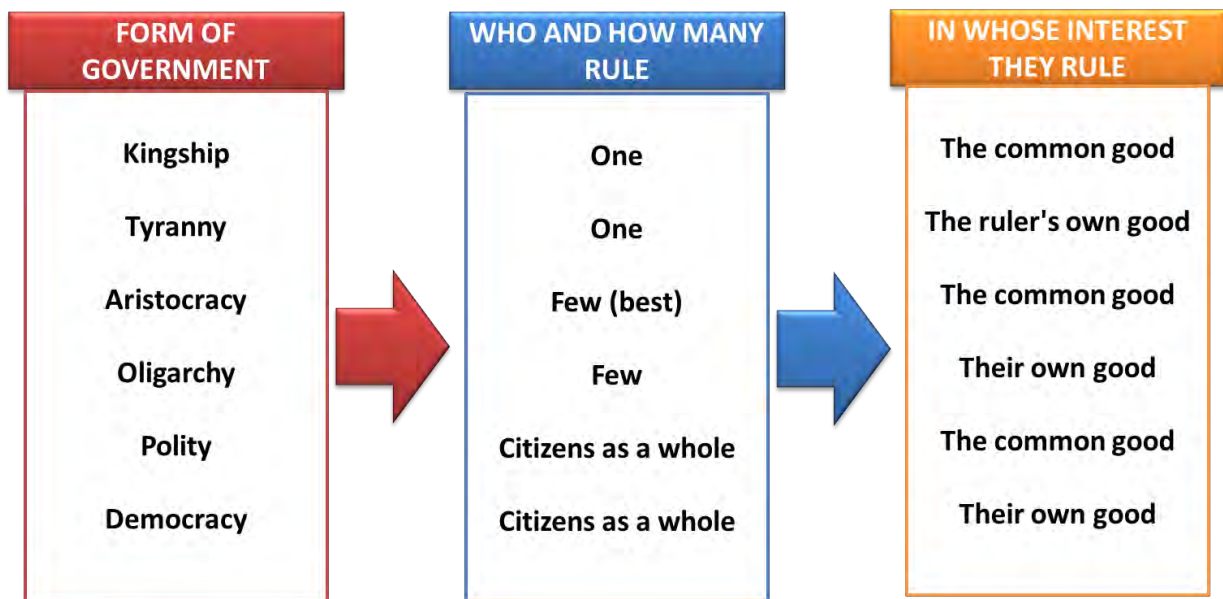
Figure 15: Aristotle's Classification of Forms of Government

(Source: Reproduced from Dyck, 2003:31)

In the study of intelligence, the concept of government is also relevant as intelligence forms a vital part thereof. To classify the various forms of government has been one of the principal concerns of political analysis through the ages, as argued by Heywood (2013:265). In addition, Hague and Harrop (2007:4) define government as consisting of institutions responsible for making decisions for society. Similarly Almond et al (2008:3), define governments as organisations of individuals who have the power to make binding decisions on behalf of a particular community. According to them governments have authoritative and coercive powers. Therefore government refers to the institutional processes through which collective and binding decisions are made and government functions to be rule-making, rule-application and rule adjudication, which are separated in modern governments in three specialised branches namely the legislature, the executive and the judiciary. This is also referred to as the *trias politica principal* and could be traced back to ancient Greece and later writings of John Locke (1680) and Baron Montesquieu (1748).

However, this study supports Huntington's (2006:1) view that the most important distinction among countries is not based on their *form* of government, but rather their *degree* of government. Huntington furthermore argues that the stability in society is founded on the institutions in place and the absence of good institutions could lead to social and political decay and eventually to failed states and economic and modernisation stagnation. He debates that the level of institutionalisation has favourable elements such as adaptability, complexity, subordination and coherence to be more effective and rigidity, simplicity, autonomy and disunity that limits effectiveness of institutions. Huntington continues to explain that political systems

could be distinguished by both the levels of institutionalisation as well as political participation – both on which the system depends for stability. In this regard countries with a low level of institutionalisation and a high level of political participation are defined as within praetorian politics (oligarchical like Paraguay; radical like Egypt or mass as in Argentina).

These provide fragile forms of government that act less according to the rule of law and more into serving and protecting their own interests. The opposite levels are regarded by Huntington as being within civic politics which reflects stable institutions, actions in the interest of citizens and in accordance to the rule of law – largely based on Weber's bureaucracy or also referred to as the Weberian civil service. Weber wrote his essay *Economy and Society* (1922:1-27) whereby he delineates lines of authority in what he explains as the ideal bureaucracy – thereby explaining a classical organised civil service. In this notion of Weber, rulers rule through a structured authority as based in a bureaucracy and he adds that: ―All states may be classified according to whether they rest on the principle that the staff of men themselves own the administrative means, or whether the staff is 'separated' from these means of administration" (Weber: 1919). Nevertheless, this study postulates the following reconstruction of modern day forms of government, which could be depicted as follows:
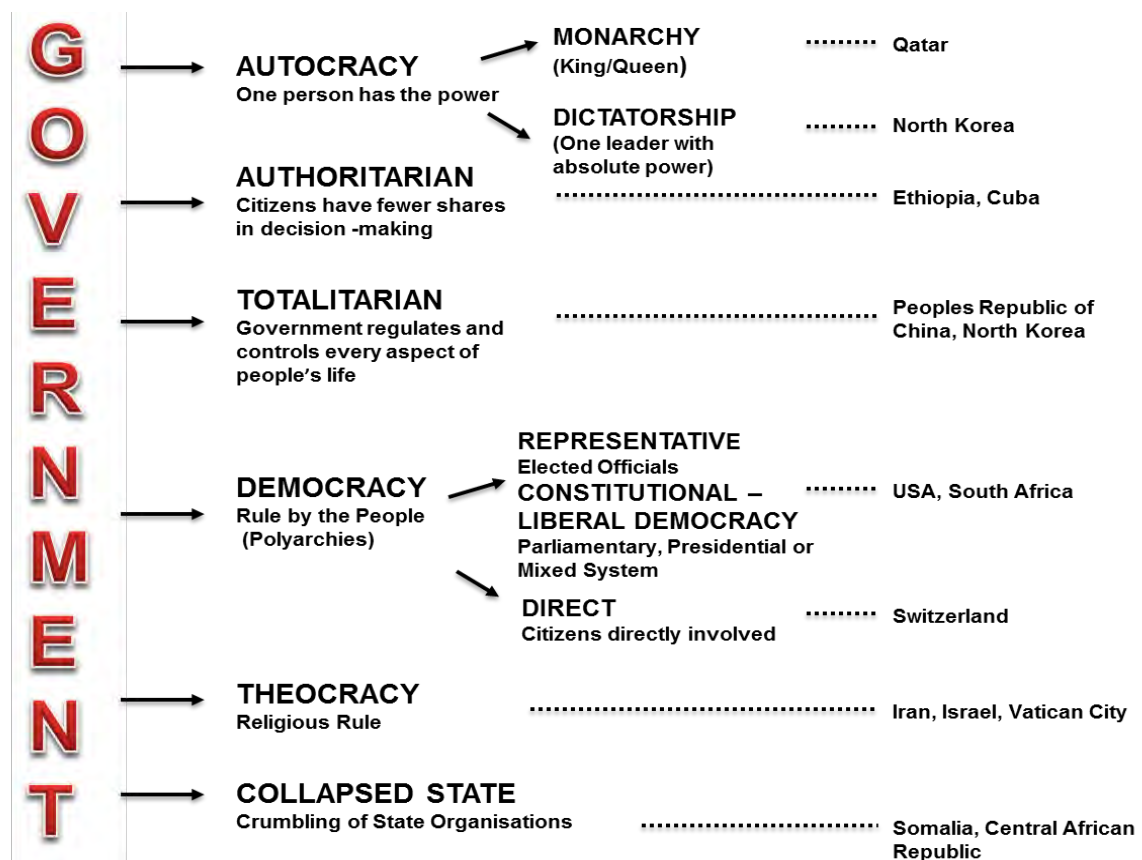
Figure 16: A Classification of the Different Forms of Government

(Source: Own Construct)

*Collapsed states are not a specific classified type of government but are listed here as there are governments in this form.

Similarly, to be able to understand the role and function of the intelligence regime within this context, a further examination of regime types is required.

3.2.4   Democratic Regime

The concept democracy (or also known as polyarchy – rule by many) is derived from two Greek roots – *demos* meaning the people and *kratos* meaning authority/ rule' (Jackson and Jackson, 1997:76). Literature however indicates that the concept of democracy means many things to different people and is not easily defined. In this regard Schumpeter (2003:269) denotes democracy in a minimalist criterion as a political system where positions of power are obtained through the people's vote. He defines it as follows: ―. the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote". For Schumpeter voters should first elect their representatives and the representatives themselves would choose what they think the best policy is.

In addition Huntington (1993:70) follows the Schumpeterian tradition and defines a twentieth century political system as: ―. democratic to the extent that its most powerful collective decision-makers are selected through fair, honest and periodic elections in which candidates clearly compete for votes and in which virtually all the adult population is eligible to vote". Nonetheless, Dahl (1971:3-7) is viewed to operationalised both Huntington and Schumpeter's definition of democracy by defining two dimensions in his proposition of democracy or polyarchy namely; contestation – that is competition or opposition through regular free and fair elections on the one hand and participation – reflecting on the rights of all adults to vote and participate in elections, on the other. His definition also includes basic civil liberties and he explains open and closed democracies that are reflected in polyarchies or oligarchies.

His (Dahl, 1971:7) classical diagram reflecting on the movement from closed hegemonies to either competitive oligarchies, polyarchies or inclusive hegemonies, is reproduced by this study as follows:
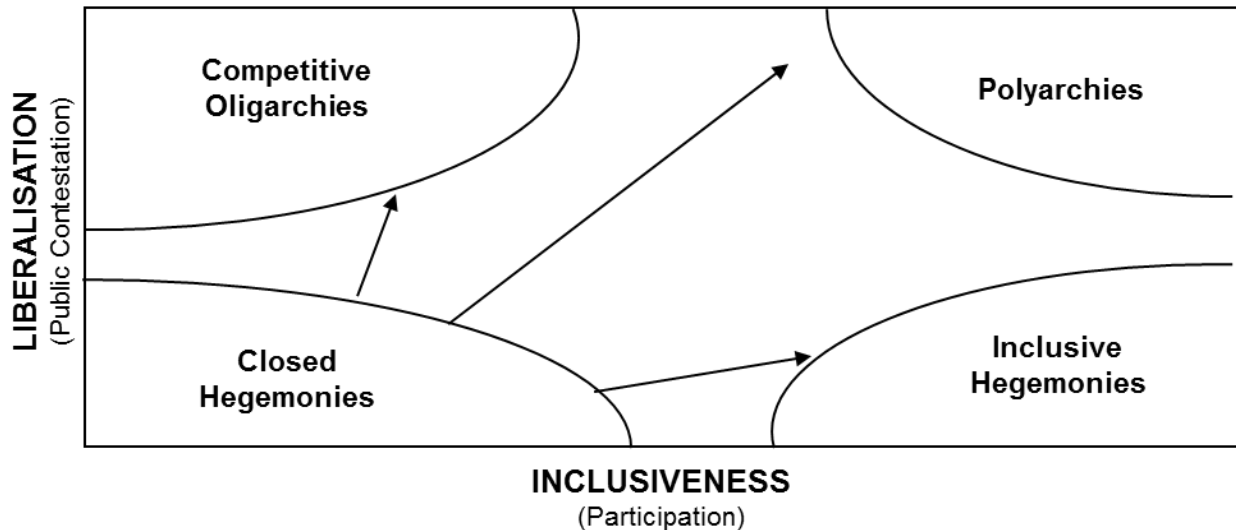
Figure 17: Paths from Hegemony to Polyarchy
(Source: Reproduced from Dahl, 1971:7)

A structural definition of democracy, as argued by Almond et al (2008:31), is a political system in which citizens enjoy a number of basic civil and political rights, and in which their political leaders are elected through free and fair elections and are accountable under a rule of law. Nevertheless, Diamond (2008:20) views in his book *The Spirit of Democracy* the essential principles of democracy as: ̶popular sovereignty, accountability of rulers, freedom, and rule of law"; as supported by this study. However, relevant to this study is the classification of South Africa as a liberal democracy with the question if it is in a process of consolidation or consolidated. Even so, Danziger (2009:167) defines the concept of a liberal democracy as a political system where the citizens enjoy not only electoral democracy but more extensive political rights and civil liberties regarding participation, personal freedoms and opposition. He also explains that additional elements such as an independent and neutral judiciary and civilian control of the military are included. Therefore Jackson and Jackson (1997:77) argue, that civil rights and freedom are protected, because the rule of law in a democracy ensures impartial justice. Limits placed on the regime regarding political behaviour and the political rights of all citizens are spelled out in the highest law of the land – the constitution, as debated by Jackson and Jackson (1997:77-78). They continue to explain that the values of liberty or freedom and equality are fundamental in a constitutional democracy, as should be the case in South Africa. The following is the key features of a liberal democracy as supported by this study:

- *A clear distinction between State and Civil society*
- *Regular free and fair contested elections through which political leaders are appointed*
- *Accountability of political leaders*
- *Adherence to the Rule of Law*
- *Freedom and Human Rights*

3.2.5 Non-Democratic Regime

As indicated, this study supports the notion of non-democracies to be classified as either *authoritarian* or *totalitarian*. Authoritarian is usually synonymous with autocratic and is associated with the concept of absolute power or strict obedience, whereas totalitarian is usually associated with centralised dictatorship. Almond et al (2008:31-32) explain that authoritarian states lack one or several features of democracy and can take several forms that include oligarchies where a few rule. Authoritarian rule is a broad based category that covers many forms of non-democratic rule. As described by Dyck (2003:41-43) authoritarian and totalitarian governments are equally concerned with the maintenance of their position and power that are based on an ideology of pure and unmitigated power. He points out that there are no constitutional limitations on government or authorised process of change thereof and there is usually a strong military presence. He furthermore explains that all democratic states have a tendency to drift towards authoritarian or totalitarian options where their leadership is glorified to such an extent that the only public display of political prominence is the face of the leader, and the military and secret police are often used to root out any opposition.

Almond et al (2008:61-62) argue that most non-democratic regimes, past or present, are authoritarian rather that totalitarian. They furthermore explain that in these countries leaders are above the rule of law, the laws are vague, and parliament and the judiciary are unprofessional and ineffective. In addition, Dyck (2003:42) defines an authoritarian government similarly to Linz (2000:70) and explains that it is a non-democratic government that rules without public input, glorifies the leader, allows no dissent, strictly controls the mass media, relies on the police and military to root out the opposition and is dedicated to remain in power at all cost. He continues to define a totalitarian government as a special kind of authoritarian government – most notably Nazism, fascism and Soviet communism – that is based on a single party ideology, takes control of all aspects of political, social, economic and intellectual life and mobilises its mass public active support of the government.

All the same, authoritarian and totalitarian governments also have differences in that authoritarian regimes usually exercise power in a more limited sphere focussed primarily on government, whereas totalitarian regimes have total control over all aspects of life with no activity beyond the control of the government. In support Danziger (2009:172) argues that: ―. under totalitarianism, the political system's allocation of values and its control penetrate into virtually every aspect of its people's lives". Linz (2000:70) explains that authoritarian states reflect limited political opposition in comparison to authoritarian regimes that reflect a unitary center of power.

This study summarises the concepts as follows:

Authoritarian Regime: *Limited political opposition with less free and fair elections. The power elite rule with limited respect for the rule of law. Civil society is suppressed and weakened by the state and replaced with mass political mobilisation.*
Totalitarian Regime: *Reflects a unitary center of power and control citizen participation through the ruling party. Civil society is controlled.*

3.2.6   Hybrid Regime

A hybrid regime as concept refers to a political system as a form of government as classified in Fig. 15 of this study that is placed firmly between democratic and non-democratic systems. In light of the aftermath of what is described as the third wave of democratisation by Huntington (1991 and 1993); as well as the collapse of communism, it is also relevant to reflect on the concepts of a consolidated or unconsolidated democracy, specifically for new democracies. The transition of South Africa towards a democracy has often been cited as a model for other countries. Of the three basic political processes of democratisation – authoritarian break down, democratic transition and democratic consolidation, the latter is the challenge for South Africa - to be able to be emanated as a model as it reflects on the duration and strength of the democratic regime. It could be argued as supported by this study, that South Africa is not yet a consolidated democracy and is in a stage of consolidation that places it within the notion of a hybrid regime.

Georgia, Armenia, Kenya, Nigeria, Botswana, Ghana, Mexico, Venezuela, Pakistan, Singapore and Bolivia are some examples of hybrid regimes. These regimes remain unconsolidated democracies and are branded as semi-consolidated regimes (Freedom House), pseudo democracies (Diamond, 2002:21-25), partial democracies (Epstein et al, 2006:551-569), flawed democracies (The Huffington post Economic Intelligence Unit-Democracy Index 21 March 2013), electoral democracies (Diamond, 2002:25), illiberal democracies (Zakaria, 1997:22-43) or hybrid regimes (Karl, 1995:72-86). Likewise, not all democracies are regarded as consolidated as is arguably also the case with South Africa. Furthermore, as Jo (2007:54) argues, the notion of democratic consolidation is very important because the past two democratic waves were accompanied by anti-democratic movements.

However, for democracies to become consolidated, Linz and Stepan (1996:7) identify five arenas of democratic consolidation. These include a civil society with freedom of association and communication; a political society that has to be free and inclusive electoral contestation; there must be a rule of law and a spirit of constitutionalism; the state apparatus has to be

according to legal–rational Weberian bureaucratic principles; and lastly an economic society has to be organised around respect for property rights and conditions in place to permit economic growth. In addition, Diamond (1996:28) argues that: ̶ Democratic consolidation is fostered by a number of institutional, policy, and behavioural changes. Many of these changes improve governance directly by strengthening state capacity, liberalizing and rationalizing economic structures, securing social and political order while maintaining basic freedoms, improving horizontal accountability and the rule of law, and controlling corruption". Conversely, the third wave of democratisation left behind some regimes that did not reach the ultimate stage of democratic consolidation.

Nonetheless, Siaroff (2009:276-284) proposes a linear time model that depicts different periods and processes of regime change towards democratic consolidation. Regime change could be illustrated in the following model from Siaroff (2009) as adapted by this study to include the concept of a hybrid regime:
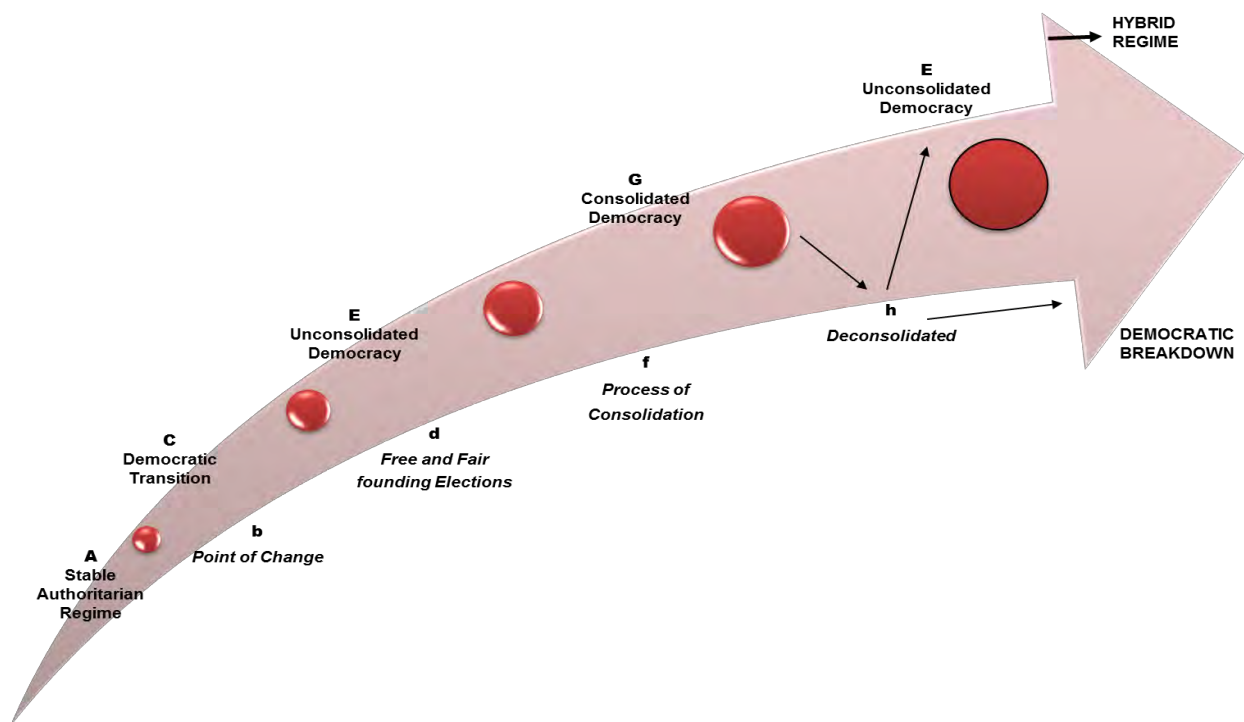
Figure 18: Adapted Model for Regime Change
(Source: Modified from Siaroff 2009)

The model starts Period A as in the case of South Africa – as a stable autocratic oligarchy, with a regime breakdown or Point b; point of change (internal and external pressure on South Africa resulted in a decision to transform), Period C as the democratic transition (agreement for change, negotiations and new constitution), Point d as founding free and fair elections, Period E

as unconsolidated democracy moving to Point f as the process of democratic consolidation into Period G, as a consolidated democracy. This timeline process could on the one hand result in either Point h as deconsolidation back to Period E as unconsolidated, or on the other hand end up in a democratic breakdown from democracy back to a stable authoritarian state as indicated in Period A. If not consolidated, South Africa could either remain a hybrid regime or experience democratic breakdown.

Equally, most countries labelled as hybrid regimes are neither authoritarian nor democratic. Diamond, Linz and Lipset (1988:7) debate that the boundary between democratic and nondemocratic is sometimes a blurred and imperfect one, and beyond it is a much broader range of variation in political systems. In reference to hybrid regimes, Carothers (2002:9) argues: ―They have entered a political gray zone. They have some attributes of democratic political life, including at least limited political space for opposition parties and independent civil society, as well as regular elections and democratic constitutions. Yet they suffer from serious democratic deficits, often including poor representation of citizens‗ interests, low levels of political participation beyond voting, frequent abuse of the law by government officials, elections of uncertain legitimacy, and very low levels of public confidence in state institutions, and persistently poor institutional performance by the state".

In this regard, a brief reference to democratisation is required. Apart from identifying three waves towards democracy and two subsequent reversals, Huntington (1991:114) distinguishes among three main types of democratisation process: firstly transformation, led primarily by the ruling elites; secondly replacement, where the opposition plays the key role; and lastly trans-placement, which is a product of active engagement of both sides. This could refer to the negotiated settlement in South Africa. According to Huntington, a fourth possibility is foreign intervention, which he considers as not a common case.

He (Huntington 1991:13) furthermore identifies five factors that contribute to the occurrence and the timing of the third-wave transition to democracy: ―1) The deepening legitimacy problems of authoritarian regimes in a world where democratic values were widely accepted, the consequent dependence of these regimes on successful performance, and their inability to maintain "performance legitimacy" due to economic (and sometimes military) failure. 2) The unprecedented global economic growth of the 1960s, which raised living standards, increased education, and greatly expanded the urban middle class in many countries. 3) A striking shift in the doctrine and activities of the Catholic Church, manifested in the Second Vatican Council of 1963-65 and the transformation of national Catholic churches from defenders of the status quo to opponents of authoritarianism. 4) Changes in the policies of external actors, most notably the

European Community, the United States, and the Soviet Union. 5) Snowballing or the demonstration effect of transitions earlier in the third wave in stimulating and providing models for subsequent efforts at democratisation. The challenge for countries remains whether they could reach the ultimate goal of democratic consolidation during their transition.

Huntington's Three Waves to Democratisation

1. First wave of democratisation (1828-1926)

2. First reverse wave (1922-1942)

3. Second wave of democratisation (1943-1962)

4. Second reverse wave (1958-1975)

5. Third wave of democratisation (1975 - ?)

Even so, these hybrid states are somewhere between autocracy and democracy and subsequently contains elements of both systems. Menocal et al (2007:3) explain the many new regimes have ended up ̠getting stuck' in transition, or reverting back to more or less authoritarian forms of rule. They furthermore occupy a precarious middle ground between outright authoritarianism and fully-fledged democracy, and their democratic structures remain fragile. Even so, Diamond (2002:24) argues that virtually all hybrid regimes in the world today are quite deliberately *pseudo democratic* in that the reality of authoritarian domination in political institutions is masked by multiparty electoral competition. In this regard a common feature of a hybrid regime - its lack of contestation - is revealed, to enable the ruling party to remain in power, and opposition victory is impossible. This study delineates a hybrid regime that reflects both democratic and authoritarian characteristics, as follows:
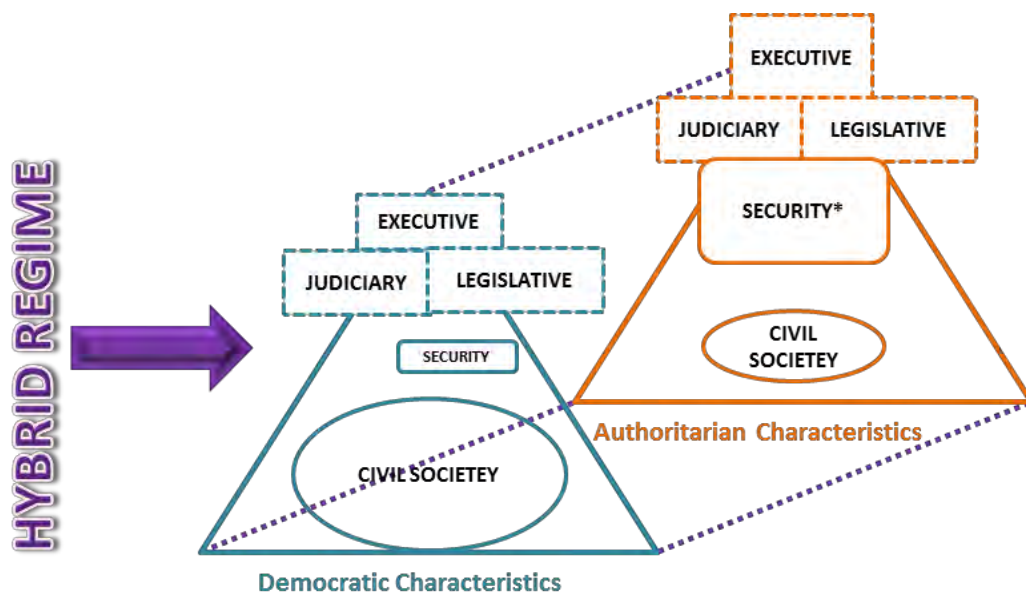

Figure 19: A Hybrid Regime

(Source: Own construct)

All the same, Huntington (1993:116-117) debates, that one party regimes have an institutional framework, ideological legitimacy and permanence that differentiates them from both democratic and military regimes. Furthermore the close interweaving of party and state is a distinctive characteristic of one-party systems. In addition, to be able to identify a country as a hybrid regime, it makes sense to consider why it is not regarded as a democracy and measure it therefore against a definition of democracy. The condition of having free and fair elections is a basic requirement for a democracy. Huntington (1991:21) lists the obstacles to democratisation as the key features of the state namely political, cultural and economic (fig 12). Even so, corruption is another common feature of hybrid regimes, which according to literature may be found in the judicial and electoral arenas as Carothers (2002:10–13), argues. Others include the degree to which the judiciary is independent of government influence.

In addition, Linz and Stepan (1996:19) argue that: *without a secure state – there can be no secure democracy".* In support Migdal (1988:21-22) explains, that in order for state to build statehood and be secure – a high capability should exist to govern – thus to be labelled as a strong state. This is accompanied by a high level of citizen participation as well as interests groups within civil society. The opposite, according to Migdal is a weak state with participation by other social groups attempting to gain the lost control of the state. Therefore, a weak or fragile state has limited ability to govern or rule society. Easton (1953) explains that how a state functions and what the state does is central to what the people perceive and expect of the state in terms of its organisation and management (that includes the executive, judiciary and legislative) to be able to deliver goods and services. This could lead to a situation where the ruling powers could serve their own interests and protect their own power – as is arguably the case in South Africa – thus not serving the state or supporting strong statehood. State building should be a central focus and the resources of the state should not be used to build their own personal support. Even so, the characteristics of a hybrid regime of Rakner et al (2007:13-14), is supported by this study:

Political participation and governmental accountability: Populist politics, unaccountable strong-man leadership and unclear decision-making processes resulting in shallow political participation outside elections and weak governmental accountability with collective public frustrations.

Rules of the game: The rules of the game are contested and the rule of law is applied unevenly with no guarantee of the equality of citizens before the law that leads to deterioration and de-institutionalisation.

Corruption and clientelism: Clientelistic structures with high levels of corruption with only election times regarded as holding elites to account. Elections can be a source of corruption. The civil service often continues to suffer from a mix of ethnic/regional and political clientelism – ranging from the creation of additional ministries to accommodate important support groups.

Popular expectations and state capacity: State capacity is weak and expectations for better services, enhanced state accountability and participation in policy decisions are increasing. The state lacks institutional and administrative capacity and even the legitimacy and credibility.

Elite reversals: Reversals are induced by political elites by amending constitutions to change term limits and reversals are justified on the grounds that more authoritarian measures are needed to strengthen.

The concept of a weak state could however be linked to a hybrid regime. In this regard Migdal (1988:4) argues that one could understand state capabilities based on state-society relations. He (Migdal, 1988:4-5) continues to explain that state capabilities include the capacities to penetrate society, regulate social relationships, extract resources and appropriate or use resources in determined ways. Strong states are those with high capabilities to complete these tasks, while weak states are at the low end of a spectrum of capabilities. The central premises are that the nature of the state is not separated from the nature of societies and that a strong state occurs with tremendous concentration of social control. According to Migdal (1988:22) the state and society is in conflict as state leaders attempt social control through mobilising people and resources and imposing rules. He states: ―State social control involves the successful subordination of people‗s own inclinations of social behaviour or behaviour sought by other social organisations in favour of the behaviour prescribed by state rulers". Strong or weak states are therefore determined by the distribution of social control as a result of the conflict between societies and state. Strong societies are either highly centralised in state power or fragmented across several social organisations.

Even so, Duvenhage (1994:180) adapted an earlier model of Huntington‗s typology of form of government and degree of government (see par. 3. 2.3). Duvenhage (2014) includes Migdal‗s concept of a weak state. He describes the following model that reflects a strong degree of government which is a democracy and classified as a classical Weberian state versus a weak non-democratic form of government. This study postulates and adapted the model to also reflect a consolidated and unconsolidated democracy that could be delineated as follows:
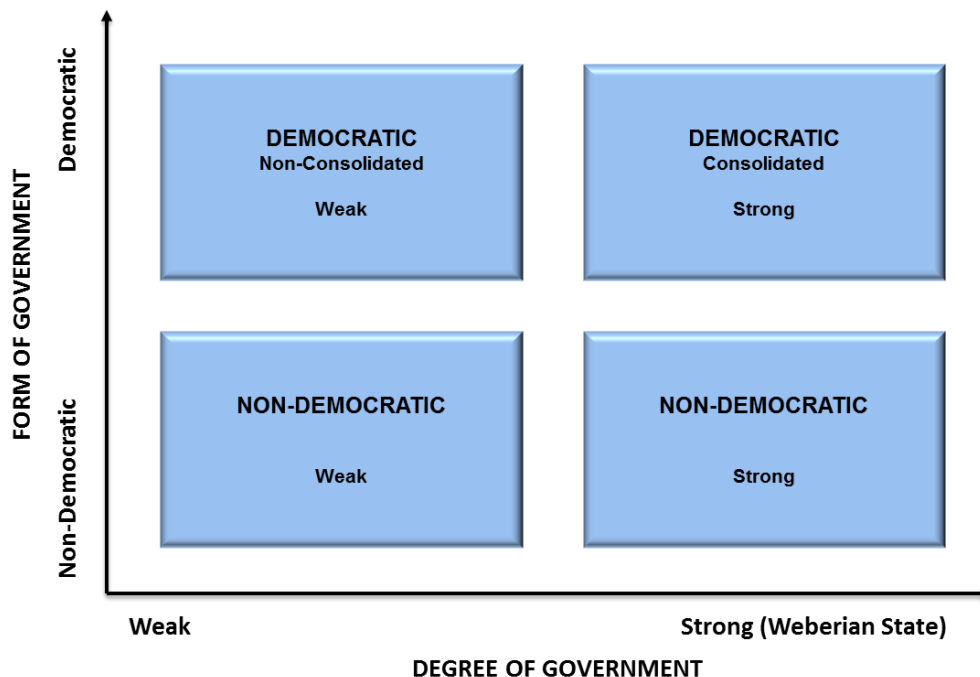
Figure 20: Adapted Model for a Typology of Form and Degree of Government
(Source: Modified and adapted from Duvenhage, 1994:180)

However, a typology of political regimes is also required to this study to enable an understanding of its intelligence practices.

3.2.7   Regime Typology

In an attempt to classify intelligence services within political regimes Gill (1994:70-80) developed the concept of the Gore-Tex state (as a characteristic of a similar named fabric). Although this model is useful to explain the relation between intelligence, state and society, it is not applicable to compare intelligence in different states. Rather than adopt Gill's classification of regime types (polyarchical state, national security state, and garrison state); Bruneau and Dombroski (2004:5) prefer to use the more generally accepted classifications of democracy, authoritarian regime, and totalitarian state. However, as discussed in this study, their typology does not include the classification of the hybrid regime. Nonetheless, they (Bruneau and Dombroski, 2004:5) propose the utilisation of a regime type graph to depict the political regime in terms of their emphasis on national security as well as their perception of internal threat. However, for the purpose of this study, their classification should be broadened to conduct a refined analysis of regime types within the democratisation process; such is the case with South Africa. The basic stages of democratisation namely; authoritarian break down, democratic transition, and democratic consolidation; should be included in the typology of regimes. For this reason an adapted graph of the typology of political regimes of Bruneau and Dombroski (2004) together with regime change in Fig. 18, is depicted as follows:
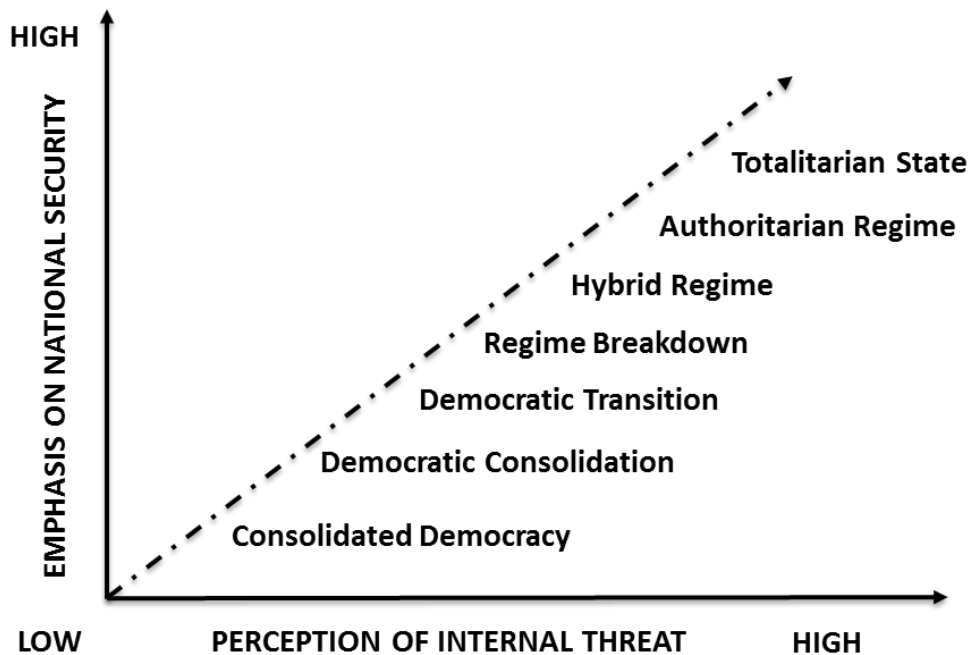
Figure 21: Typology of Regime Types that includes Regime Change

(Source: Modified and adapted from Bruneau and Dombroski, 2004:5)

Therefore this study supports and postulates a typology of regime types as follows:
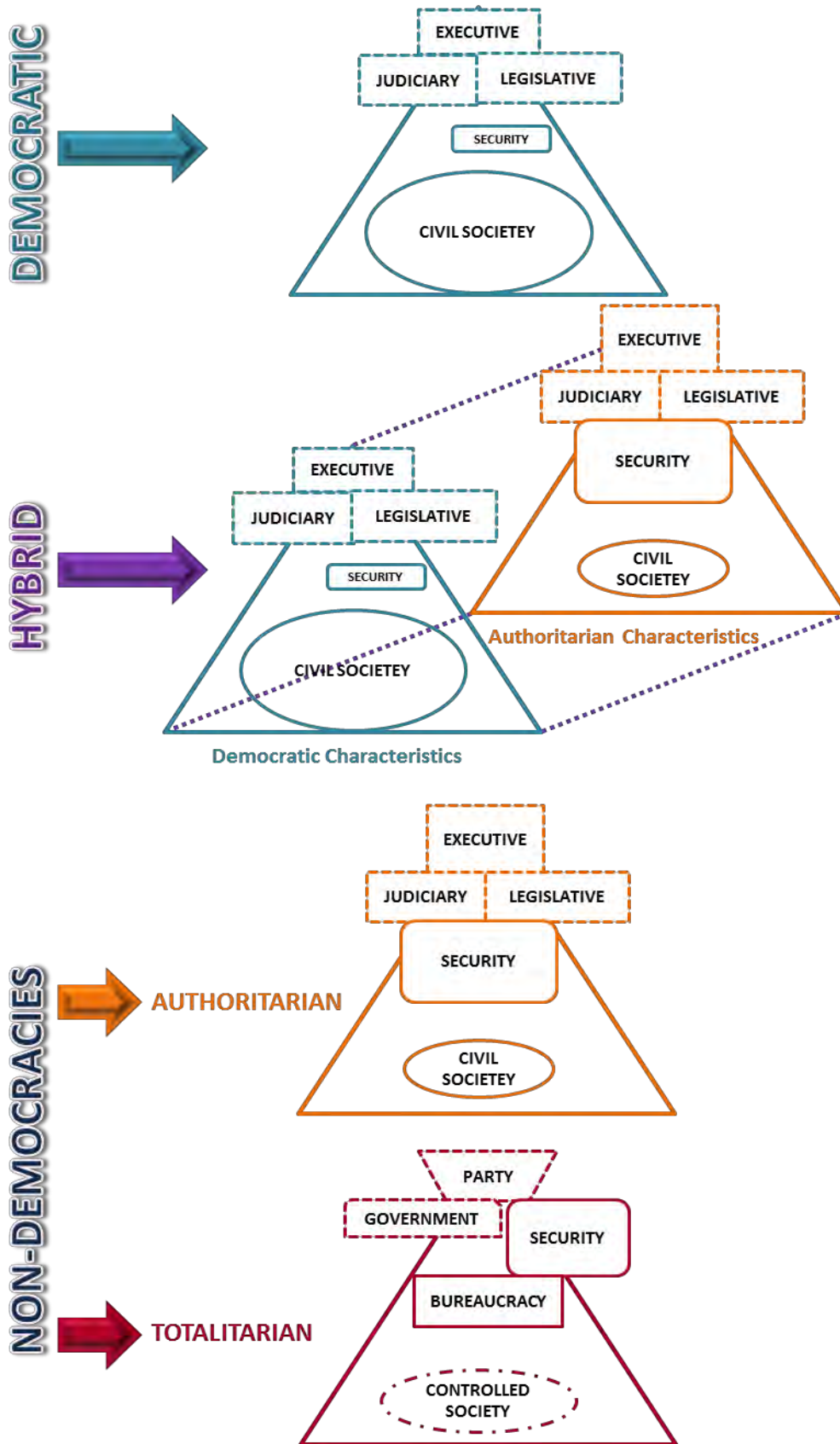
The position and size of the Security Sector is also reflected in this model and includes the intelligence, police and military. The role and function of intelligence within these political regimes needs further deliberation within the context of intelligence as a reflection thereof as well as its vital role within.

Although Hague and Harrop (2007:7) distinguish between liberal democracies, illiberal democracies and authoritarian regimes in their classification of the modern world, they however exclude a totalitarian regime type, as also deemed important by this study for the classification of intelligence practices. Therefore this study supports the typology of regime types as depicted in figure 22, based on a trichotomy from Van den Bosch (2013:11), and adapted to depict a four tier classification of regime types: to include *Democracy, Hybrid regime* and *Non-democracies* (inclusive of *authoritarian* and *totalitarian regimes*).

> Przeworski (1991:26): *"(D)democracy is consolidated when under given political and economic conditions a particular set of institutions becomes the only game in town".*
> Huntington (1993:266-267): **Two-turnover test** *whereby consolidation is achieved when power could be turned over through losing and winning elections.*

Consequently, this brings the discourse of intelligence practices within these regimes as well as a typology of intelligence agencies, to the fore.

3.3   Intelligence Practices in Political Regimes

The role and function of the intelligence regime in democracies, hybrid regimes and non-democracies also need to be addressed to be able to identify and establish whether it is engaged in democratic or non-democratic practice - for purposes of this study. All nations engage in intelligence activities on one scale or another and that they must do so because other countries do so as well. Bruneau (2001:337) argues, that: ─No nation can afford to not know what is going on outside and inside its borders…" For this reason and to enable the classification of intelligence services, aspects such as control, oversight and independency comes to the fore.

The democratic control and oversight of intelligence should according to GCDCAF (2003:3-4), enable intelligence in its three distinctive entities of knowledge, activity and organisation, to be effective, to be politically non-partisan, and to adhere to professional ethics and operate within legal mandates in accordance to the constitutional-legal norms and democratic practices of the state. Born (2002:4) explains the notions of control, good governance and oversight as follows:

Oversight is focussed on the overview of government as well as to set broad guidelines for the government and its agencies. The second concept of ‗good governance‘ refers to a whole system of democratic management of the security sector, in which parliament should be playing a significant role. Thirdly, ‗control‘ is a commonly used concept that refers to instruct, rule or management. Similarly, Born and Wetzling (In Johnson, 2007:317) identified five layers of accountability namely internal intelligence control by the services, strong executive control, parliamentary oversight, judicial review and external review by independent civil society organisations. However, these five layers could serve as guidance for examination and evaluation of intelligence service activities in democracies and non-democracies, according to GCDCAF (Backgrounder 03/2006:1-4). This is also supported by this study as the characteristics to be present when evaluating the practices of intelligence service in a particular political regime.

In addition, Gill (2003:5) argues that the actual structuring of any particular state‘s security intelligence agencies and the appropriate forms of control, oversight or review will be determined finally by the particular political culture and traditions of that state, as also delineated by this study. Thus, an important outcome of governance in societies, is that it opens up the political process to formulate and implement more transparent and responsive public policies, enhance national security, ensure human security, protect constitutional democracy and assist the policy-maker. Matei and Bruneau (2011:658) argue that the purpose of intelligence is therefore to serve, inform, assist, and support policy-makers decisions, as well as to provide support to operations and other security organisations.

Nevertheless, they (Matei and Bruneau, 2011:661) continue to state that although a cooperative and symbiotic relationship needs to exist between intelligence producers and consumers, the bottom line for the intelligence function is to serve policy without being or becoming politicised, or worse, without becoming the decision-makers‘ political police. Vitkauskas (1999:3) adds that where a state was historically totalitarian, its leaders ―knew how to rule with the help of the secret police, but not with the secret ballot". This created the misuse of intelligence by the executive branch, with consequences regarding both accountability and effectiveness. Intelligence politicisation, as explained by Matei and Bruneau (2011:663) can happen *down* - policy-makers dictate to the intelligence professionals what product they want; and *up* - with intelligence professionals willingly providing policy-makers with the product they know the decision-makers want. The mechanisms of control and oversight should include aspects in relation to the possible politicisation of intelligence structures in terms of the answers that intelligence should provide on questions from the policy-makers, as stated by Caparini (2007a, in Born and Caparini, 2007:7).

Nonetheless, Betts (2003:61-62) explains that politicisation in either sense exists in the eye of the beholder, and more specifically, the beholder whose political frame of reference differs from the implications of the analysis beheld. Caparini (2007b:7-8) subsequently supports a more independent position for intelligence *vis-à-vis* policy-makers and argues that intelligence is supposed to be policy-neutral, providing policy-makers with information and analysis that they need to know, not what they would prefer to hear. According to this view, it is important to ensure the intelligence agency is not part of the policy-making process and that the intelligence process is independent. Her argument (2007b:8) as she explains is that it is important to maintain objectivity of intelligence and avoid its politicisation which includes the exercise of political pressure on intelligence analysts to make their products conform to pre-conceived policy preferences.

Likewise, Bar-Joseph (1995:11) argues that intelligence is not about making policy but about describing and analyzing reality – the context in which policy is formulated and conducted – as a means to improve the quality of the policy-making process. In addition, Gill (2003:9) argues that in a democratic state, intelligence services should strive to be effective, politically neutral or non-partisan, adhere to a professional ethic and operate within their legal mandates in accordance with the constitutional-legal norms and democratic practices of the state.

Even so, as Wills (2010:11) argues, it is not the role of intelligence services to enforce security policy. He continues to state that society, not the intelligence services, defines what constitutes a threat to national security. The ultimate purpose of intelligence is to serve, inform, assist, and support policy-makers' decisions. Wills (2010:11) adds that the role of the intelligence regime is essential for protecting both the state and its people. As described by Matei and Bruneau (2011:659), policy-makers form an integral part of the intelligence cycle (see Chapter Two Fig. 6 – Fig. 9), as the cycle starts with them through their requirements and feedback and ends with them taking relevant national security decisions and implementing policies.

The onus is nevertheless on decision-makers to develop and maintain intelligence systems that protect democracy and are democratically accountable (Matei and Bruneau, 2011:656). In fact, (as indicated in this study), the intelligence regime is a reflection of the form, character and history of the regime it serves. In this regard Africa and Kwadjo (2009:183) acknowledge that the evolution of state structures has been a significant element of the changing political dynamics under which intelligence services function. Therefore it is also required to examine intelligence within different regime types.

3.3.1   Intelligence in a Democracy

As indicated in the description of the concept of democracy, the intelligence regime should also adhere to democracy principles (rule of law, freedom and human rights) as with other public functions in terms of effectiveness, efficiency, budget control and good governance. However, the issue of intelligence in a democracy brought new challenges afore as Laqueur (1985:329) argues, as it is assumed that intelligence could function even better in a democratic society. Subsequently, Winkler (In Born and Caparini, 2007:viii) states that intelligence services as a special area of state activity, play a vital role in democracies by providing intelligence relevant to the external and internal security of the state and society, as well as the protection of vital national interests. Hutton (2007:1) follows the same pattern as he also argues that, as the potentially most dangerous weapons in the state security arsenal, the intelligence services should be bound by the same principles of good governance as the other tools of statecraft, and constant vigilance is required to ensure that the covert use of power does not infringe on national values, human rights and personal freedoms.

Winkler (In Born and Caparini, 2007:viii) continues, that intelligence agencies must be perceived as: ―... performing a necessary function, operating effectively, accountable for their actions and those of their members, and under the firm control of elected authorities". It is therefore argued that the unique secret characteristics of intelligence that include secrecy, covert operations and surveillance activities, may if not subject to control and oversight, undermine democratic governance and the fundamental rights and liberties of citizens. However, Baldino (2010:9) considers that oversight can be a double edged sword that could endanger national security if it is overzealous and adversarial. The challenge according to Baldino (2010:19) is the kind of oversight systems that can produce fiscal control, improve the integrity and quality of intelligence and ensure that there are no allegations of wrongdoing, failure and miscommunication in the responsibilities of intelligence agencies themselves. Similarly Leigh (2003:4) states that at the ₌normative‘ stage, it is proposed to apply broad criteria derived from notions of democracy, the rule of law and respect for human rights. Leigh (2003:12) subsequently identifies five standards for this purpose: legality, transparency, accountability, proportionality and equality, which can be applied in six key areas concerning security and intelligence: *the legal structure; accountability mechanisms; surveillance powers; controls on human sources; information gathering, retention and use; and independent review.*

As Schreier (In Born and Caparini, 2007:31-44) contemplates, a state's democratic control is the product of its system of government, politics, history and culture and therefore as there are differences between countries in these terms, differences also exist in the practices of

democratic control. He (Schreier) supports that democratic control and accountability of intelligence services is exercised by *executive, legislative and judicial entities and indirectly by the public*. He similarly supports the list of intelligence oversight as described by Born and Wetzling (2009:329-324). In addition, Born and Jensen (In Born and Caparini, 2007:257-269) add that parliamentary oversight responsibilities should include ensuring transparent budget oversight and the legality of services and their efficiency. Furthermore, the norms of good governance and transparency should also provide for data protection and access to information within the intelligence environment. They (Born and Jensen) also support the up-to-date enacting of a comprehensive legal framework as laws that are enacted by parliament are also the embodiment of the democratic will of the people.

Related to the mandate and functioning of the services, intelligence laws need to cover the geographical area of the operation, the scope of threats to national security, the protection of human rights authorisation mechanisms for special powers, the relation between services, the executive and parliament, as well as the status of intelligence employees and the use of public funds (Born and Caparini, 2007:264). Two basic models of intelligence services in transition can nevertheless be distinguished according to Born and Jensen (In Born and Caparini, 2007:266), namely; where the successor service relies on the officers of the former intelligence services, or where no former employee is hired into a new intelligence service. The first model is also applicable to this study as it relates to the South African intelligence regime after 1994. In addition, Bruneau (2001:328-330) explains that there are three general decisions to be made regarding the legal framework of intelligence. The first is to determine which of the four intelligence functions (collection, analysis, counterintelligence and covert action) will be implemented and how much of the countries resources will be allocated to them. *Secondly*, the intelligence balances to be chosen between civilian and military organisations in terms of production and consumption. *The third* choice is the relationship between intelligence and policy and also concerns the issue of intelligence coordination. The underlying issue is whether intelligence is policy-relevant, but not policy-driven.

However, as contemplated by Baldino (2010:19), although government authority and influence in a democratic nation is shared between the executive, legislative and judicial practices; the owner of national intelligence is the executive branch of government. In this regard, if there is too much secrecy, it could hide fraud and corruption and even falsehood and could even produce insecurity. As argued by Leigh (In Johnson, 2007:68), democratic states deals with oversight and control by firstly balancing rights and responsibilities between the agencies and their political masters and, secondly, by creating checking mechanisms outside the executive branch. Similarly, Born (2002:5) states that civilian oversight is a pre-requisite, but insufficient

condition for democratic oversight. Citizens in democratic countries however, should have assurances that the intelligence regime is acting on their behalf, whilst protecting national interests, which is not necessarily the case in non-democracies. Without intelligence, policy-makers cannot make informed decisions regarding national security and defense as debated by Matei and Bruneau (2011:660) and also supported by this study.

3.3.2   Intelligence in Non-Democracies

The functions and limitations of intelligence services must be clarified, their methods and sources must be protected and intelligence in democracies should be used to measure the level of democracy. In a panel discussion (October 19, 2009) focusing on intelligence as a democratic indicator, Matey (2009: Konrad Adenhauer Stiftung International Conference Bar-Ilan University, October 18-19) states that it is important to distinguish between intelligence that has always been in existence and intelligence services that were established as a result of the state concept. He argues that intelligence focuses on hostility both in democracies and non-democracies. His argument is supported by Hutton (2007:2) who explains that the internal and external political and strategic security environment tends to dictate the level of involvement of intelligence agencies in the domestic and foreign arenas, and the nature of the threats largely determine the nature of the intelligence agency involved, be it civilian, military or police. Furthermore, he argues that when the survival of a ruling party is under threat and the maintenance of political power is the prevailing preoccupation of state security structures, the suppression of domestic political dissent becomes an intelligence priority.

Therefore, Hutton (2007:2) explains that intelligence often becomes an essential tool of oppression and control in authoritarian, undemocratic, dictatorial or autocratic regimes. He argues that the general trend seems to be that the more insecure a regime or ruling party, the greater is the domestic role of intelligence services. Thus, intelligence in a non-democratic system focuses more on internal opposition and less on external threats, and is outside of the legal system, whereas intelligence in a democratic system has relations with its citizens and a legal framework for its actions and secrets. Intelligence in authoritarian states, as stated by GCDCAF (2003:2), has unprecedented powers to monitor and suppress dissidents in all forms and is central to state structures. This is supported by Caparini (Born and Caparini, 2007:6) who argues that intelligence services of totalitarian and authoritarian regimes have typically been targeted internally towards perceived political opponents and critics of the party, government or regime. Those intelligence regimes, she claims, gain a measure of infamy for their repressive activities, penetration of many spheres of social activity, and systematic abuse of human rights against citizens of the state concerned.

In support, Bruneau and Dombroski (2004:2) argue that the intelligence apparatus is a key means for maintaining power in virtually all authoritarian regimes. In countries with military regimes, the intelligence services also came under direct military control. In others with communist or socialist governments, the intelligence apparatus was a mix of military and civilian services. Most intelligence services in authoritarian states according to GCDCAF (2003:60), function outside the rule of law and are involved in human rights abuses. In this regard Winkler (2002:8) debates that it is no accident that totalitarian states, dictatorships, and to some extent also authoritarian governments, ignore human rights and the rule of law as basic principles. He continues to state that those countries tend not only to maintain an overblown security apparatus but also security structures whose missions is purposefully blurred and overlapping. In authoritarian and military regimes, Bruneau and Dombroski (2004:2) claim, the problems of reform are similar and the politicisation of the bureaucracy is a common problem.

Furthermore, in most authoritarian states the boundaries and functions of military intelligence and police organisations overlap and become indistinguishable from each other. In addition, because these authoritarian regimes are based on something other than democratic legitimacy exercised through free elections, they have to rely on security organisations (which includes intelligence organisations), to identify domestic opponents, neutralise opposition to the government, and through a variety of means, including control over media, seek to generate at least domestic apathy according to Bruneau (2001:324). He furthermore contemplates that these organisations are mainly security services as opposed to intelligence services and that intelligence mainly means counterintelligence – again with the focus on security.

As also supported by Dulles (2006:16) and Herman (1996:29); Bruneau (2001:324) describes that the intelligence apparatus in most non-democratic states grow in size and influence. This results in a largely autonomous intelligence regime, as stated by Bruneau and Dombroski (2004:2), due to a huge reliance on intelligence and its centrality to power. Similarly, they continue their argument that intelligence means mainly counterintelligence or security intelligence and its purpose is to protect the state's secrets from outsiders or anyone outside the central core of power, resulting in a situation where almost anything could be defined as a state secret.

Subsequently, the scope of that which has to be controlled is immense and the focus of intelligence services is on domestic opposition and not any foreign threats. This brings about the situation that most of the services in these non-democratic countries became only responsive as stated by Bruneau and Dombroski (2004:3), to the regime in power and derived their own powers and responsibilities directly from executive authority rather than through legal

mandates. Furthermore, they also acquire greater autonomy from policy-makers and became the means by which authoritarian regimes used to conduct aggressive countering operations against political opposition.

Consequently, some of these services as explained by Bruneau and Dombroski, (2004:4), have an almost total lack of external control and determines their own agenda and goals, which may not coincide with those of the ruling elite. Their funding and policies remain hidden from the rest of the policy-making process, and the organisation itself selects the targets for its information gathering and countering activities. Even so, Bruneau and Dombroski (2004:6-7), argue that: ─Taken to its extreme form, an authoritarian regime may become so preoccupied with threats to its political power, both real and perceived, that it devolves into a totalitarian state where the military and security intelligence structures dominate political activity, opposition is outlawed, and the ruling regime retains power over its populace by extra-legal means, typically intimidation and terror". They (Bruneau and Dombroski), furthermore claim that as the ruling elites become increasingly paranoid about internal threats, they tend to cede more power to the security intelligence apparatus, leading to the eventual emergence of an independent security state. Matei and Bruneau (2011:662) add that: ─In virtually all nondemocratic regimes the intelligence apparatuses were ‗effectively" serving the political class by collecting information, relentlessly monitoring and frequently abusing and killing citizens". Nathan (2009:3) adds to this discourse by stating that in a democracy, unlike a police state, intelligence agencies must rely on public cooperation rather than coercion to be successful.

Still, as Wills (2010:11) explains, the role of intelligence services is essential for protecting both the state and its population and national law prohibits intelligence services from promoting or protecting the special interests of any particular religious, ethnic or other group. They should remain impartial in their role to serve all individuals in society. Finally in the words of Born (2002:9), democracy (and therefore democratic oversight) cannot be a gift. He continues to argue that to achieve democracy, as we know it, is a struggle and that history teaches us that most countries have had to fight to become a democracy and to dethrone their authoritarian rulers, be it a dictator at home or abroad.

3.3.3 Intelligence in a Hybrid Regime

Having a typology of intelligence in a hybrid regime is a fairly new and unexploited notion. Nonetheless, as already indicated in the definition and explanation of a hybrid regime, it contains elements of both a democracy and authoritarian regime. In short, such intelligence practices are less democratic and more supportive to the political party in power which leads to

a situation of politicised intelligence. More so, the focus of intelligence is more on the protection of the political regime and specifically the power elite, rather than the constitution and the welfare of the people. These services are continuously restructured and legislation amended to suit the needs of the power elite and to ensure that they remain in power. Intelligence is vulnerable to be misused as a tool against any opposition.

All the same, Morlino (2008:5) argues that there are five significant dimensions present within a hybrid regime which according to this study, could also impact on the practices of the intelligence services within. Morlino (2008:5) continues and describes these dimensions as follows: ̶firstly, the degree of political pluralism, which mainly concerns the political actors who determine the regime and its policies; secondly, the ideology, or rather, the ideological justification behind the regime; thirdly, the degree of participation and political mobilisation, once again regarding political society; fourthly, the presence and composition of the group that exercises power; fifth and lastly, the presence of ambiguous and ill-defined rules, which also point more generally to the nature of the rules and procedures adopted in the authoritarian regime."

It is nevertheless important to note that a hybrid regime is a weak government as Shevtsova (2001:67) explains: ̶A hybrid regime is founded on the principle of a weakly structured government – relying on both personalistic leadership and democratic legitimation. This combination of incompatible principles enables the regime to develop simultaneously in various directions: toward oligarchy, toward authoritarianism and toward democracy as well. Yet, such a regime can hardly be consolidated; its contradictory tendencies are a sure recipe for instability". Therefore this study argues that intelligence within the notion of a hybrid regime will therefore reveal both democratic and non-democratic tendency as it is a reflection of the *grey zone*. Evident to this instability is also the various restructuring and changes that intelligence services are exposed to within these hybrid regimes.

Nonetheless, Winkler (2002:8), Matei and Bruneau (2011:662) add that non-democratic regimes ignore human rights and the rule of law as basic principles and use intelligence services to penetrate society for the benefit of the power elite. However, depending on the practices of the political regime, the intelligence could also be more or less accountable and could have a tendency of behaving more independently with less control and oversight. However, as these regimes are in the grey zone, one can argue that their practices would also remain in a grey zone as reflected by both intelligence services within democracies and non-democracies (as delineated by this study in Fig. 19). Therefore, intelligence practices in a hybrid regime are a

reflection of the characteristics of both democratic as well as authoritarian regimes - as discussed and deliberated upon by this study within par. 3.3.1 - 2.

3.3.4   A Typology of Intelligence Agencies

In proposing a typology for intelligence agencies, Keller (1989:17) has set out three ideal types, determined by the service's autonomy from executive control and elements such as legislative oversight and control. He listed it as the Independent Security State, the Political Police and the Domestic Intelligence Bureau. The focus is arguably on the domestic intelligence services of a state, as foreign intelligence services are generally linked to espionage and therefore viewed to be unlawful. Nevertheless, Keller's (1989:17) typology has been adapted by Gill (1994:82) as also debated by Bruneau and Dombroski (2004:3-5). Three similar categories namely; a *Domestic Intelligence Bureau* in a Democracy, *a Political Police* in an Authoritarian Regime and an *Independent State Security* within a Totalitarian Regime, were described by them. However, their typology lacks a description and the inclusion of an intelligence service within a hybrid regime – as also relevant to this study.

For this reason this study postulates the inclusion of a *Political Intelligence Service* as an intelligence service within a hybrid regime (which reflects both elements of a democracy and authoritarian regime as explained and depicted in Fig. 22).

The independent security state's penetration of society is most extensive and has unchecked power over the regime and population as debated by Bruneau and Dombroski (2004:4). It sets its own agenda and conducts activities independent of the executive. The political police in comparison have less power and are more responsive to the regime in power. The domestic intelligence bureau according to this model and argued by Gill, Bruneau and Dombroski, is the ideal type of security intelligence service for a democracy as it does not conduct intelligence operations against its citizens.

For a hybrid regime; this study postulates a political intelligence service which is more politicised and has less democratic practices. A typology of intelligence services that includes a Political Intelligence Agency within a hybrid regime as adapted from Keller (1989:17), Gill (1994:82) and Bruneau and Dombroski (2004:3-5) and postulated by this study, could be depicted as follows:

BUREAU OF DOMESTIC INTELLIGENCE	POLITICAL INTELLIGENCE AGENCY	POLITICAL POLICE SERVICE	INDEPENDANT SECURITY STATE SERVICE
This organisation has limited and specific powers derived from a legal charter or statute and its primary function is to gather information relating to the criminal prosecution of security offenses, and it does not conduct aggressive countering operations against citizens. This type of service is inherently part of a democratic political regime. The British Security Service (MI5) and South African State Security Service (former National Intelligence Agency), serve as examples.	Reflects intelligence practices of both democratic and authoritarian regimes. A tendency to be more non-democratic and autonomy from democratic policy-making and legislative process through amendments of legislation is also present. This type of service is inherently more politicised and serves the political elites and party in power and focus more on opposition and threats on them, rather than the protection of the constitution, the welfare of the people or the security of the state as a whole. The Pakistani Intelligence Bureau serves as an example.	These operatives have greater autonomy from democratic policy-making and are more insulated from legislative and judicial scrutiny. This type of security intelligence service within an authoritarian regime, responds almost exclusively to the political elites or party in power and focus on internal political opposition groups, often gathering intelligence unrelated to specific criminal offenses, and conducting aggressive countering operations against domestic political opposition to the existing regime. The Stasi of the former East Germany and the DGI of Cuba are examples.	This is a security intelligence service characterised by a lack of external controls and oversight, even from the authoritarian regime it is supposedly protecting. It determines its own goals, which may not coincide with those of the political elite and enjoys a high degree of autonomy from the routine political process, keeps its funding and policies hidden from the governmental policy-making process, and authorises its own targets and countering activities. This service usually practices within a totalitarian political regime. The KGB of the former Soviet Union and State Security Department of North Korea are relevant examples.

Figure 23: A Typology of Intelligence Services

(Source: Own construct)

However, as Hutton (2007:2) explains, the political environment of a country largely determines the activities of the intelligence community, or of any state department. This key variable determines not only the nature and structure of the intelligence community but also its priorities and operations.

All the same, this study postulates the following macro-level framework of state, political regime and type of intelligence – relevant to this research:

Figure 24: A Framework for States, Political Regimes and Types of Intelligence Services

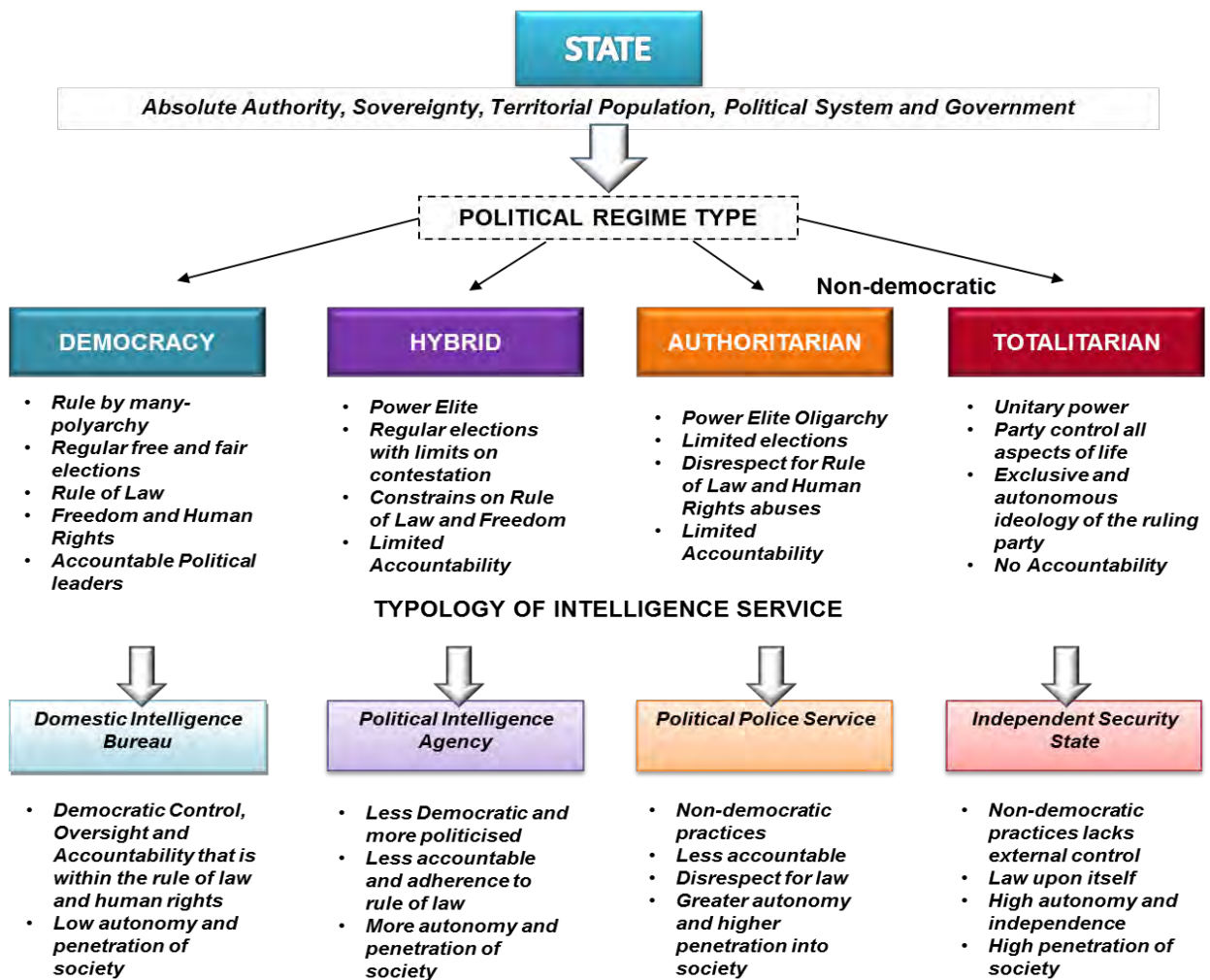(Source: Own construct)

In this regard Bruneau and Dombroski (2004:5-6) promulgate that for effective comparative analysis of the political and intelligence regime, a pair of graphs should be used that indicate the relative position of both states and their intelligence organisations over time. The *first* is similar to the four tier classification of political regimes – as adapted and postulated in this study and illustrated in Fig. 22. The *second* is a typology of intelligence services that measures the autonomy or independency of intelligence services and its penetration of society. The typology of intelligence services is adapted by this study to include a reflection on a hybrid regime (see Fig. 23).

However, for the purpose of this study it is proposed to incorporate the notion of two graphs as proposed by Bruneau and Dombroski (2004:5-6), and adapt it into *one model that could simultaneously be used to analyse the political regime as well as the intelligence services*. For this purpose the framework as postulated by this study in Fig. 24, serves as a point of departure.

Nonetheless, the measurement of a political regime is conducted through the identification of the level of Rule of Law and Human Rights (as vital concepts within a democracy as also discussed and supported in this chapter), where after it is placed on a political spectrum ranging between democracy and non-democracy. The intelligence service is measured according to its penetration of society which could infringe on human rights and its autonomy, which has an effect on the rule of law. The intelligence service is furthermore classified according to the typology by this study as provided in the framework in Fig. 24. This study furthermore places ‗Rule of Law' in comparison to the ‗Autonomy of Intelligence', which on its own is referring to accountability, control and oversight as discussed in chapter two. In addition ‗Human Rights' is placed in comparison to the ‗Penetration of Society' by intelligence.

Therefore this study postulates that the political regime could be measured against low, medium or high rule of law and human rights simultaneously with intelligence services that could be measured in terms of its low, medium or high penetration of the society and autonomy. This is depicted in the following proposed model that integrates the classification of both intelligence as well as the political regime:

INTELLIGENCE PENETRATION OF SOCIETY

	LOW			HIGH
LOW	Domestic Intelligence Bureau *Democracy*			
		Political Intelligence *Hybrid Regime*		
			Political Police *Authoritarian Regime*	
HIGH				Independent State Security *Totalitarian State*

AUTONOMY OF INTELLIGENCE — HUMAN RIGHTS

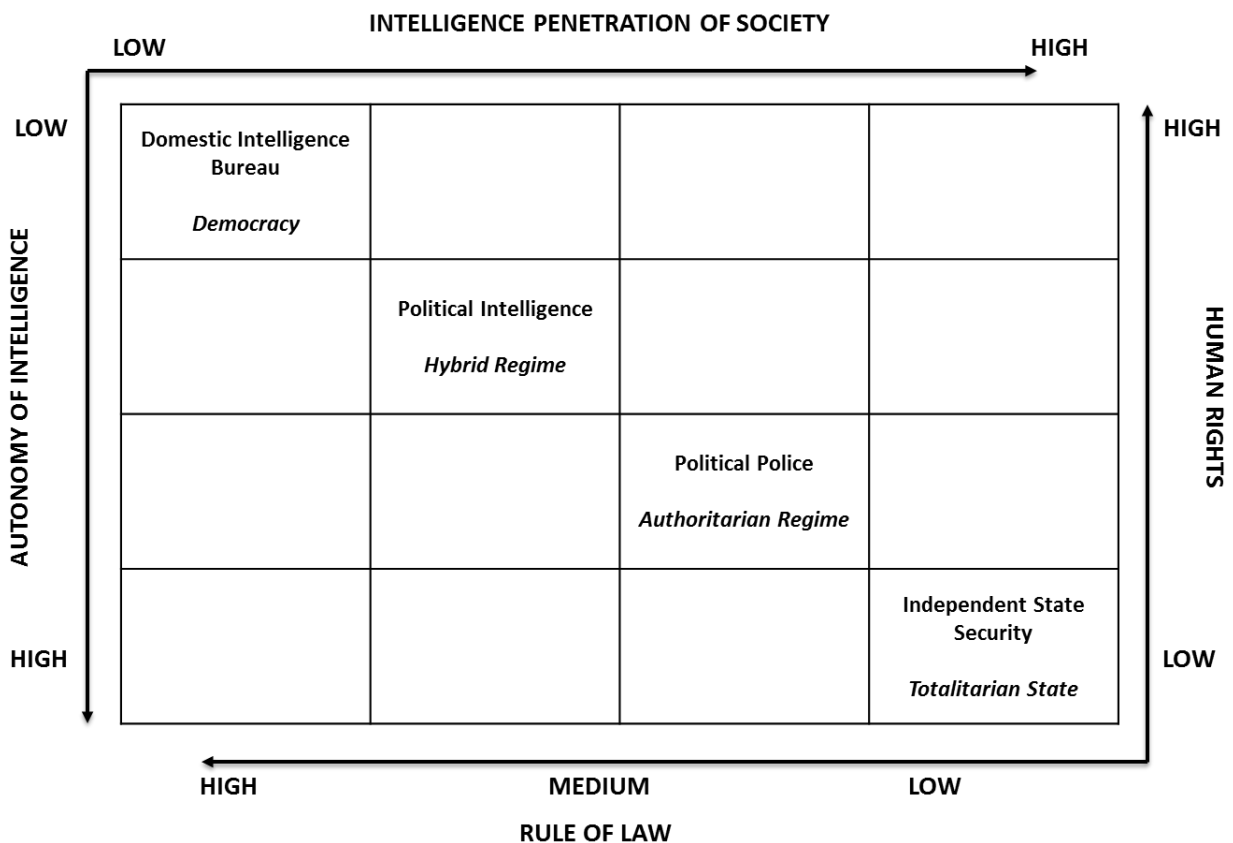HIGH — MEDIUM — LOW

RULE OF LAW

Figure 25: A Typology of Political Regimes and Intelligence Services

(Source: Own construct)

3.4   Conclusion

This chapter points out that all states have comparable features to other states, although they exhibit unique institutions, organisational features, and behaviour based on their history, society and economy. This subsequently impacts on the intelligence regime in each state, which practices in ways specific to the type of political system, ideological outlook and culture. Its views are formulated on national threat perceptions for which the intelligence regime is utilised. This chapter addresses the concepts of regime, government and state within the context of intelligence.

Albeit, as postulated by this study in the typology of intelligence services within political regimes (see Fig. 24), several differences exist between the practices of intelligence in the different regime types. If a broad overarching perspective is conducted on the intelligence practices in democratic, hybrid and non-democratic regime types, several issues comes to the fore. These include the challenges of democratic control, oversight and accountability of intelligence services within the different political regimes, as well the penetration of society by them.

Nevertheless, as discussed in this chapter and delineated in Fig. 25, a domestic intelligence bureau within a democratic regime type – is the ideal intelligence service. It however has its own unique challenges as indicated by this study where new democracies and democracies in transition alike, struggle to maintain democratic practices. More so within consolidated democracies that face numerous challenges to adapt their intelligence practices to new and changing threats, ranging from terrorism to non-traditional intelligence issues such as climate change and food security. Hybrid regimes are furthermore built on two political systems – one democratic and the other authoritarian. These two types of regime typologies function as a mutual concept within these states which in turn has an effect on the professionalism and effectiveness of its intelligence service.

This chapter indicates that intelligence practices within these regimes could be viewed as reflecting both democratic as well as non-democratic characteristics. The challenge nevertheless remains as indicated by this study – if such practices would assist these hybrid regimes to either move towards democracy or, transgress towards authoritarianism or even stay in the grey zone – as hybrid regimes. Therefore, the intelligence practices in both hybrid and non-democracies (inclusive of both authoritarian and totalitarian regime types), could be evaluated as part of a broad overarching perspective – as non-ideal. This is specifically due to the greater autonomy and independence that this type of service is involved in, as well as their high penetration of society and disrespect for human rights and the rule of law.

In comparison however, vast differences are identified between the intelligence practices in democratic states and those in hybrid and non-democratic states. Nonetheless, the need to assist the modern state and nation in terms of prosperity, protection and security in a competitive global world remains a primary responsibility for intelligence. This could only be obtained through ‑good governance" which requires increased effectiveness, proper control and oversight mechanisms. A typology of the political regime and the intelligence service could furthermore serve to assist governments to implement more democratic intelligence practices.

This chapter also briefly addresses issues of democratisation and transition towards a consolidated democracy. Chapters two and three, serve as theoretical background and points of departure for the rest of this study, as it provides both a framework for the understanding of intelligence as well as for democratic and non-democratic practices. Chapter three furthermore, provides a typology of political regimes in comparison to a classification of their respective intelligence service that will serve as background for the analysis of the South African intelligence regime.

Nonetheless, the next chapter will provide a historic overview of how the intelligence regime in South Africa evolved until the establishment of the new State Security Agency. The chapter will also indicate if the South African Intelligence practices are more or less democratic, and whether they contribute to democratisation and development within the country.

CHAPTER 4: The History and Development of the South African Intelligence Regime

"The redefinition of South Africa's security needs and the inter-relationship between the security of the state and that of the people must be seen in arriving at a new definition of national security. The security of the state depends on its ability to maintain its political independence, sovereignty and territorial integrity. The security of the people depends on the satisfaction of their political, economic, cultural and social needs. The security of the state depends on the security of the people, and the security of the people depends on the security of the state".   Joe Nhlanhla

4.1   Introduction

Chapter four provides a brief overview of the history of the intelligence regime and its development in South Africa to determine whether it is more or less democratic. It furthermore focuses specifically on the time period 1994 to 2014, from the amalgamation of the statutory and non-statutory intelligence services to the instigation of the current State Security Agency (SSA). A reconstruction of the current intelligence regime in South Africa is conducted and a reflection provided of its mandate, structure and current function. As discussed in the previous chapter, intelligence is just not any government activity – along with other security functions it has a ~~p~~eculiarly intimate relationship to political power". (Gill in Johnson 2007:83). Each state furthermore practices intelligence in ways which are specific to that nation, which is dictated by the type of political system, ideological outlook and culture that formulate its views on national threats against which the intelligence regime is implemented.

Similarly, governance is closely tied to the internal order and political culture of a state and as governance structures are a product of the political evolution of the state, it bears the fruits of or scars inflicted by previous regimes – be it a democracy, hybrid, or non-democratic regime. This also impacts, as explained in the previous chapter, on the form and functions of the intelligence regime in a specific country. This chapter examines the development of the statutory intelligence regime in context with the political and cultural environment in South Africa, in different time periods deemed relevant to this study.

More specifically, this section outlines the development of intelligence as linked to the following five time periods of historic and political significance, namely: Early developments and the Zuid Afrikaansche Republic - ZAR (1652 to 1910), the Union of South Africa (1910 to 1961), the Republic of South Africa (1961 to 1978), the securitisation of South Africa (1978 to 1995), pre and post negotiations in South Africa (1995 to 2009) and lastly the period 2009 to 2014 that is reflective of the newly established State Security Agency (SSA). The latter two time periods are also the main focus of this study.

CHAPTER 4: THE HISTORY AND DEVELOPMENT OF THE SOUTH AFRICAN INTELLIGENCE REGIME

A brief overview is conducted of different intelligence structures, their role and function, control and oversight, from the first institutionalised structure - the Zuid Afrikaansche Republiek Geheime Dienst, through the role of military and police intelligence to the creation of the Bureau for State Security (BOSS) and the subsequent formation of the National Intelligence Service (NIS). A short overview, as relevant to this study, is also provided on the history of non-statutory intelligence structures in South Africa with specific reference to the intelligence structures of the African National Congress.

Lastly, this chapter focuses specifically on the time period 1994 to 2014, from the amalgamation of the statutory and non-statutory intelligence services, its control, oversight, legislation, mandate, and restructuring, until the establishment of the State Security Agency (SSA). A reconstruction of the current intelligence regime in South Africa (with a reflection on its history, political context, mandate, structure and functions) will contribute to an analysis thereof.

4.2   1652 – 1880: Early Intelligence Developments in South Africa

It is relevant to the study of intelligence in South Africa to begin prior to the influence of the apartheid regime as a country's history is reflected in its intelligence regime in terms of culture, politics and ideology. The present day civilian intelligence regime in South Africa reflects the evolution of intelligence in the rest of the world and is also embedded in a strong history with the development of military and military intelligence since its early colonial period. It was only with the establishment of the Republic that the South African intelligence came into its own and developed into police, military and civilian structures. The origins of intelligence in South Africa could be traced back to activities such as *scouting* against any possible threats of hostile natives by soldiers at the garrison at Castle Cape in 1652 which was built by Jan van Riebeeck (Saffer Wiki, 2012 and the SADF Sentinel Project, 2011).

Subsequent European settlers were allotted farms by the colonial authorities in the regions around Cape Town in the beginning of 1657 and by the early 1700's, the colonists had begun to spread into the hinterland (SA Government Information – History, 2012a:2). Furthermore, from the 1770's colonists also came into contact and in conflict with Bantu-speaking chiefdoms and intermittent warfare ensued. *Scouts* and *messengers* where employed by the colonialists as well as by the Xhosa's and Zulu's during this time period to either protect their homesteads or help during skirmishes for land and cattle.

Peires (2007:1) claims that the Xhosa was far less organised and structured in comparison with the Zulu, as the Xhosa seldom engaged in any warlike expedition with precipitancy. The Zulu on the other hand had, apart from an organised army, a professional *corps of spies*, recruited and

trained from father to son and the Zulu King, Shaka, had spies in outlying chieftaincies and foreign neighbourhoods.

Figure 26: Zulu Warrior in the "Impi of Spies"

During the period between 1815 and about 1835 intelligence remained loosely focussed on the concept of scouting for the purpose of security and defence. Meanwhile, as explained in the SA Yearbook (2011/12:19-20), in the mid 1830's, a large number of the original colonists, mainly referred to as Voortrekkers, felt a growing dissatisfaction and alienation from the British imperialism, migrated north beyond the borders of the Cape, in what became known as the Great Trek and later established the Transvaal and Free State Republics adjacent to the British colonised Natal and Cape.

Albeit, more formalised intelligence activities, linked to military actions, were to follow especially after the discovery of diamonds, with Britain annexing the Kimberley area in 1876 and the Transvaal, in 1877. This led to the First Anglo-Boer War that lasted until British withdrawal in 1881. Intelligence was still restricted to small scale and mostly uncoordinated utilisation of scouts by both sides of the war. This was to change with the discovery of the Witwatersrand goldfields in 1886, which signified the emergence of the modern South African industrial state (SA Yearbook,2012b:20). With the need for deep-level mining and the resulted influx of English-speaking immigrants or foreigners (known as —Uitlanders") on the goldfields and their accompanied political demands for equal rights, the political climate also changed within the Zuid Afrikaansche Republic (ZAR).

Linked to this was the political aim of Cecil John Rhodes in the Cape Colony to extend the British imperialism from Cape to Cairo (Kamffer, 1999:71-72), against the background of the

fact that the British Empire was regarded as the ―super-power‖ of the world during this time period. In contrast to the claims by O'Brien (2011a:13), that South Africa did not possess a national intelligence service until its establishment as a republic in 1961, the changed political situation and the looming threat of British imperialism, subsequently impacted on the role of intelligence within the ZAR and led to the first institutionalised intelligence in Southern Africa.

4.3   1880 – 1910: The ZAR Geheime Dienst

The formation of the **ZAR Geheime Dienst** or South African Republic Secret Service is commonly attributed to the then State Secretary of the ZAR; Dr. W. J. Leyds. Although his influence and prominent role on the idea of a secret service is not disputed, as also argued by Kamffer (1999) and van den Bergh (1974), and he is seen as the ―father‖ of intelligence in South Africa. He was however not directly responsible for the inauguration and administration of the service. Authors such as Blackburn and Caddell (1911: Chapter XII), Heyer (1899:5), Africa (2006:68-69) and O' Brien (2011a) creates the perception that the ZAR Secret Service was under his command and control as he occupied the senior position in the Volksraad (ZAR Council) of State Secretary. Leyds was first appointed as State Attorney in 1884 and subsequently as State Secretary in 1889 and did support the inauguration of a secret detective service (geheime speurdienst) to assist the Volksraad under State President Paul Kruger; in addressing issues pertaining to security concerns of the then ZAR.

The main purpose of the **ZAR Secret Service**[1] was to obtain information on the activities and sentiments of foreigners working in the Witwatersrand area, as well as weapon shipment for their support in an attempt to overthrow the Kruger regime; obviously with the support of Britain through Rhodes's assistance. It is nonetheless acknowledged by both Kamffer (1999:40-55, 339) and Van den Bergh (1974:1), and is also supported by this study, that the person who took the first actions in the inauguration of a secret service, was advocate Ewald Esselen who, as newly appointed State Attorney (May 1894) appointed two members during June and July 1894 as agents to investigate anti-ZAR sentiments. It was Esselen, possibly in conjunction with State Secretary W. J. Leyds who, through the routine duties of his office, first became aware of the need to investigate disturbing indications of clandestine activities of ―Uitlanders‖ in Johannesburg (Van den Bergh, 1974:1).

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[1] Note that this study applied bold text within this chapter to highlight specific institutions or events deemed relevant to the history of intelligence in South Africa.

[*] Initially named after an elite Roman military force used to protect the Senate. A praetorian oligarchy could be explained as a notion that maintains the rule of a power elite through military or civilian security

Figure 27: Ewald August Esselen - First Head of the Secret Service

Figure 28: State Secretary of the ZAR - WJ Leyds

Cognisance should also be taken of the fact that the State Attorney was also the political head of the then police service, the "Zuid Afrikaansche Republiek Politi (ZARP)", which under Commissioner G. J. van Niekerk, had a detective branch that already functioned with some secrecy. Thus, the roots of the first institutionalised intelligence structure in South Africa can be traced back to a police or detective service. Esselen resigned as State Attorney during November 1895 and that placed van Niekerk for an interim period, until the appointment of a successor to Esselen, in charge of the service (Kamffer, 1999:92). It was within this unit that the secret service saw its beginnings and its official inauguration on 30 December 1895 (Kamffer, 1999:52-55, 92). This happened a day before the Jameson Raid on the Transvaal Republic by

Leander Starr Jameson and his Rhodesian and Bechuanaland policemen over the New Year weekend of 1895-96. It was intended to trigger an uprising by ―Uitlanders" or Foreigners against the Kruger regime, but failed to do so. The raid was ineffective and no uprising took place, but it did much to contribute to a climate that was conducive for war between Britain and the ZAR (SA Yearbook 2011/12:22).

All the same, the Secret Service struggled at first to function independently from the Detective Branch and much confusion initially existed between the two units, which both functioned under secrecy. Detectives within the two units sometimes had the dual responsibility of both police detective work as well as the collection of intelligence. The situation however, drastically changed for the better with the appointment of J.C. Smuts as State Attorney of the ZAR during June 1898 and the subsequent appointment of T.A.P. Kruger (son of President Kruger) as a Secretary in the office of the Police Commissioner, with the Secret Service as administrative responsibility (Kamffer, 1999:101-118). Smuts gradually took command and control of both the Detective unit as well as the Secret Service and in August 1899, placed the service and its Secretary within his office. Members of the Secret Service wore a pin for identification, in a concealed manner with the inscription Geheime Politi ZAR (Kamffer, 1999:114; 125), depicted as follows:

Figure 29: ZAR Secret Service Identification Pin

In addition, Van den Bergh (1974) points out Smuts efforts to impress upon the government the fact that the Secret Service was as important a factor as increased armament for the Republic's safety and resulted in more funds and agents and a marked increase in the volume, variety and quality of their activities. All efforts were still directed at ensuring early warning of internal and external threats to the ZAR. However, the political climate changed towards the end of 1899 with the determination of Sir Alfred Milner, then British High Commissioner in South Africa, to establish British rule throughout the continent which eventually forced the ZAR to declare war

against the British in October of that year. During the Second Anglo Boer War itself, the Secret Service functioned in three areas as explained by Van den Bergh (1974) and Kamffer (1999:382) namely: the home front, the battle front and behind enemy lines. A section of the Service was kept occupied in the Pretoria and the Johannesburg area, in order to monitor the large number of British subjects who were allowed to remain in the Republic because of the key positions they held in the commercial world and public service.

The SA Military Intelligence History describes the utilisation of scouts or ―Verkenners" by the Boer Commandos that reported military intelligence via the Commandants to Commandant General Piet Joubert of the ZAR. Furthermore, General de Wet also saw the need for scouts and appointed Captain Danie Theron to do this work for him. In turn, Theron established the Wielrijders Rapportgangers Corps – a unit consisting of scouts on bicycles – in May 1900 (Kamffer, 1999:385). Theron, who was later promoted to Commandant with more than a hundred members, was very effective in this military intelligence role that subsequently made him to be seen as the father of the SA Army Intelligence Corps as pointed out by Kamffer (1999:385). Nevertheless, as Kamffer (1999:382) explains, during the initial stages of the war, the agents of the Secret Service functioned beside the scouts on the battle front. The main function of the scouts was to obtain tactical military intelligence required for the respective military leaders. As the war evolved, Van den Bergh (1974) observes that the Verkenners Corps and their specific focus on tactical military intelligence, became more relevant and the subsequent collapse of the fronts of the Cape and Natal, resulted in the steady withdrawal of the Secret Service agents from their headquarters in Pretoria.

Figure 30: Captain Danie Theron - Wielrijders Rapportgangers Corps

Another influential factor according to Kamffer (1999:382) was the collapse of state administration and the subsequent invasion of Pretoria on 5 June 1900. However, as stated by Van den Bergh (1974): ―After the fall of Pretoria … De Geheime Dienst disappeared as a unit and, perhaps with poetic justice, died as it was born, in obscurity". The ZAR secret service nevertheless is the first statutory intelligence service within South Africa and strongly resembles a Police Security Service as discussed in the previous chapter - having its roots deeply established within that of a police detective unit.

4.3.1 *Geheime Diens Kommissie - Secret Service Commission*

During the latter part of the Second Anglo-Boer War, as explained by Kamffer (1999:386-388), General L. Botha, gave an instruction to one J.J. Naude to remain in Pretoria with about ten men, in order to spy on the British. He established a **Geheime Diens Kommissie** – Secret Service Commission and received assistance from citizens who still supported the ZAR cause. Naude was later promoted to captain and appointed as head of this Commission. This Commission however, did not replace the Secret Service, nor did it have any official status as also referred to by Johanna Brandt (1913) in her book *The Petticoat Commando or Boer Woman in Secret Service* (1913:135-160). However, as was the case with the Republic Secret Service, this Commission dissolved at the end of the war. Nonetheless, the battle continued after the invasion of Pretoria with resistance by so-called ―Bittereinders" through guerrilla style battles.

The British retaliated by the ―brutal scorched earth tactics" in burning farms and farmsteads and placing woman and children in concentration camps where by 1902, almost 26 000 had died. This ultimately resulted in the signing of a peace treaty on 31 May 1902. Under the terms of the Treaty of Vereeniging, the Boer republics acknowledged British sovereignty, while the British in turn committed themselves to the reconstruction of the areas under their control. This paved the way for an independent dominion, called the Union of South Africa brought about by the South Africa Act 1909, which combined the Cape Colony, Natal, Transvaal Republic and Orange Free State Republic into one (SA Yearbook, 2011/12).

4.4 1910 – 1961: Intelligence in the Union of South Africa

After the gradual death of the Republic Secret Service at the end of the Second Anglo Boer War and with the subsequent formation of the **Union of South Africa**, civilian intelligence remained on the backburner for some time and the presence of institutionalised military intelligence dominated this function. This was also the case in the rest of the world, especially due to both

World War I and II. However, as acknowledged by the SADF Sentinel Project (Military Intelligence History in South Africa, 2011), Africa (2009c:62-70) and Potgieter (1970:37-38), in the period just after the formation of the Union, the military forces present at that time were combined into one structure - the **Union Defence Force** (UDF) under the newly elected minister of Defence, General J.C. Smuts. For this reason, as supported by Dorning (1987:2), July 1912 has come to be generally accepted as the birth date of the UDF. Interestingly, as the Union was a member of the British Commonwealth of Nations (as a British dominion) from its establishment in 1910 until 1961, it received its intelligence from British Intelligence Services. Even the Union Defence Act of 1912, in terms of which the Union Defence Force came into being, made no provision for its own intelligence Service (SADF Sentinel Project, 2011).

In addition, O' Brien (2011a:14) acknowledges that the international intelligence needs were met by the then already established British Security Service that was founded in the wake of the Second Anglo Boer War, prior to World War I (WWI). During WWI (1914-1918) South Africa was dependent on the British for tactical and battlefield intelligence (Sentinel, 2011). Small South African reconnaissance units were in fact established during the war, but demobilised thereafter. On 1 November 1940, the SA Intelligence Section was formally established as the SA Intelligence Corps which assisted the British forces during World War II (WWII) (SADF Sentinel Project, 2011). It must however, be stated that the entire activity of the SA Intelligence Corp, was only of a operational and tactical combat related nature and that strategic intelligence was still being supplied by Britain (Potgieter, 1970:7). Prof E.G. Malherbe was at this point head of the military intelligence section and was succeeded after the war by Lt Col Powell (SADF Sentinel Project, 2011 and Potgieter, 1970:7).

The **Special Branch** of the South African Police was established in 1947, after a visit by officials to Britain to study the Special Branch of Scotland Yard (Potgieter, 1970:8). Drawn from the detective service of the South African Police, the Branch acted as an elite political police. Africa (2006:74) explains that in its internal security function, the Special Branch was engaged in tactical intelligence activity. Intelligence was gathered mainly about political opponents of apartheid, and aimed at achieving short and medium term objectives such as detentions, prosecutions and imprisonments (Africa 2006:74 and Potgieter, 1970:8). In the 1950's this branch was more commonly referred to as the Security Branch. With the creation of the **South African Defence Force** (SADF) in 1957 through the Defence Act (Act no 44), a sub-section was established as the intelligence section with the responsibility of collecting, interpreting and distributing intelligence of military and strategic value (SADF Sentinel Project, 2011, Potgieter, 1970:7-8 and O'Brien, 2011a:22-23).

However, the claimed recommendations that Sir Percy Sillitoe, as Director General of the British Security Service, made to the Union government during mid-1946, would have, according to O'Brien (2011a:18-19), ringing consequences for decades to come on the security establishment of South Africa. Sillitoe recommended the ―. establishment of an interdepartmental security organisation based on the institution of security officers in all vital departments of Government". The result was, as raised by O'Brien (2011a:18-19), that the Head of the Special Branch, H. J. du Plooy, became the de facto security and intelligence advisor to the Union government and that this would concentrate power in the hands of one individual. In 1960 when Du Plooy became the commissioner of the SAP, it was his head of security – Hendrik van den Bergh that succeeded him and later became the head of the Bureau for State Security (BOSS).

Albeit, the support from British intelligence services to the Union collapsed after the independence declaration of the Republic of South Africa and its subsequent withdrawal from the Commonwealth. With no foreign intelligence support, the South African military leaders realised that the country would have to provide its own intelligence requirements to a greater extent. Thus, as described by Potgieter (1970:7-9 and SADF Sentinel Project, 2011), the **Division Military Intelligence** (DMI) was established on 2 February 1961 in the Alphen Building (Pretoria), with the appointment of Colonel M. J. (Thys) Uys, as chief intelligence officer. This was the first time South Africa became involved in strategic intelligence activities (O'Brien, 2011a:23).

The DMI was later restructured into the current Defence Intelligence structure of the South African National Defence Force (SANDF) (SADF Sentinel Project, 2011). However, although military intelligence is relevant to the functions of intelligence in the Union and the Republic of South Africa up to this time period, the focus of this study will henceforth, remain with the history of the civilian intelligence structure in South Africa and its initial links to the Security Branch of the Police.

The intelligence regime evolved against the background of the start of the Cold War and its subsequent anti-communist influence on South Africa, as well as political developments within the country with apartheid and segregation taking shape. O'Brien (2011a:19-20) rightfully observes that events such as Sharpeville (21 March 1960) and the consequent banning of both the **African National Congress** (ANC – launched 1912), and its military wing **Umkhonto we Sizwe** (MK – Spear of the Nation – founded June 1961) alongside the **South African Communist Party** (SACP) as well as the **Pan- Africanist Congress** (founded 1959) and its

military wing, the **Azanian People's Liberation Army** (APLA) under the Unlawful Organisations Act on 9 April 1960, had a prominent impact on change in the country.

These changes in the country include the subsequent changes from non-violent confrontation into militarised and revolutionary warfare against the existing regime. Even so, the struggle of the ANC/SACP would be one of the influencing factors in shaping the intelligence regime in South Africa and requires a brief examination. In this regard Cawthra (as described by O'Brien, 2011a:21), divided the struggle into four phases:

- 1961 – 1965: sabotage attacks were the hallmark of operations;
- 1965 – 1976: attempt to develop underground structures and training guerrillas abroad (includes the establishment of a **Department of National Intelligence and Security – NAT**, in April 1969);
- 1976 – 1984: following the Soweto Uprising with an increase in attacks on strategic targets as part of ‑armed propaganda" and the 1984 uprising;
- 1984 – Onwards: a general insurrection and ‑people's war" aiming to make South Africa ungovernable.

O'Brien (2011a:21) argues that a fifth period should be added that covers the period from 1987 – 1990, when the ANC realised it had been defeated in the military-security realm and turned into negotiating a settlement with the apartheid regime. These phases O'Brien argues as supported by this study, mirrors the apartheid government's approach to intelligence in the period from 1961 to 1990.

4.5   1961 – 1978: The Republican Intelligence and the Bureau for State Security

During the period from 1960 (the effective beginnings of both SA's post colonial intelligence history and the violent struggle against apartheid) to the 1990's (the year in which the transition to post-apartheid SA began), O'Brien (2011b In Farson and Phythian ed, 2011:221) explains that under successive leaderships of Prime Minister's Hendrik Verwoerd, B.J. Vorster, P.W. Botha and F.W. de Klerk – South Africa was a security state. After the creation of an independent military intelligence capacity within the SADF as well as a separate Security Branch within the SAP, poor delineated mandates and rivalry brought problems to the effectiveness of intelligence.

In order to alleviate these problems, the **State Security Committee** was formed in 1963, as a central intelligence coordinating structure (O'Brien, 2011a:23 and Potgieter, 1970:10). In 1963, Genl. Van den Bergh was appointed as head of the Special Branch and established a unit

named as **Republic Intelligence (RI)**, which was claimed to be responsible for effectively countering any internal political resistance within South Africa (Potgieter, 1970:9 and O'Brien, 2011a:24).

In this context, then Prime Minister B. J. Vorster gave his Security Advisor Genl. Van den Bergh the instruction to set up a central intelligence organisation in 1968 (Potgieter, 1970:12). This saw the birth of the **Bureau for State Security (BOSS)**, which was officially formed on 16 May 1969 as gazetted (Proclamation No. 808 of 1969) by the State President. The department was established with no executive powers (Potgieter, 1970:47 and O'Brien, 2011a:26, O'Brien 2011b In Farson and Phythian ed, 2011:225). Nonetheless, the 1969 Public Service Amendment Act initially laid out the establishment of BOSS (as the media subsequently named the new Bureau), which was only formalised with the Security Intelligence and State Security Council Act No 64 of 1972. The mandate of this department was to investigate matters affecting the security of the state, to correlate and evaluate information collected and, where necessary, to inform and advise Government, interested Government Departments and other bodies.

However, Potgieter (1970:49) observes that there could be a conflict of interests in practice in the position of Van den Bergh both as Head of BOSS as well as the Security Advisor to the Prime Minister, as the Bureau also reported to the Prime Minister. Furthermore, O'Brien (2011a:26, and 2011b in Farson and Phythian ed, 2011:226) claims that BOSS would not only become an operational unit alongside the SAP and SADF – but would in many aspects develop into a private intelligence and operations organisation for the Prime Minister and his protégée Genl. van den Bergh as Head.

Former members of the police and military were recruited into the Bureau, which gave it a typical police agency character (O'Brien, 2011a:65). In this regard BOSS was in the midst of an intelligence community characterised with duplication, competition, rivalry and suspicion; that apart from a cut of the military intelligence budget in favour of an increase of the Bureau's budget, also saw BOSS even taking over the headquarters building (Alphen) of DMI in 1970 (O'Brien, 2011a:28). This laid the basis for clashes between the DMI, Security Branch and BOSS up into the 1990's.

In addition as O'Brien (In Farson and Phythian ed, 2011:221) describes, by the 1970's, the true centre of power resided in the central security structures of the Government, led by the State Security Council and Government bureaucrats or securocrats as the super cabinet. Similarly, as argued by Africa (2009a:66), BOSS achieved notoriety from the time of its establishment through the 1970's for its heavy-handed and intimidating tactics, including the harassment of

journalists and editors, blatant surveillance of political meetings, tapping of telephones and the opening of opponents' mail. Furthermore, the South African society became increasingly militarised in the 1970's and 1980's (Africa, 2009a:68) with the era which culminated in an action of a **Total National Strategy** by Government against the so-called ―Total Onslaught" (O'Brien, 2011a: 50-51, O'Brien 2011b In Farson and Phythian ed, 2011:226 and Frankel's *Pretoria's Praetorians*, 1984).

O'Brien (In Farson and Phythian ed, 2011:226) argues that the national security strategy of SA was built on two premises: ―first it was directly influenced by the ANC's strategy of revolutionary warfare, and second it was expected from RSA security forces to maintain law and order and create a stable environment in which the RSA Government could bring about evolutionary political change in the country". In addition, Africa (2006:83) refers to Cawthra (1986) and Grundy (1986) who state that the State Security Council introduced the **National Security Management System (NSMS)** in 1979, which sought to integrate the security and welfare aspects of a ―total strategy", aimed at maintaining white political control.

According to O'Brien (2011a:62), this also provided the opportunity for the **DMI** to push its dominance of the intelligence brief across the apartheid securocracy that also drove the strategic and defence doctrine and policy, which in turn guided the NSMS and the ―Total National Strategy' throughout the 1970's and 1980's. Subsequently, BOSS did not survive the 1970's. As O'Brien (2011a:63) explains, the *Information Scandal* in 1978 (where covert funds were used to influence perceptions of South Africa overseas by purchasing media outlets and publications) led to the end of Vorster's premiership and the rise of Defence Minister P. W. Botha to the leadership in 1978. Prime Minister Botha appointed Kobie Coetsee (Deputy Minister of Defence and National Security and later of National Intelligence) to head a Commission of Inquiry to examine options to rationalise the intelligence functions and determine a future course for the strategic intelligence brief (O'Brien, 2011a:64).

This brought the era of BOSS to an end and opened a new era with the restructuring of the civilian intelligence regime.

4.6   1978 – 1995: National Intelligence Service and ANC Intelligence

With the resignation of Genl. Van den Bergh as Head of BOSS, he was replaced by his deputy Alec van Wyk along with the tabling of an Act for the first time since its inception namely the Bureau of State Security Act (N0 104 of 1978) in order to control and mandate its functions. On the 1st of September 1978 the name of the Bureau of State Security was changed to that of the

Department of National Security (DONS) (Proclamation no R260 of 1978, National Intelligence Service, 1994:15 and O'Brien, 2011a:66). Furthermore, as explained by Africa (2006:84 and 2009a), more legislation, apart from the Security Intelligence and State Security Council Act and the BOSS Act, aimed at consolidating secrecy and state security, was also passed during this time. Again on the 1st April 1979; DONS underwent a name change to that of the **National Intelligence Service (NIS)** and the subsequent appointment on 1 June 1980 of Dr Neil Barnard (a professor at the University of Orange Free State) as Director-General (NIS, 1994:15 and O'Brien, 2011a:66).

A National Intelligence Interpretation Branch was formed under the **State Security Council** as well as a Co-ordinating Intelligence Committee as explained by O'Brien (2011a:72). In November 1980, the Co-ordinating Intelligence Committee (CIC) received orders to sort out all the problems relating to the effective functioning of the intelligence community, which led to the Simonstown Conference (14 – 19 January 1981). Under the chairmanship of Dr. Barnard of the newly established NIS, far reaching change in the functioning and composition of the intelligence community was introduced (NIS, 1994:17). According to this report a distinction was made between departmental intelligence on the one hand and national intelligence on the other and those departments responsible for these should adhere to their respective mandates. O'Brien (2011a:72) describes the delineation of functions after the Conference as follows: NIS - Political and economic intelligence, counter-espionage and evaluation, DMI – Military intelligence and contra-mobilisation; Security Branch – Counter-subversion domestically and internationally against state opponents.

However, the **Division Military Intelligence** (DMI) was for the most part of the 1980's the dominant intelligence force for Prime Minister Botha. In addition to this, O'Brien (2011a:84) explains that the military threat perceived against South Africa intensified at an alarming rate under the heavy influence of the DMI on the National Security Management System (NSMS - activated in 1979) as well as two subsequent states of emergencies. The NSMS was established throughout South Africa and the National Strategy provided the ideal framework for the NSMS which, as explained by O'Brien (2011a:80) led to the militarisation of South African politics and society, followed closely by the SAP with their Security Branch.

The dominance of the SADF DMI could be described as a bloodless coup d'état as in practice, they replaced the NIS as the national intelligence coordinating body. Similarly, Africa and Mlombile (2001:2) argue that these structures were dominated by the military for various reasons, namely: the preferences of specific state presidents, as well as the simple ability of the

military to plan, organise, and avail resources easier and more effectively than any other state department in a given local or provincial situation.

Nonetheless, the NIS was mainly structured in Chief Directorates based on the following functions namely; *Foreign and Domestic Collection*; Counterintelligence - Offensive counterespionage and defensive security function; *Technology* – Chemical Section including deciphering, Photographic section and a Technical Section for mechanical capabilities, an Interception of Communications Section that includes satellite and HF, a Transcription and Translation Section, a Cryptography unit for decrypting, communication and crypto-analysis, and a satellite communication interception capability; a *Research and Analysis* Chief Directorate responsible for intelligence products and a *Corporate Resources* structure for Human Resource Management, Auditing, legal matters and Strategic Management Planning (NIS, 1994:19-34).

The logo's of the different structures as well as that of the NIS, are depicted as follow:
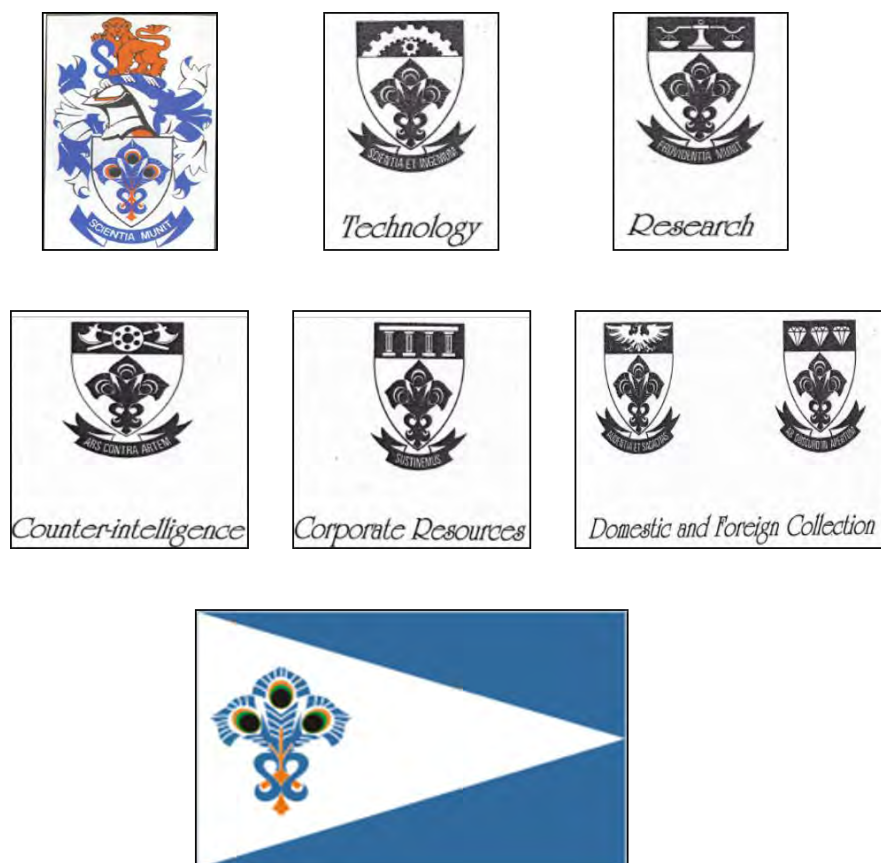

Figure 31: NIS, Chief Directorates and Flag 1994

Part of the activities impacting on the intelligence regime was also the formation of the ANC NAT during the 1969 Morogo Conference with Moses Mabhida as its first Head. O'Brien

(2011a:77) argues that this intelligence structure of the ANC originally had no formal structure until 1981 and mainly focussed on security and counterintelligence in particular. Mabhida was replaced in 1976 by Simon Makhada who in turn was replaced by Mzwai Piliso in 1980. O'Brien continues to describe that the NAT was reorganised in 1981 as a National Directorate within the ANC's National Executive Council (NEC) and structured into three main sectors namely; Intelligence, Security and Processing of Information. Subsequently the NAT took on a professional structure with ANC officials such as Joe Nhlanhla (Head of NAT after 1987 and the first post 1994 intelligence minister), Sizakele SIgxashe (senior NAT official from 1985 and later Director General of Intelligence), Jacob Zuma (Head of NAT from 1985) and Ronnie Kasrils (Chief MK Military Intelligence in 1983 and later Minister of Intelligence).

As part of the policy for homelands or Bantustans, the South African Government followed the establishment of four so-called independent states and six self-governing territories in the 1970's and early 1980's. The four nominally independent states (referred to as TBVC) were the Transkei (declared independent on 26 October 1976), Bophuthatswana (declared independent on 6 December 1977), Venda (declared independent 13 September 1979) and Ciskei (declared independent 4 December 1981). The six limited self-government areas were Gazankulu, KwaNdebele, KwaZulu, Lebowa, Qwa-Qwa and Kanqwane.

In addition to the intelligence regime of South Africa, Africa (2006:83 and 2009a) argues that the intelligence services of the **Transkei Intelligence Services**, the **Bophuthatswana Internal Intelligence Service** and the **Venda National Intelligence Service**, were modelled – legally at least – on the apartheid government's own National Intelligence Service. The TBVC states' intelligence services received training and resources from the South Africans, and served the same end, namely to prevent the country from falling into the hands of the black, disenfranchised majority. In addition, the police forces of all these homelands served as an extension of the apartheid state's repressive machinery.

Obviously events in the international arena also impacted on the developments within South Africa as also supported by O'Brien (2011a:166-168), such as the fall of the Berlin Wall and the collapse of the Soviet Union in 1991 and the ultimate end of the Cold War Era. Similarly in response to the rising tide of resistance, the international community strengthened its support for the anti-apartheid cause and sanctions and boycotts were instituted against South Africa, both unilaterally by countries across the world and through the United Nations (UN) (SA History, 2011). In September 1989, FW de Klerk replaced PW Botha as State President (following his stroke), and as stated by Africa (2006:83), disbanded the NSMS and reduced the status of the SSC to an ordinary cabinet committee.

However, as Africa (2006:83) states, after De Klerk's appointment, the military began to lose its predominant influence over political life in the country. President De Klerk announced at the opening of Parliament in February 1990, the unbanning of the liberation movements (ANC, PAC and SACP) and release of political prisoners, among them, Nelson Mandela (SA History, 2011). Under De Klerk, O'Brien (2011a:177) argues that the NIS came into a position of prominence, finally eclipsing the DMI and pushing the reactionary securocracy into the background.

These conditions, according to Africa (2006:91), led to the return of leaders of the exiled ANC to the country, which paved the way for negotiations. This was followed by the signing of the Groote Schuur Minute in May 1990 by the ANC and Government, where they expressed a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter, as well as a commitment to stability and to a peaceful process of negotiations". Africa continues to explain that the Minute paved the way for the adoption later that year of the Pretoria Minute signed between the parties in August 1990, reiterating their commitment to the Groote Schuur Minute.

All the same, this was also the beginning of a negotiated peace settlement – led by secret talks from spies on both sided (ANC-DIS and NIS), that according to O'Brien (2011a:177) and Africa (2009c:70-71) culminated in a new political dispensation that came after the **Convention for a Democratic South Africa (CODESA)** negotiations, the **Transitional Executive Council (TEC)** and subsequently the **Government of National Unity (GNU)**. In this regard the NIS reorganised itself to be able to better deal with negotiations through internal restructuring in 1988 by creating units on politics, economy and related matters to parallel those in the Department of Constitutional Affairs (O'Brien, 2011a:197). The NAT of the ANC also restructured during this time period as described by O'Brien (2011a:173) whereby they formed the **Department of Intelligence and Security (DIS)** to prepare for negotiations and transition. In this regard DIS, still headed by Nhlanhla with Zuma as his deputy, included six main subsectors namely: Intelligence, Counterintelligence, Central Information Evaluation Section, Security, Technical and Administration. CODESA began in December 1991 as constitutional talks between the South African Government, the ANC and the NIS became essential as O'Brien (2011a:179-180) points out, in providing intelligence-led insights to the Government. This led to the appointment of the Head of NIS, Dr Barnard, to the Department of Constitutional Affairs as well as his replacement in the NIS by his deputy Mike Louw in 1992.

In addition, by this time De Klerk also abolished the NSMS and replaced it with the National Coordinating Mechanism (NCM) as well as terminated the SSC and replaced its authority with a **National Security Committee (NSC)** that functioned under a new **Cabinet Committee for**

Security Affairs (CCSA). De Klerk also appointed Roelf Meyer as Deputy-Minister of Information Services in the Office of the State President until 1991 with the appointment of Theo Alant as Deputy Minister for The National Intelligence Service. These, as described by O'Brien (2011a:178), paved the way for the NSC to give way for the Coordinating Intelligence Committee and later National Intelligence Committee (NICOC); while the CCSA would become the new **Cabinet Committee on Security and Intelligence (CCSI)**, both after 1994. Africa (2006:93) also states that under then President De Klerk, the portfolio of intelligence was shifted from the exclusive control of the State President's office, and handed to the cabinet minister responsible for Justice.

The TEC Act gave expression to the arrangements provided for in the negotiations process through which South Africa was to be co-governed by the Pretoria government as well as the ANC, whilst preparations were undertaken for democratic elections (Africa, 2006:83). The TEC Act provided for seven Sub-Councils to facilitate this process, including Intelligence. Africa explains that the function of the **Sub-Council on Intelligence (SCI)**, spelled out in the legislation, was 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. It furthermore had to formulate a code of conduct that would be binding on all members of all services during the period of transition as well as serve as a basis for an official code of conduct in a democratic South Africa. Participants in these discussions included the NIS, ANC-DIS, Transkei Intelligence Service (TIS), the Bophuthatswana Internal Intelligence Service (BIIS), the Venda National Intelligence Service (VIS) and later the **Pan-Africanist Security Service** (PASS of the PAC) as O'Brien (2011a:197) and Africa (2009a and 2009c:71), describe.

Even so, under the TEC, the intelligence services of the apartheid government were to remain intact, as were those of the TBVC states, and the liberation movements. The intelligence services 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 (Africa, 2006:83 and Transitional Executive Council Act, 1993).

4.7   1995 – 2009: Post-Apartheid South African Intelligence (NIA, SASS, NCC, NICOC)

After a lengthy negotiation process, South Africa's first democratic election was held on 27 April 1994, the date the new interim **Constitution of the Republic of South Africa** came into effect. This Constitution gave South Africa nine new provinces in place of the previous four provinces and 10 "homelands", and provided for the GNU to be constituted by all parties (S.A. History, 2011). With the election, Nelson Mandela became President and De Klerk a vice-president.

CHAPTER 4: THE HISTORY AND DEVELOPMENT OF THE SOUTH AFRICAN INTELLIGENCE REGIME

According to S.A. History (2011), the ANC emerged from the election with a 62% majority. The main opposition came from the NP, which gained 20% of the vote nationally, and a majority in the Western Cape. The Inkatha Freedom Party (IFP) received 10% of the vote, mainly in its KwaZulu-Natal base. The NP and the IFP formed part of the Government of National Unity until 1996, when the NP withdrew. Africa (2006:98) explains that the interim Constitution of 1993 contained a new feature in South African politics: an entrenched Bill of Rights, which guaranteed the public a range of fundamental rights, including: the right to life; the right to equality before the law; the right to privacy; the right to freedom of expression, association, of movement, of access to the courts, to administrative justice; and most significantly, the public right of access to information.

However, the intelligence regime still remained unchanged as argued by Africa (2006:104). The Constitution made no provision for the principles that would govern national security, as this was still under debate in the negotiations for the reconstitution of the security services, nor did it make reference to the establishment of intelligence services. Nonetheless, as described by Africa (2006:101) by the time that the country's first democratic elections were held in April 1994, the intelligence components of the statutory and non-statutory organisations were already in deep discussion about their integration. Out of the TEC and Intelligence Sub-Council, a Super Working Group was formed to address the practices and migration of statutory and non-statutory intelligence structures according to Africa (2006:103). It should be noted that the NIS was still the intelligence service in 1994.

As Dombroski (In Bruneau and Boraz, 2007:251) explains, the Intelligence Sub-Council and GNU legislators and policy-makers were influenced by the British, Canadian and Australian models of intelligence communities to address issues such as organisational structure, executive control, oversight and legislation. Out of these deliberations, the following acts were passed in 1994 to regulate the intelligence regime namely the Intelligence Services Act (No 38 of 1994) which proposed the amalgamation of the statutory and non-statutory intelligence services, into two civilian intelligence departments; the National Strategic Intelligence Act (No 39 of 1994) which established the National Intelligence Coordinating Committee (NICOC) and set out the mandate and functions of intelligence in relations to domestic intelligence; foreign intelligence (excluding foreign military intelligence), crime intelligence and foreign and domestic military intelligence. Lastly the Committee of Members of Parliament and Inspector-General of Intelligence Act (No 40 of 1994) provides for the establishment of the Joint Standing Committee on Intelligence (JSCI) consisting of members of parliament and the appointment of the Inspectors-Generals of Intelligence (Africa 2009c:71-72).

Subsequently, along with the **White Paper on Intelligence** (October 1994) and the three approved intelligence acts, the new intelligence dispensation effectively came into being on 1 January 1995. In this regard, the NIS was not, as explained by O'Brien (2011a:207), just simply disbanded, but was rather redesigned to meet the new political requirements of the state rather than creating a completely new intelligence structure to replace it. In its place, the **National Intelligence Agency** (NIA) was established with a domestic security intelligence focus and a service responsible for a foreign intelligence focus; the **South African Secret Service** (SASS) and a technical capability within the National Communication Centre (NCC) as mandated by relevant legislation.

Figure 32: Logos of SASS, NIA and the NCC

Nonetheless, O'Brien (Farson and Phythian ed, 2011:234) argues, that many thought that the NIS would have been disbanded due to its links with the old order, while many in the ANC to the contrary, argued for its retention due to some of the following factors: the most important being that the NIS contributed to the compromises that led to the settlement between the apartheid government and ANC, the assets and capabilities the NIS possessed and the ANC did not want to lose, including sources and information on rightwing and extremist activities of political rivals such as Inkatha, technological capabilities and more professional and specialised training.

Subsequently, the new structure integrated those members of the NIS, the ANC-DIS, the Transkei Intelligence, the Bophuthatswana Internal Intelligence service, the Venda National Intelligence Service and the PAC-PASS (O'Brien, 2011a:207-208) with Joe Nhlanhla as Deputy Minister of Intelligence within the Justice Ministry (Dullah Omar as Minister), reporting to the president. It seems odd that the new structure, as far as its reporting channel is concerned, was similar to the ZAR Geheime Diens under the then State Attorney. The senior management appointed to head the intelligence services was a reflection of the political compromises in the negotiations process as Africa (2006:106) argues, and in this regard the first Director-General of the NIA was Sizakele Sigxashe, (former senior leader of the ANC's DIS), whilst the first

Director-General of the SASS was Mike Louw (former Director-General in the apartheid-era NIS).

In addition, initially within the GNU, Vice-President De Klerk was to chair the CCSI, to which NICOC (made up primarily of the Coordinator and the heads of the intelligence services and structures) reported (O'Brien, 2011a:212-216). The first **National Intelligence Coordinating Committee (NICOC)** was chaired by Nhlanha who was later replaced by Linda Mti, as he (Nhlanhla) was at that stage a Member of Parliament and later appointed Deputy Minister for Intelligence. The deputy-coordinator of NICOC was Moe Shaik. After a long delay an **Inspector General for Intelligence**, Dr M. F. Randera, was appointed by the president on 15 May 2000, and only officially sworn in during June 2001 and served for only six months and was then succeeded by Zola Ngcakani in February 2004. O'Brien (2011a) and Africa (2009c:71-72) continue to describe the establishment of the **Joint Standing Committee on Intelligence (JSCI)** as oversight committee in Parliament during September 1995, which reports directly to the president and through the president, to Parliament. All the same, intelligence in South Africa before, during and after the regime change is categorised by this study in the following schematic presentation:
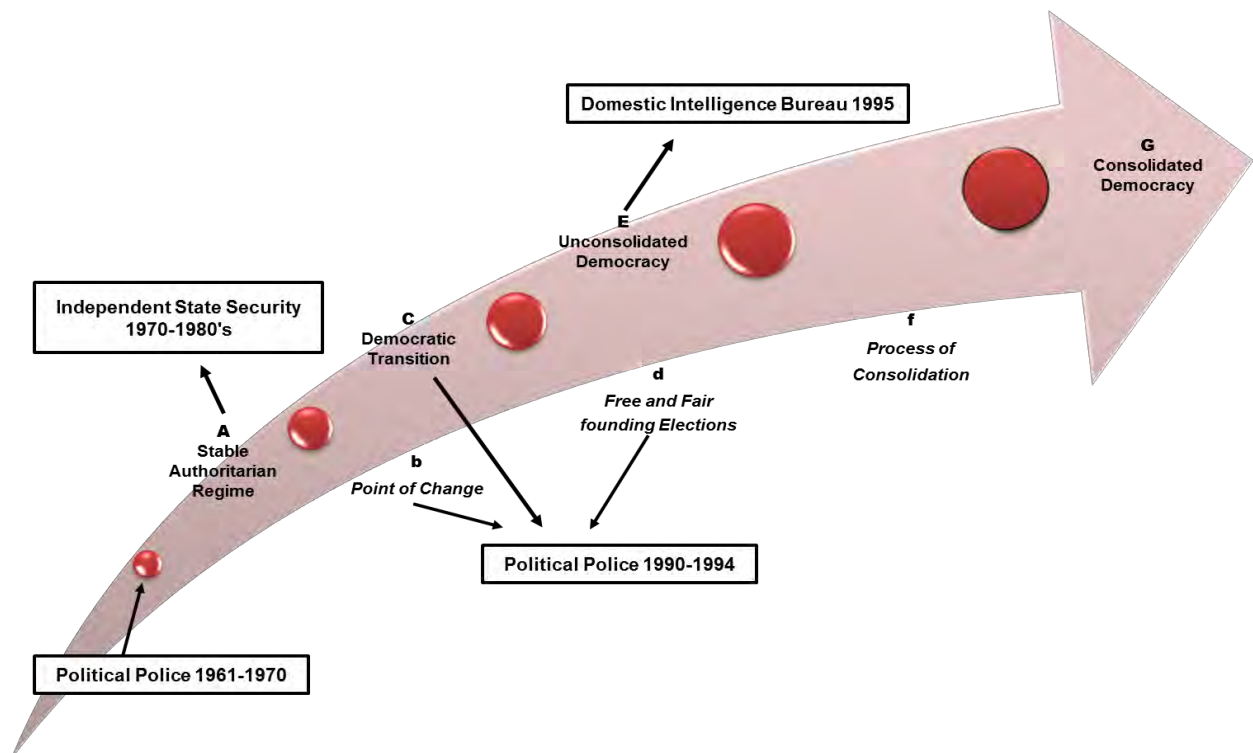
**Figure 33: A Typology of South African Intelligence before, during and
after Regime Change**
(Source: Own construct)

Albeit, the history and change of the South African intelligence is depicted in the following diagram, which also provides a reflection on its intelligence practices and dominance of respective services at different time periods, as postulated by this study:

Figure 34: The History and Change of Intelligence in South Africa from 1961 – 1995

(Source: Own construct)

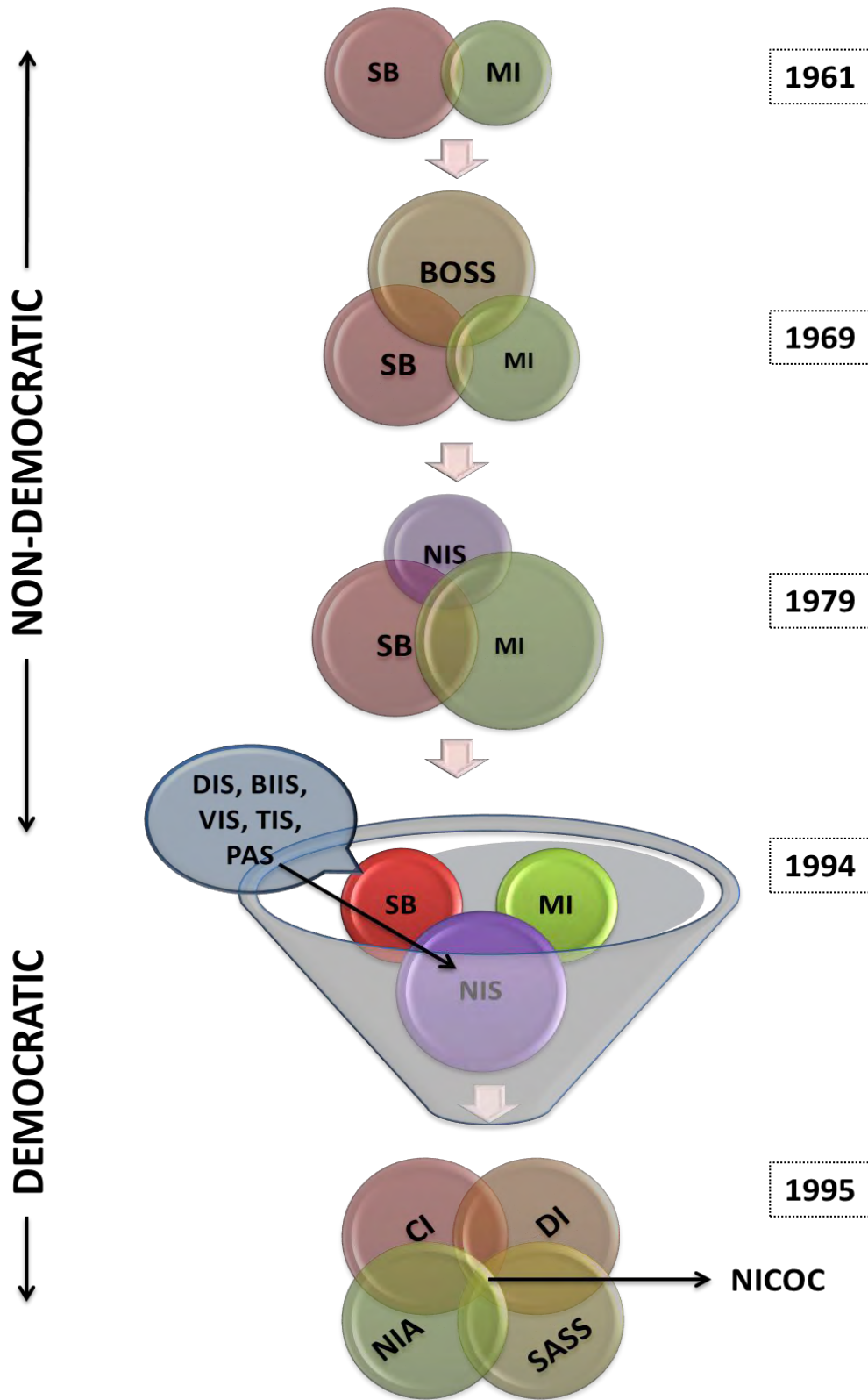Finally, the new constitution for South Africa saw the light in 1996 (Act 108 of 1996), thereby replacing the interim constitution (Africa, 2009c:72-73). In this regard Nathan (2010:197-8) claims that the 1996 South African constitution is a blueprint for democratic governance, protecting human rights, transforming state institutions, and overcoming the injustices and inequalities of apartheid. It furthermore contains separate sections on the defence force, the police and the intelligence agencies. Africa (2006:107-108) points out that the Constitution also spelled out the principles according to which services and their members should act.

However, as Africa (2012:109) indicates, the foundational restructuring of the civilian intelligence in South Africa after 1994, coincided with a major policy shift in the role of the intelligence regime. She points out that there are three waves of restructuring; the *first wave* after 1994, the *second wave* from 2002 and the *third wave* in 2009 (Africa, 2012:98-122). In addition, the new dispensation could not get off the ground without any hitches and as O'Brien (2011a:223-227) indicates, it encountered several problems that needed to be addressed. Africa (2012:109) observes that the second round of restructuring took place in the term of the country's second President, Thabo Mbeki (appointed after the 1999 elections) and coincided with a policy wave which saw an expansion of intelligence structures and the strengthening of institutional culture. She continues to explain that the GNU did not survive as a governance model, that De Klerk resigned and the National party withdraw, leaving the opportunity for Jacob Zuma to be appointed as Deputy President until he was asked to step down in 2005 by Mbeki due to him being implicated in a controversial arms deal.

Consequently, the Deputy Minister of Intelligence established the Pikoli Review Commission in 1996 to review progress and make recommendations for change. The commission addressed issues of organisational form, functions, resources, personnel and capacity and as a result, between 1998 and 2005, several amending Acts were passed by Parliament. The first new change as O'Brien (2011a:223-227) acknowledges, was to update the Intelligence Services Control Act into an amendment (Act 42 of 1999) to clarify the composition of the JSCI as well as to change the number of Inspectors-General to one.

The second was an Intelligence Services Control Amendment Act (No 66 of 2002) which further solidified the roles of the JSCI and the Inspector-General on the one hand and, more importantly on the other, created the position of **Minister of Intelligence Service** which enabled Nhlanhla to be appointed as full minister. Other new Acts passed included the National Strategic Intelligence Amendment Act, (No 67 of 2002) to exclude the Minister from NICOC and redefine counterintelligence by providing for security-screening and to clarify the role of the Minister.

A **Presidential Support Unit (PSU)** was also launched in October 2001 to provide support such as secure communications to the presidency, but evolved into a unit which provided advice on strategies for conflict prevention, management and resolution (Bruneau and Boraz, 2007:255-256). Furthermore, the General Intelligence Law Amendment Act (No 66 of 2000) followed. **The South African National Academy of Intelligence (SANAI)** was established together with an **Intelligence Services Council on Conditions of Service** through the new Intelligence Services Act. The latter Act also focussed on clear powers of the Minister of intelligence Services. Apart from establishing SANAI the amendments also broaden the civilian intelligence services through the **Electronic Communication Security (Pty) Ltd Act** to provide Government with a security-communication capability.

Figure 35: Logo of SANAI and the Electronic Communication Security

The **Office of Interception Centre (OIC)** which regulates interception of communications and the **National Communications Centre (NCC)** which coordinates signals and interception activities, were also established by amendment acts during 2002. Meanwhile, as explained by Africa (2012:111), President Mbeki served as head of state while Nhlanha was appointed as **full Minister of Intelligence** during the country's second general elections in 1999. After he fell ill, he was replaced in 2001 by Lindiwe Sisulu. Ronnie Kasrils was her successor in 2004. However, the NIA was plagued by several scandals which led to the establishment of a Ministerial Review Commission by Minister Kasrils under chair of Joe Matthews, to conduct an assessment of intelligence legislation, regulations, operational policies and mandates (O'Brien, 2011a:229 and Africa, 2012:120). The recommendations of this commission were however not considered (Africa, 2012:127).

Parliament elected Kgalema Motlanthe as President of South Africa on 25 September 2008, after the ANC recalled President Mbeki. Tim Dennis was appointed as Director-General for SASS in 1999 from his predecessor Billy Masetlha (1994-1999). Masetlha succeeded Vusi Mavimbela as NIA Director-General in 2005 but was suspended by Minister Kasrils. Following his departure, Manala Manzini took over as Director-General of the NIA (Bruneau and Boraz,

2007:157-158). Ronnie Kasrils also resigned in 2008 and was replaced with Dr Siyabonga Cwele (who is the current Minister of Intelligence). The broader intelligence dispensation in 2004 is graphically depicted as follows (NIA Public Annual Report 2003):
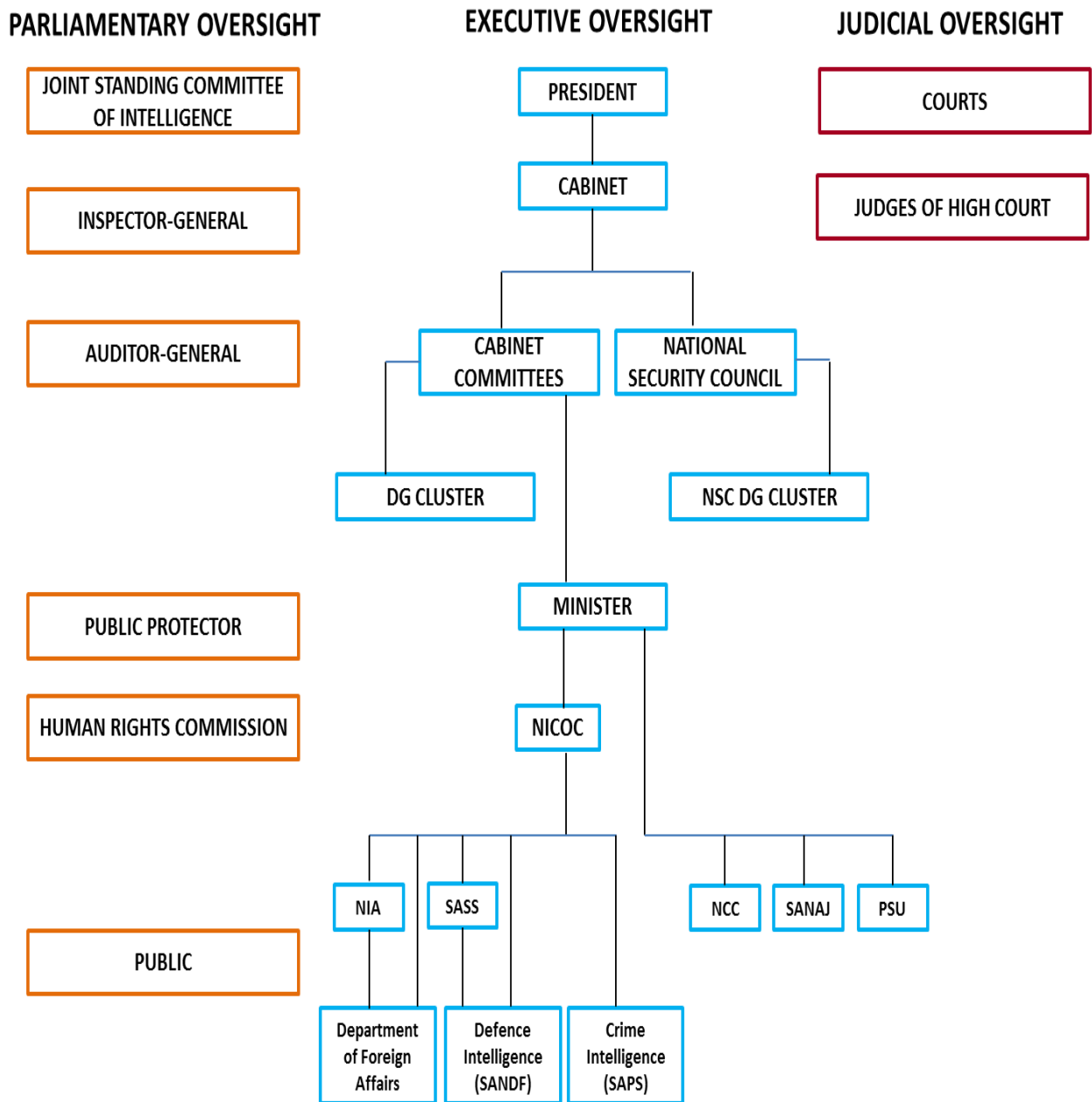

Figure 36: South African Civilian Intelligence Regime 2003

(Source: Reproduced from the NIA Public Annual Report 2003)

The civilian intelligence structures from 2008 could be graphically depicted as follows (Ministry for Intelligence Services Website, 2008):
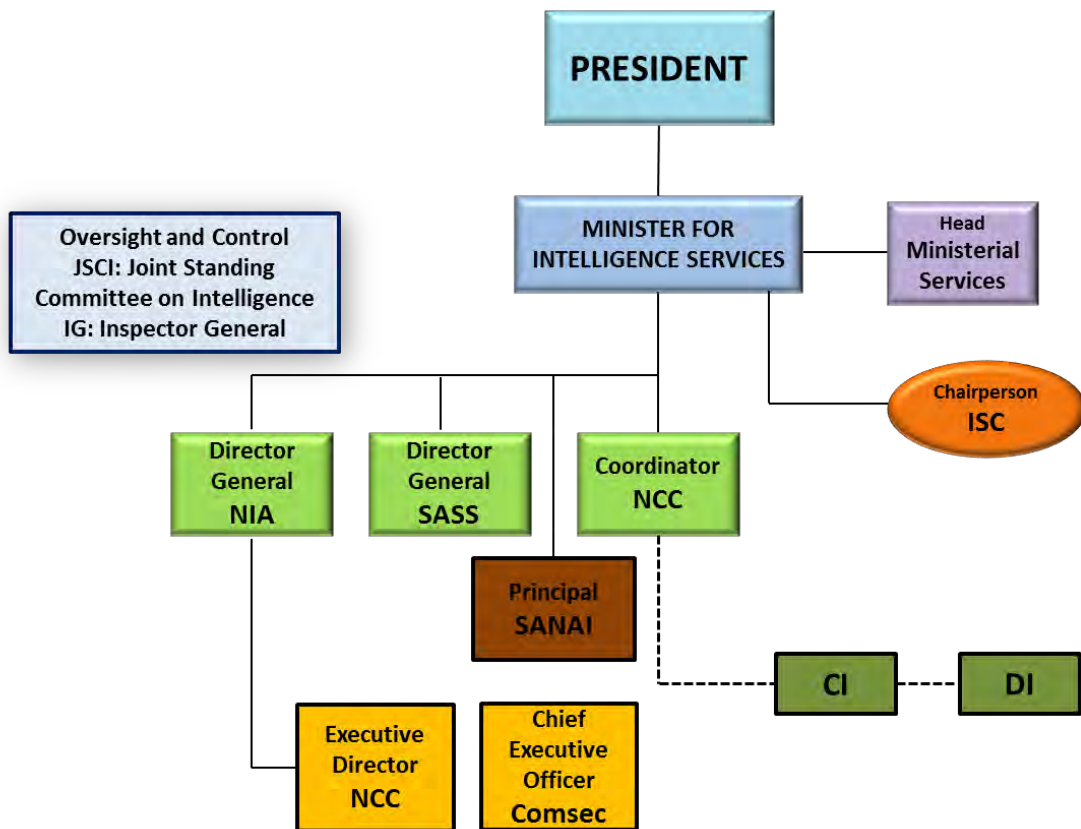
Figure 37: South African Civilian Intelligence Regime until 2009

(Source: Reproduced from Ministry for Intelligence Services Website, 2008)

4.8   2009 – 2014: Intelligence Ministry and State Security Agency

Change was inevitable and another amalgamation process for the intelligence regime started in 2009. Jacob Zuma was inaugurated as President of South Africa after the fourth democratic elections on 9 May 2009. Shortly thereafter, President Zuma announced several changes to current government departments (SA Yearbook, 2011/12). After his appointment by Cabinet in May 2009, President Jacob Zuma tasked the **Minister of State Security** to review the structures of the civilian intelligence community to develop a more effective and efficient intelligence architecture. As described on the SSA Website (2011), after this review process, the **State Security Agency (SSA)** was created by the President through Proclamation No R 59 of 2009. The Minister appointed Jeff Maqetuka as the Director-General of the SSA with Moe Shaik as the Head of the Foreign Branch and Gibson Njenje as the Head of the Domestic Branch.

Subsequently, this Presidential Proclamation provided for the following organisational structure comprising of the following components: the former National Intelligence Agency (NIA), which is now the Domestic Branch of the State Security Agency; the former South African Secret Service (SASS), which is now the Foreign Branch; the former South African National Academy of

Intelligence (SANAI), which is now the Intelligence Academy; and the National Communications which comprise of the following former structures: the National Communications Centre (NCC) Office for Interception Centres (OIC) and Electronic Communications Security (Pty) Ltd (COMSEC). It is nevertheless interesting to note that the logo of the NIS (fig 31), which prominently featured the feathers of a peacock and the subsequent symbolism of an eye, had an impact on the design of both the NIA and SASS logos (Fig.32) as well as that of SANAI (Fig. 35), which respectively also featured an eye (the eye of the nation for its protection). Then again, the SSA's logo (Fig. 38) closely resembles that of the ZAR Secret Service (Fig. 29) as both of them feature the state coat of arms.

Figure 38: SSA Logo

Nonetheless, the SSA Website (2011) provides the following mandate of the SSA which is linked to the National Intelligence Strategic Act, 1994, Act No.39 of 1994; Intelligence Services Act, 2002, Act 65 of 2002; and the Security Services Special Account Act, 1969, Act No 81 of 1969; namely: ─.to provide the government with intelligence on domestic, foreign threats or potential threats to national stability, the constitutional order, and the safety and wellbeing of its people. The government is then able to implement and improve policies to deal with potential threats and to better understand existing threats. Examples of such threats are terrorism, sabotage and subversion". The focus areas of the SSA on issues of national interest are listed as terrorism, sabotage, subversion, espionage, and organised crime (SSA Website, 2011).

However, a phased approach was followed to bring together the following departments and structure: the National Intelligence Agency (NIA) and the South African Secret Service (SASS), the South African National Academy of Intelligence (SANAI), the Electronic Communications Security (Pty) Ltd (ESC) and the Office of Interception Centres (OIC). The respective heads of the aforementioned structures report to the Director-General of the State Security Agency who in turn is accountable to the Minister of State Security. All the same, the name change away from national intelligence to state security brought about a perception in the public domain that the centralisation of the resources of the civilian intelligence community is a precursor to an era of greater authoritarianism and a departure from the founding principles of the new intelligence dispensation.

This claim is dismissed by the Minister as Africa (2012:124 -126) states. After extensive media reported clashes and differences between the Minister and his top three officials during 2011, it almost ripped the SSA apart when the three resigned. Dennis Dlomo (Advisor to the Minister) was appointed acting Director-General from January 2012 until August 2013, until the appointment of Ambassador Gladys Sonto Kudjoe as Dlomo's successor and his subsequent appointment as NICOC Coordinator (SA Government News Agency 2013). The SSA structure since 2009 is depicted as follows:
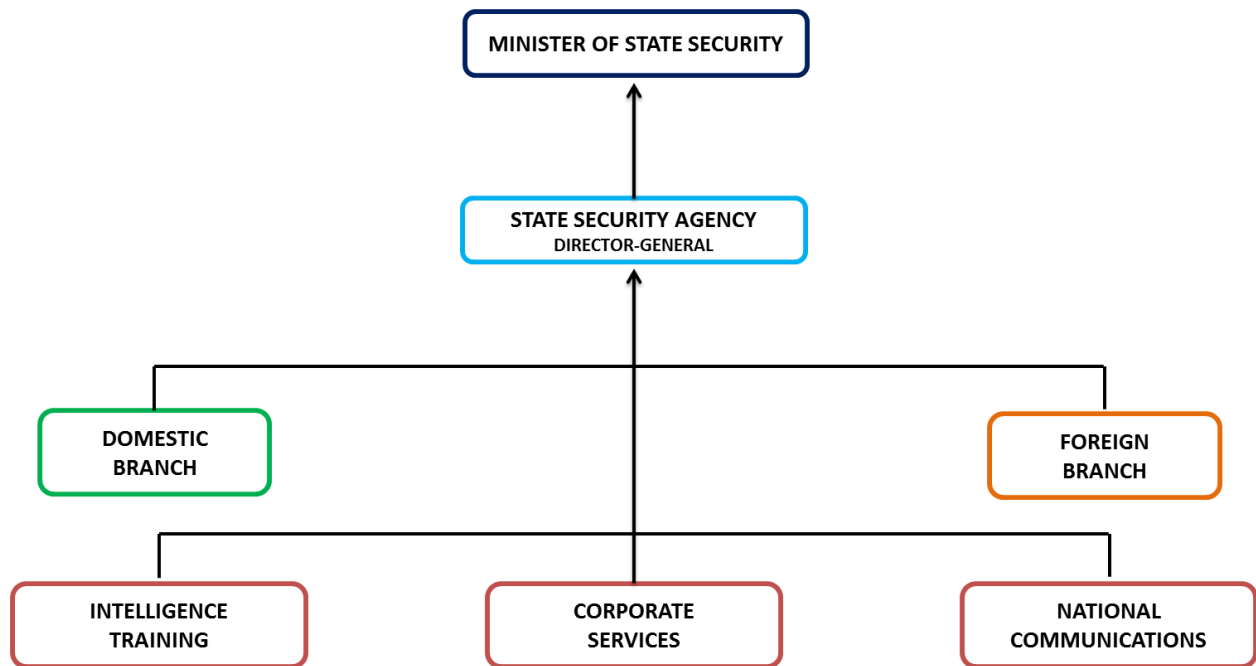
Figure 39: The State Security Agency from 2009

(Source: Reproduced from Ministry for Intelligence Services Website)

The SSA was only recently legislated (August 2013) – a restructuring period that lasted almost five years though, again, amendments of the General Intelligence Laws Act was needed (Government Website, 2012). However, since its inception by Presidential Proclamation, the SSA focussed on the merging of the former structures and had to carry the additional burden of acting top officials. Furthermore, as O'Brien (2011a:230) points out, the success or otherwise of the SSA will only be possible to judge in the coming years. Albeit, statutory intelligence has its roots, as explained, in a police detective branch and kept a strong relation thereto. It furthermore developed from a classification as a police intelligence service in an authoritarian state during the time of the ZAR - into limbo during the time period as a dominion under British rule. As military intelligence developed in the rest of the world through two World Wars – into the Cold War Era, it also left its mark on South Africa with the establishment of military intelligence and a special branch within the police.

Nevertheless, the period from 1961, starting as a republic (although authoritarian), seems to impact the most on South African intelligence as the total onslaught against communism left its scars on civilian intelligence – specifically in reference to BOSS, the SB and DMI. This period was characterised by a juggle of dominance from a typical police intelligence service to a state security service – where the military intelligence was specifically dominant – back to that of a police intelligence service and ultimately into a domestic intelligence bureau after the democratic transition in 1995. Thus, as examined in the previous chapters, the scars and lesions of the history and development of South Africa as a state and country also deeply impacted on the intelligence regime and current practices – for better or worse.

4.9   Conclusion

Chapter four discusses the development of the intelligence regime from pre-colonial times, the Boer Republics, The Union, Republic and the pre- and post-1994 era. These developments are linked to the political and cultural changes that impact on the history of South Africa from the arrival of the first colonialist through the various wars until the post-Cold War Era in modern times. Intelligence practices are also examined in terms of its role and function from the first institutionalised structure until the inception of the current State Security Agency. This chapter clearly indicates that the statutory intelligence has its roots deeply embedded within a police security service. This is nonetheless not unique as most intelligence services in other countries are also derived from either a military or police security service. This chapter furthermore clearly indicates that the history of South Africa as well as events within the international arena (such as WWI, WWII, the Cold War and 9/11) also have an effect on intelligence practices within the country. The level of an internal threat perception as well as the degree of national security furthermore changes the role and functions of intelligence services within the country.

The struggle for dominance of the different intelligence services within the South African intelligence community is also reflected upon in this chapter – specifically linked to the characteristics of the political regime during different time periods. First the Special Branch in the SAPS had the upper hand and had to hand its power dominance over to BOSS that eventually had to bend the knee to DMI within the SADF (See Fig. 34). However, drastic changes followed with the transition of South Africa towards democracy which also brought the significant role of the NIS to the fore. Thereafter, the civilian intelligence structures were mainly regarded as the providers of intelligence, with the military to focus on foreign military intelligence and the police intelligence structure involved with crime intelligence. As also discussed and explained (see Figure 33), the South African intelligence services could be classified as a political police service during the 1960's, with the main activities of the Security Branch and

BOSS until the mid-1970's, where after it changed into a state security service until the 1990's with the dominance of the military.

During the early 1990's the intelligence reverted back to a typology of a political police with the dominance of the former NIS linked to South Africa at that time period being regarded as an authoritarian regime. The most significant change in the South African intelligence service was a year after the first democratic elections when the new intelligence dispensation was inaugurated. The country moved into the democratic transition phase with its intelligence categorised as a domestic intelligence bureau – the ideal type of intelligence having democratic control, accountability and oversight with a low perception of internal threat and regulated penetration of society. This brought about more democratic intelligence practices within South Africa.

Nonetheless, a short overview was also provided on the development of non-statutory intelligence structures in South Africa, specifically with reference to the ANC. The various restructuring processes of the intelligence regime, change and relevant commissions of inquiry into intelligence, were also briefly addressed. It was also discussed that during South Africa's democratic change, the intelligence service of the old regime remained intact and was not dissolved. In fact, it was even the countries' only intelligence service after the first democratic elections of the then Government of National Unity for a period of a year before it was amalgamated with the services of the former homelands and those of the ANC and PAC into a new structure.

All the same, the historic background on the development of intelligence aimed to assist in a better understanding of current intelligence practices and functions – specifically within the South African context – as relevant to this study and the chapters to follow. Intelligence was also compared to the development of the political regime and categorised according to the framework and typology conceptualised and postulated in the previous chapter. This chapter provides support for the notion that intelligence is a reflection of the state and political regime and sets the background for chapter five, which will focus on an analytical perspective of the intelligence regime in South Africa during the period 1994-2014.

CHAPTER 5: A Political Evaluation of the South African Intelligence Regime

"… it is hoped that South Africa could have an intelligence service at peace with itself – the watchwords must be control, accountability and supervision". Mike Louw, Director General NIS, 1994

5.1   Introduction

Albeit, the legacy of a non-democratic past and its misconduct (human rights violations for personal or political reasons) as debated by Matei and Bruneau (2011:663), could provide for a return of the intelligence regime to non-democratic intelligence, either as political police (with the politicians using it to deter and remove potential political adversaries, control aggressive investigative journalists and deflect other possible opponents) or as on independent security states, functioning for its own purpose. This possibility, as argued by Matei and Bruneau, needs vigilance from policy-makers in order to keep intelligence services insulated from politics and political parties while serving the state and citizens, thereby distancing them from their previous status. Similarly Seegers (O'Brien, 2011a:233) notes that in intelligence matters there may be more continuity with the past than we would like to admit. This could also be the case in the transformation of the South African intelligence regime. In this context Bruneau and Boraz (2007:20-21) consider South Africa's success as extremely critical because the country is important in its own right and as a model for the rest of Africa (also supported by Seegers, 2010:264). They argue that if reforms cannot be secured in South Africa, there probably isn't much hope for the rest of the continent.

Taking the history of the South African intelligence regime as explained in the previous chapter of this study into account, a seemingly relevant question that ensues is also considered by O'Brien (2011a:233), namely: When is the transformation of the intelligence regime in South Africa actually over? O'Brien argues that the transition is over in terms of the integration process and the completeness of those instruments (legislation, policies, structures etc). This is however not supported by this study as also indicated in the previous chapter and taking into account recent developments such as amendments to legislation (from 2002 to date) and structures such as the formation of the SSA in 2009, indicating that the South African intelligence regime is still restructuring and transforming and has been since 1994. In support of this argument it is noted that there are different factions involved in the intelligence, reflecting the ANC's fractional conflict and a situation in what appears to be a total politicisation of the intelligence process, with both the intelligence product becoming politicised and the political leadership developing parallel-but-independent intelligence structures due to their own professional lack-of-trust in the state structures…." (O'Brien, 2011a:234)

CHAPTER 5: A POLITICAL EVALUATION OF THE SOUTH AFRICAN INTELLIGENCE REGIME

In a democratic South Africa the vital function of the intelligence regime is to ensure prosperity and safety. All the same, as indicated in chapter two of this study, intelligence as a special area of state activity and a key component of any state – is required to safeguard the constitution as well as to provide the policy-maker with policy-making intelligence. As examined in chapter two, intelligence is defined in three distinctive contexts namely: a kind of knowledge, a type of organisation and the activity pursued by the organisation. In addition, chapter three examined the intelligence regime as part of a more comprehensive political system in relation to non-democratic, hybrid or democratic states that led to the previous chapter which provided a description and overview of the history and development of the intelligence regime in South Africa. These serve as background for this chapter.

Chapter five will provide a reflection and analysis on intelligence in South Africa in the context of the democratisation process. As the nature of the state could assist in the classification of its intelligence, an analysis of the political regime will first be conducted, followed by an analysis of intelligence. More specifically, this chapter aims to examine the political regime in relation to current developments relevant to democratic regime change and the quest to reach democratic consolidation. This chapter therefore focuses on the time period of this study with specific reference from the period pre-1990 up to 2014; highlighting important events such as democratic change and elections, which also impact on intelligence.

The research findings will undoubtedly enable a classification of both the political regime as well as intelligence within; as postulated in Fig. 20 in terms of the degree of the rule of law, human rights, and the autonomy of intelligence and its penetration of society. The findings would clearly indicate whether the South African intelligence is a mirror of the political regime and is more or less democratic. In conclusion, chapter five aims to further an understanding of intelligence practices within South Africa from 1994 to 2014.

5.2   An Analysis of the South African Political Regime

Intelligence is a necessary evil and in reflecting on South Africa, the country is perceived as a model for transition towards democracy that includes democratic control and oversight measures on its intelligence. As also explained and discussed in Chapter three of this study, the typology of Bruneau and Dombroski (2004:5-6), which they built on those of Keller (1989:17) and Gill (1994:82) as also indicated, is that a more accurate tool for comparative analysis within a state over time would be a pair of graphs showing the relative position of both regime types and its intelligence organisations. For this purposes, this study however adapted both regime types (see Fig. 22) and classified intelligence services accordingly (see Fig. 23) to postulate a

typology of both the political regime as well as the intelligence within as indicated in Fig. 25. The latter would be utilised in this chapter to place the intelligence within the political regime over the time period relevant to this study. Furthermore, South Africa would also be placed against the process of regime change as reflected in Fig. 18 as well as form and degree of government as discussed in relation to Fig. 20. In addition, Fukuyama (2005:1-57) discusses the missing dimensions of stateness in his book regarding state building. He explains that the efficiency of stateness could be measured by comparing the strength of state institutions with the scope of state functions and proposed a matrix reflecting the position of a state. This study views his matrix based on the World Bank ratings, the Corruption Index (Transparency International), International Country Risk Guide Numbers, the Freedom House Index and Polity IV data, which is also supported by this study as a relevant analysis tool. His matrix (Fukuyama, 2005:14) is depicted as follows:
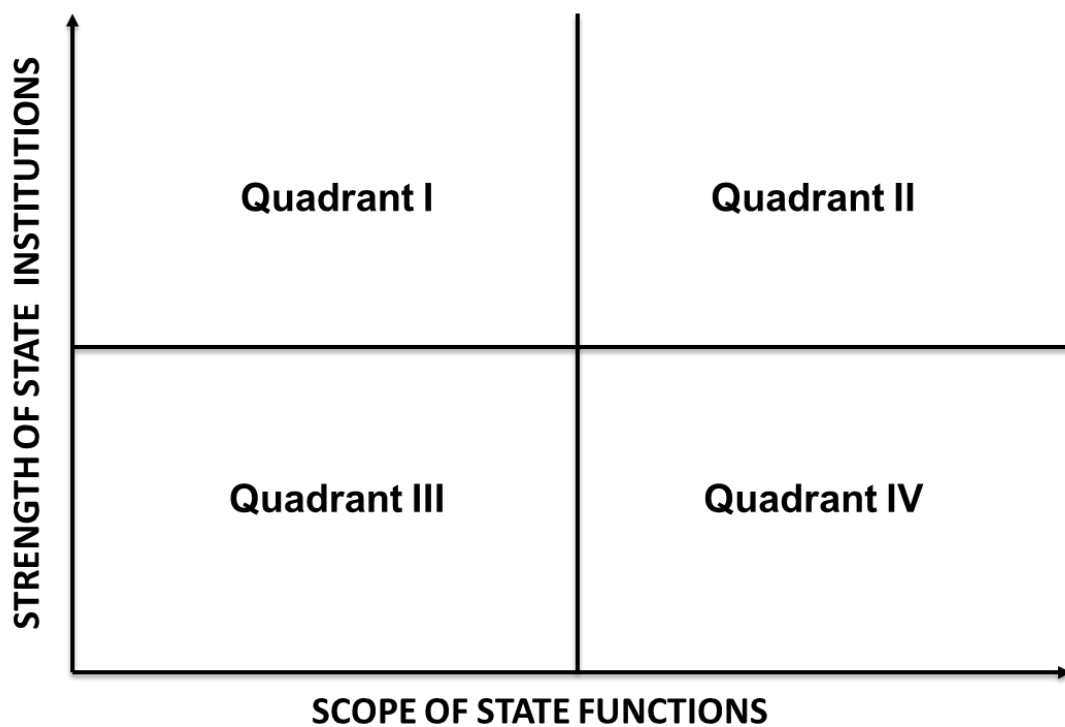
Figure 40: Stateness and Efficiency Matrix
(Source: Reproduced from Fukuyama: 2005:14)

In Quadrant I, as the optimal place to be, institutions are strong and state functions are extensive as is the case with the USA; Quadrant II reflects the strong institutions and an extensive state with France and Japan as examples. Quadrant IV contains a weak state that is ineffective with the ambition of taking on a range of functions/activities that it cannot perform well and is the worse place to be. Turkey, Brazil and even the Russian Federation are examples of countries in Quadrant IV. Lastly, Quadrant III, Sierra Leone initially serves as an example, but

it could rightfully also include the Central African Republic which reflects a weak state and weak institutions.

Subsequently, the degree of democratisation in South Africa (which includes rule of law and human rights), would be measured during the said time periods relying on statistics and data as procured from internationally accepted sources, relevant democracy and freedom ratings, and indexes such as the Freedom Index from Freedom House, the Democracy Index published by the Economist Intelligence Unit, The Human Development Index of the United Nations Development Programme and the Rainbow Index published by the South African Institute for Race Relations. However, to enable the typology of the South African Regime as indicated in Fig. 25; between 1994 and 2014 as the main period of relevance to this study, a brief description regarding the reform and change of the state in more detailed time periods is required.

5.2.1   South Africa Pre-1990

South Africa was viewed as an authoritarian state and even, as explained by Dahl's diagram in Fig. 17, as a *praetorian oligarchy** (Dombroski 2007, O'Brien 2011a, Frankel 1984 and Africa 2006) in the era prior to 1990 before the unbanning of the ANC and other liberation movements as well as the release of Nelson Mandela from prison, as reflected upon and also discussed in the previous chapter. For this reason South Africa could be plotted in Fig. 21, as an authoritarian regime reflecting a high emphasis on national security as well as a high internal threat perception. South Africa could also be placed in Quadrant II of Fukuyama's (2005:14) matrix (Fig. 40) of stateness and efficiency.

5.2.2   South Africa 1990 – 1993

In a paper that investigates how democratic consolidations take place in emerging democracies Jo (2007:55), refers to the ꞊Freedom in the World Country Ratings (Freedom index)' measured by Freedom House and is used to measure democratic consolidation. This Freedom Index has been published annually since 1992 and is recognised and used as a measure of democracy (Sørenson 1994 and Engberg and Ersson 2001 in Jo, 2007:55). Freedom House divides democratic governance into two dimensions: political rights and civil liberties. Each dimension is rated from 1 to 7. The lower the number, the more democratic the regime whereas the higher

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* Initially named after an elite Roman military force used to protect the Senate. A praetorian oligarchy could be explained as a notion that maintains the rule of a power elite through military or civilian security – mostly political unstable and corrupt. Three forms exists, namely oligarchy, radical and mass as explained by Huntington (1968: 198-237).

the number, the more authoritarian the regime. Using these two indicators, Freedom House divides the countries into Free (1.0-2.5), Partly Free (3.0-5.0), and Not Free (5.5-7.0). The rating for South Africa in 1988 indicated a less democratic, non-free and more authoritarian state (Freedom Index, 1988).

The rating in 1990 up to 1993 was 4.5 which indicated a regime change from non-free to partly free and less authoritarian. Furthermore, during this time period, as also explained in chapter four of this study, following the unbanning of the ANC, the ‚talks about talks', CODESA, the Transitional Executive Council (TEC) and ultimately changes within the apartheid policies, could be viewed as the regime breakdown that led to regime change in South Africa. The process that signalled the end of apartheid ranges from the period of 1990 until the first democratic elections in 1994 for the Government of National Unity (GNU) and could be plotted on the graphs in Fig. 18 and Fig. 20, as the regime breakdown.

5.2.3   South Africa 1994 – 1998

In this context the first democratic elections in South Africa was held in 1994. The African National Congress won with a majority vote of 62.6 per cent (The Independent Electoral Commission) and took the lead in the GNU as also explained in the previous chapter. Development Bank of Southern Africa's (DBSA) Development Report (2011:306-307) points out that the reform of the South African state during this phase, the 1993 and 1996 Constitutions, the Public Service Act of 1994, the RDP and the 1995 White Paper on the Transformation of the Public Service were the key frameworks that shaped the transformation process. The Public Service Act brought together the apartheid era administrations of the old South Africa, the six self-governing territories and the four TBVC states (Transkei, Bophuthatswana, Venda and Ciskei), and integrated the public service.

Furthermore, the first phase of state reform from 1994 to 1998 focused on new policies, laws, institutional restructuring and the improvement of existing systems. As also reflected in the previous chapter, South Africa initially functioned under an interim Constitution from the first democratic elections in 1994 under the GNU, followed by the implementation of a new Constitution. The transformation of the state also includes the transformation of the intelligence and security structures within South Africa as explained in this study. The first overarching developmental framework of the newly elected ANC Government was the Reconstruction and Development Programme (RDP), which aimed to change apartheid-induced disparities that left the country with a predominantly poor black population and a rich white population (DBSA, 2011:307).

All the same, the Freedom Index rating for South Africa from 1993 to 1995 is 4.5 (Freedom Index 1993-1995) – which indicated a partly-free state in a transition towards democracy. However, the rating after the adoption of the Constitution in 1996 changed to 1.5 (Freedom Index 1996-1999), rating South Africa into the Free category. Therefore South Africa, during this period (1994-1998), is described as a democracy in transition and subsequently plotted as such on the graphs depicted in Fig. 18 and Fig. 20. This period ended with the second democratic elections in May 1999, that could be argued to mark the end of South Africa's transition to democracy as the country was then faced with the challenge of consolidating its democracy. This places South Africa within a democratic regime (See Fig. 23), although not yet consolidated and it remains in Quadrant II of Fukuyama's (2005:14) matrix (Fig. 40) of stateness and efficiency.

5.2.4   South Africa 1999 – 2003

In the 1999 elections the ANC increased its majority to 66.35 per cent of the vote (The Independent Electoral Commission). This time period as examined and reflected in the previous chapter of this study, also poses a challenge establishing whether South Africa has successfully reached a state of democratic consolidation. There are various factors that are important for democratic consolidation that could constrain South Africa's transition to democratic consolidation, and also have an impact on the intelligence regime.

These factors not only include economic, societal and institutional issues as key regime features, but more importantly as discussed in chapter three – stateness includes the way that the political regime manages the process towards consolidation as explained and depicted in Fukuyama's (2005:14) matrix (Fig. 40). This notion is also supported by Human (2003) in his book *Yenza* that discusses transformation in South Africa and its inability to address the key regime features of politics, culture and economy (also see Fig. 12), as a holistic approach to transformation.

In this regard, according to the DBSA (2011:313-137), in the post- Growth Employment And Redistribution (GEAR) phase between late 1999 and 2004, the government focused on micro-economic reforms to correct market failures with the launch of the Micro-economic Reform Strategy. Potential growth sectors were identified, extensive skills development programmes launched and Black Economic Empowerment (BEE) accelerated. Furthermore, industrial policy now became important, and the Integrated Manufacturing Strategy was adopted, which aimed to boost industrial capacity.

Government argued that the macro-economic stability achieved under GEAR had given it the fiscal space to change tack. The White Paper on Transforming Service Delivery (Batho Pele) was launched in 1997 to improve the efficiency and effectiveness of public service delivery with the purpose to ‗provide a policy framework and a practical implementation strategy for the transformation of public service delivery'.

However, Cabinet introduced a system during this period which clustered departments according to sectors. Nonetheless, the Freedom Index rated South Africa from 1999 to 2003 at 1.5, which is still in the free category. South Africa is regarded as moving away from a democracy in transition towards a consolidated democracy and could be plotted on the graphs in Fig.18 and Fig. 20, as such.

This does however not suggest or indicate that the country has obtained democratic consolidation – but only that it has made progress from a democracy in transition towards democratic consolidation.

5.2.5   South Africa 2004 – 2008

The ANC won the third democratic elections in South Africa, with a further consolidation of its earlier gains increasing its majority to 69.69 per cent with President Thabo Mbeki entering his second term in office with Jacob Zuma as his deputy (The Independent Electoral Commission), thereby strengthening its dominance. Hereby South Africa remained a one party dominated state that failed the two-turn democracy model of Huntington.

The notion of South Africa as a developmental state came to the fore. President Thabo Mbeki, speaking in the National Assembly, asked in the 2004 Budget Vote of the Presidency: ‗Given the challenges of the developmental state … we must ask ourselves and answer the question as what we need to do next to ensure that our democratic state has the capacity and actually discharges its developmental responsibilities' (DBSA, 2011:316).

However, during October 2005, President Mbeki removed his deputy, Jacob Zuma, from his post after Zuma was implicated in a corruption scandal. The AsgiSA strategy was launched in 2006, which aimed to eliminate what it called ‗binding constraints' on growth and followed in 2007 by the National Industrial Policy Framework (NIPF). This was the country's first post-1994 industrial policy framework to speed up the diversification of the economy, and was strongly influenced by the experiences of rapidly industrialising developing countries, including the East Asian developmental states.

The following graph by Jo (2007:69) provides a comparison of South Africa with other countries in 2000 in terms of Freedom rating and democratic value:
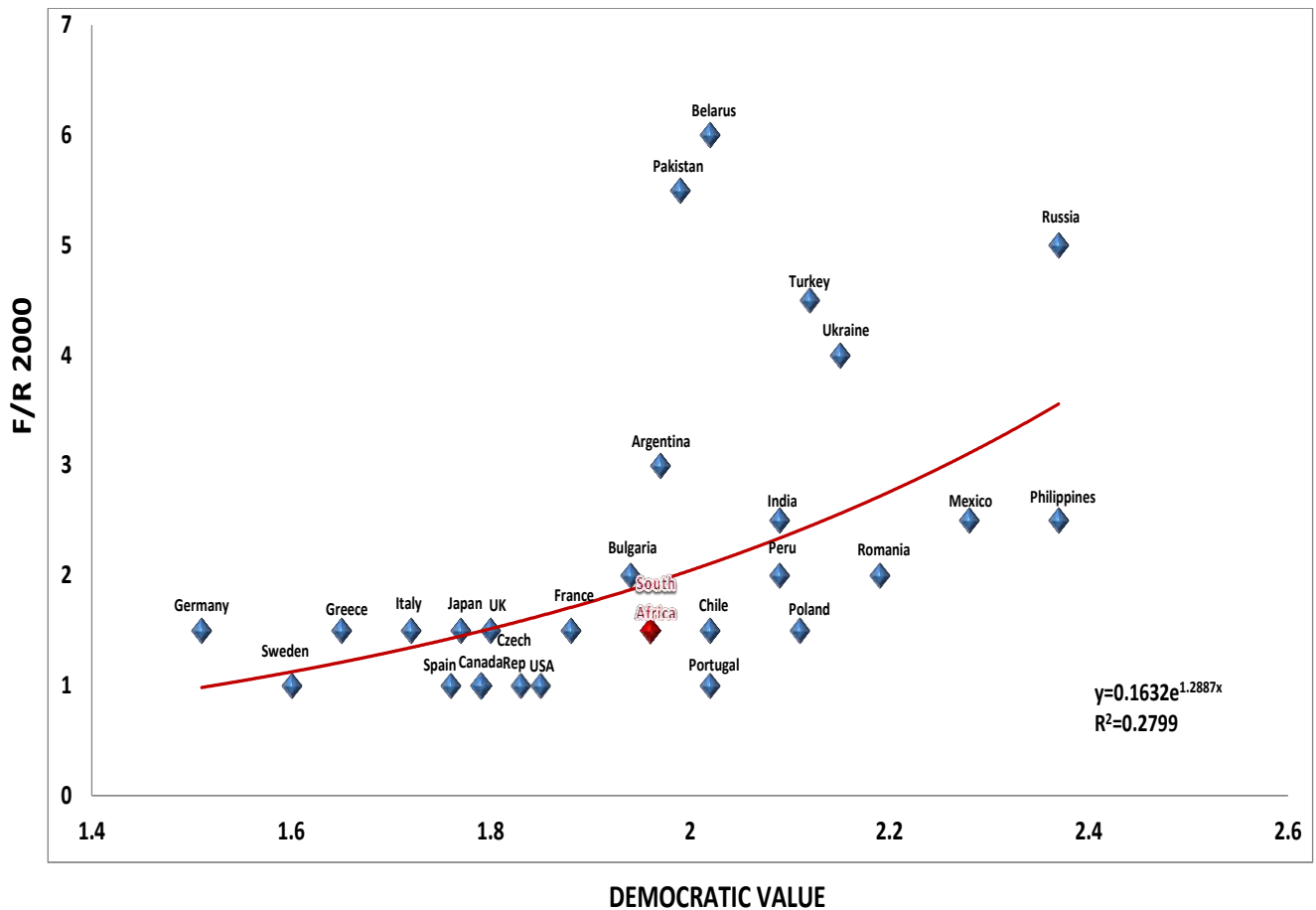

Figure 41: Freedom Rating and Democratic Value
(Source: Reproduced from Jo, 2007:69)

Even so, Jo (2007:65-71) debates that culture has a close relation with democracy and thus democratic consolidation which follows Huntington's meaning of culture as appearing values, attitudes, beliefs and promises in a society. This notion is also supported by Fukuyama (2005) and more specifically explained by Human (2003). Democratic value indicates the positively internalised value system of democracy. However, Jo continues in this regard and conducts an empirical analysis that provides for a democratic value on a scale from 1 – 4. Low points illustrate that society has democratic value system or prefers democratic governance.

The democratic value rating for South Africa for 2000 is 1, 96 and the Freedom rating classified South Africa as a democratic consolidating country. In adding to this, The Freedom Index rated South Africa from 2004 – 2008 as free with a score of 1.5. According to this rating, South Africa has not yet reached a consolidated democracy state as also pointed out by Jo (2007:59) and it reflects a one party system. Furthermore, as explained in chapter three, the Democracy Index is

an index compiled by the Economic Intelligence Unit (EIU), which measures the state of democracy in countries grouped in five different categories: electoral process and pluralism, civil liberties, functioning of government, political participation and political culture. The Index was first produced in 2006, with updates produced in 2008, 2010 and 2011. According to ratings, countries are categorised into *full democracies*, *flawed democracies*, *hybrid regimes* and *authoritarian regimes.*

South Africa ranked 29th on the list of democratic countries for 2004 but with an overall score of 7.91, was categorised as the first country on the flawed democracy list. This was repeated in the EIU index for 2008 where South Africa moved down to third position under flawed democracies. On 20 September 2008, with about nine months left in his second term, Mbeki announced his resignation after being recalled by the ANC National Executive Committee after their national conference at Polokwane, where Zuma was elected as new party president. Kgalema Motlanthle (ANC MP) became the acting South African president until the 2009 general elections. The resignation of Mbeki also brought about the subsequent resignations of several of his cabinet ministers.

Consequently, indications started to appear that South Africa did not make any progress towards democratic consolidation as indicated in Fig. 18, and flaws started to indicate that the country's form and degree of government as indicated in Fig. 20, is weak. These factors suggests that South Africa moved to Quadrant IV; away from its position within Quadrant II in Fukuyama's (2005:14) matrix (Fig. 40) of stateness and efficiency – indicating a weak state with an inability to address the broad scope of functions it attempts. Nonetheless, South Africa remains a country in democratic transition and is still plotted as such on the graph in Fig. 21 for the period 2004 to 2008.

5.2.6   *South Africa 2009 – 2014*

This period of Government reform started with the fourth democratic elections in South Africa, which the ANC again won with a majority of 65.9% in 2009 with Jacob Zuma as president and Kgalema Motlanthle as his deputy (Independent Electoral Commission). The Government's Programme of Action (POA), as stated in the President's State of the Nation Address on 3 June 2009, acknowledges the scale of the challenge as well as the progress made since 1994. The address clearly explains that the central role of the South African State should be the expansion of human capabilities through investment in sectors such as infrastructure, health, education and social security, both as a means of attaining equitable growth and as an end in itself. To this end, six government clusters were introduced, namely (i) economic sectors and

employment, (ii) infrastructure, (iii) human settlement, (iv) social protection and community development, (v) justice, crime prevention and security, and (vi) governance and administration.

In addition, the DBSA (2011, 317) reports that during this time period President Jacob Zuma indicated that his presidency would focus on producing a more rational and streamlined chain of command to enhance coordination and ultimately to facilitate delivery and improved governance at all levels. Cabinet was expanded from 28 to 34 members and the number of deputy ministers rose from 21 to 29. The enlargement of Cabinet was accompanied by the renaming of many departments. New departments were created (such as Economic Development) and bigger departments (such as Education) were broken up. Nevertheless, the African National Congress (ANC), which is part of a tripartite governing alliance with the Congress of South African Trade Unions (COSATU) and the South African Communist Party, dominates the political landscape.

Further to this, the Economist Intelligence Unit (EIU) states in their country report of South Africa (2013:1) that President Jacob Zuma strengthened his authority in December 2012 at an important five-yearly summit at Mangaung, where he secured re-election as the ANC leader for a second five-year term by a large margin.

However, as also reported in the media over this time period, the ANC leadership will face a challenge to maintain the cohesion of the tripartite alliance between the ANC, COSATU and SACP because of divisions within and between its members over both policies and personalities. Similarly, Suttner (2004:755) describes that apart from the failure of the ANC to adapt completely to ‗normal‗ politics and remaining a liberation movement; the character of the ANC is what is called a ‗dominant party‗ and its defeat by any opposition party in the unforeseen future, remains unlikely. He also quotes Huntington (1991: 267); Jung and Shapiro (1995), Giliomee and Simkins, (1999) in this regard. Suttner (2004:156) continues and claims that: ―The weakness of the opposition, though not related to significant electoral irregularity, is seen as a basis for withholding accreditation of the South African transition as a democracy that has been consolidated".

This situation inevitably indicates that South Africa‗s democracy fails Huntington‗s ―two turn over test" and is not on the road towards democratic consolidation. Accordingly, the South Africa chapter of Human Rights Watch‗s *2012 World Report* states that the country ―continues to grapple with corruption, growing social and economic inequalities, the weakening of state institutions by partisan appointments and one-party dominance". In addition, the 2011 Mo Ibrahim Index of African Governance shows that although South Africa ranks fifth overall among

African governments, its scores have consistently declined over the past five years, with a significant reduction in scores for rule of law, accountability, and participation.

Freedom House's *Freedom of the Press* report downgraded South Africa from Free to Partly Free status in 2010. South Africa was classified as a flawed democracy' and ranked 30th out of 167 countries in The Economist's Democracy Index for 2010. In 2011 the Economic Democracy Index rated South Africa up to 29th with an overall score of 7.79, but still categorised as a flawed democracy. Moreover, South Africa is rated down to number six of flawed democracies in the 2012 Index.

In addition, the first Human Development Report from the UNDP introduced a new way of measuring development by combining indicators of life expectancy, educational attainment and income into a composite human development index, the HDI. The HDI is a single statistic meant to serve as a frame of reference for both social and economic development. Between 1980 and 2012, as explained by the UNDP HDI 2011 report, South Africa's HDI rose by 0.9% annually from 0.570 to 0.629 today, which gives the country a rank of 121 out of 187 countries with comparable data. The HDI of Sub-Saharan Africa as a region increased from 0.366 in 1980 to 0.475 today, placing South Africa above the regional average. According to this index, South Africa remains a country in democratic consolidation for this time period.

However, Mattes (2002:22) acknowledges that in terms of a growing economy steadily reducing inequality; stable and predictable political institutions; and a supportive political culture, an analysis of South Africa yields, at best, some reasons for guarded optimism and, at worst, many grounds for serious concern. Mattes (2002:22), furthermore argues that in each area, today's South Africa presents a paradox. He explains as follows: ―In terms of political culture, South African society played a key role in achieving democracy through its widespread opposition to the apartheid regime. The country's numerous and diverse civil society organisations range from community grassroots groups to national trade unions and nongovernmental organisations. Yet citizens are not particularly supportive of democratic rule and now display low levels of community and political participation. Economically; macroeconomic stability, fiscal discipline, and low inflation sit alongside weak business confidence, low growth, massive unemployment and rising intra-racial inequality. Politically; an internationally praised constitution designed to promote multiparty competition and individual rights is overshadowed by one-party dominance and limited governmental accountability". Mattes (2002:22), points out that South Africa's democracy in form appears to be relatively healthy, but in substance show signs of early decay.

The specific country profile reflecting the HDI of South Africa from 1980 until 2011 - in comparison with Sub-Saharan Africa and the rest of the world (including the medium human development; is depicted as follows (UNDP HDI 2011):
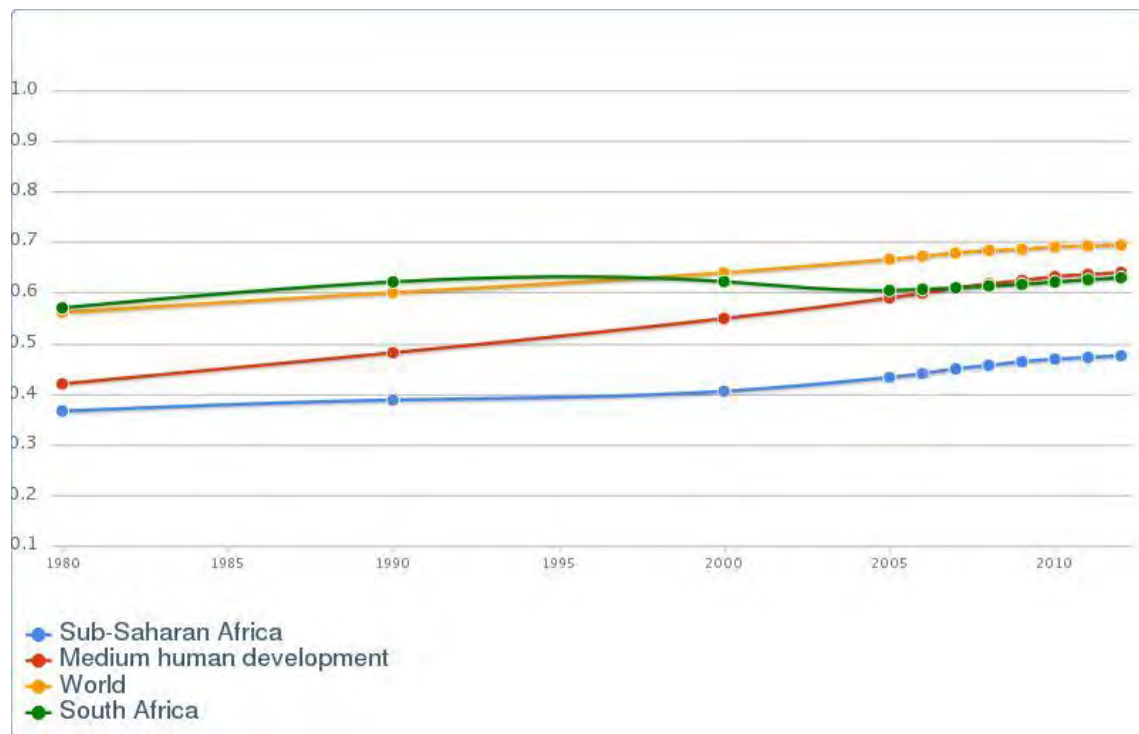

Figure 42: South Africa's Human Development Trends from 1980 – 2011
(Source: UNDP HDI 2011)

In addition, the Rainbow Index of the South African Institute of Race Relations (2012:1-42) provides a relevant evaluation for the years of democracy in South Africa and reflects on the time period from 1994 – as also applicable to this study. The Rainbow Index covers ten policy areas, which is argued to be crucial to freedom and the consolidation of democracy and assigns scores for each area from 1994-2009 and 2009-2010. Apart from evaluating South Africa within the context of democratic change during the period relevant to this study, the arguments and data supplied is also of specific significance as it serves as additional support and a reflection of the political regime and the impact on politics, social and economic issues.

As Jeffery (2012:2) points out, the Rainbow Index is different to other monitors as it covers both economic and political issues and seeks to provide more comprehensive evaluation. The Index (2012:2-42) subsequently states that the ruling ANC party sees the proverbial pot of gold at the end of the rainbow as lying in a national democratic revolution (NDR) and ambitious new forms of social engineering. Nevertheless, Venter (2012:176) quotes Duvenhage (2007): ―From an

ANC perspective transformation is nothing else than the continuation of the National Democratic Revolution, according to which the state, economy and society must be radically transformed".

The Rainbow Index (Jeffery, 2012:2) is depicted in the following table:

	1994 – 2009	2009 - 2010
Democratic Governance	51%	45%
The Rule of Law	48%	37%
Individual Rights and Responsibilities	61%	65%
A Vigilant Press and Civil Society	64%	61%
Racial Goodwill	52%	55%
Effective Governance	29%	26%
Growth-Focused Policies	35%	32%
Scope for Free Enterprise	49%	45%
Liberation of the Poor	25%	21%
Good Citizenship	32%	30%

Table 2: Rainbow Index for Freedom and Democracy Consolidation of South Africa
(Source: Jeffery, 2012: 2)

Taking all the findings of all the indexes as well as the analysis of South Africa in terms of the key regime features as explained by Heywood (2007:32) in terms of political, economic and cultural characteristics (Fig. 12) for the time period 2009 to 2014 into account, South Africa failed to reach democratic consolidation. Additionally, it seems violence and corruption remains part of South Africa's history as evident in the corruption by various government officials as well as violent protests about service delivery and even loss of life when the police are called upon to restore order. These culminate in a perception by the citizens that the state is weak and corrupt – and can therefore not be trusted.

Likewise, taking the degree and form of government into account, with its failure to make progress towards democratic consolidation as depicted in Fig. 21, South Africa could be classified, taking Migdal (1988), Huntington (2006) and Fukuyama (2005) into account - as an inherently weak state that is still unconsolidated. In this regard South Africa is viewed as falling within Quadrant IV of Fukuyama's (2005:14) matrix (Fig.40), with strong tendencies to move closer to Quadrant III. Furthermore, comparing the democratisation process during this time period according to Przeworski (1991:26): ̶democracy is consolidated when under given

political and economic conditions a particular set of institutions becomes the only game in town"
and Huntington's (1993:266-267): **Two-turnover test** whereby consolidation is achieved when
power could be turned over through losing and winning elections; South Africa fails on both
accounts.

Furthermore, this study postulates that South Africa did not reach democratic consolidation after
twenty years of democratisation and as indicated in this study by the words of Carothers
(2002:9) ―*They have entered a political gray zone"*. Therefore, as there are elements of both
democratic and undemocratic practices present during this time period, the political regime in
South Africa should rather be classified as a hybrid regime (see Fig. 19 and 21) and still being
in democratic consolidation. Another contributing factor is that the political regime in South
Africa also appears to practice typical praetorian oligarchy characteristics. This is also argued
by Mashele and Qobo (2014:84-88, 100-104) in their book ―*The fall of the ANC: What next?"*

These findings indicate that South Africa is categorised as a hybrid regime in both graphs in Fig.
18 and Fig. 21 for this time period. The regime change of the South Africa (see Fig. 18) which
started with the talks about talks could be marked as the regime break away period that lasted
from the 1990's up to the first democratic elections in the country during April 1994.

This period in South Africa could be viewed as being within a transition to democracy that lasted
up to the second democratic election in 1999. This election could arguably be viewed as
genuinely democratic as it was not for a negotiated government of national unity – but for the
first solely elected government – although the election was again dominated by the ANC as the
party in power. The period from 1999 up to 2009, which include both the third and fourth
elections – again dominated by the ANC – could be perceived as the time period of democratic
consolidation.

Albeit, from the period 2009 up to 2014 (including the scheduled fifth elections), the political
regime still failed to reach being labelled a consolidated democracy and is considered a weak
state (Fig.20). Therefore this study, as already indicated, postulates the notion based on its
research findings - that the South African political regime be classified as a hybrid regime type.
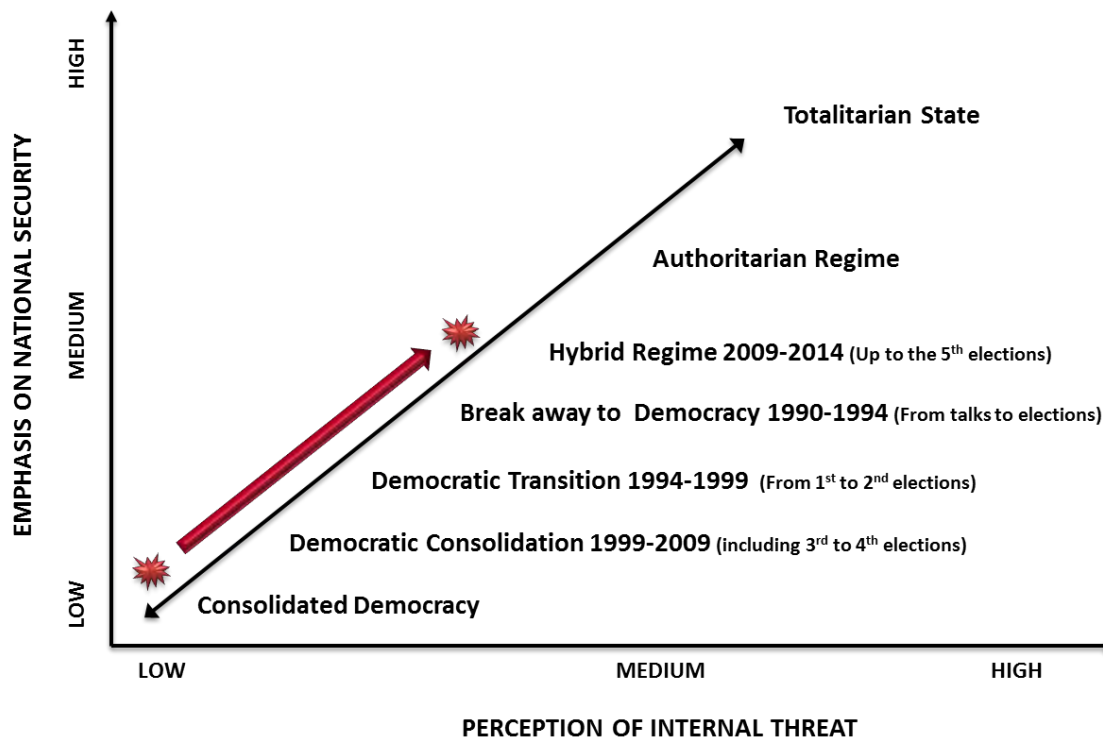This typology is delineated by this study as follows:

Figure 43: The Typology of the South African Regime Type from 1990 – 2014

(Source; Own construct)

All the same, for the purposes of this study an analysis of the intelligence regime in context to the above analysis of the South African political regime is also required.

5.3   An Analysis of the South African Intelligence Regime

The evolution of state structures, as argued by Africa and Kwadjo (2009:183), has been a significant element of the changing of political dynamics under which intelligence services function. As indicated by this study, a relation exists between the policy-maker and the intelligence regime which in itself is a reflection of the features of the state. Nevertheless, this study supports the argument forwarded by Matei and Bruneau (2011:660), that although a cooperative relationship exists between intelligence producers and consumers, the bottom line for the intelligence function is to serve policy without being or becoming politicised, or worse, without becoming the decision-makers' political police, especially in newer democracies. Therefore the analysis of the political regime in South Africa is vital to enable an analysis of the intelligence regime. Such analysis will enable this study to show the relative position and classification of the South African intelligence regime within the time period of this study. As a model for a comparative analysis of regime types and intelligence services, the adapted typology by this study in Fig. 25 (based on Keller (1989:17), Gill (1994:82) and Bruneau and Dombroski (2004:3-5) as discussed in chapter three of this study) serves this purpose and is therefore applied for the analysis of the South African intelligence during the time period of this

study (1994 – 2014). In addition to the typology of the intelligence regime according to the criteria in Fig. 25 and to be able to analyse the tendency of intelligence to interfere with politics and the tendency of politics to intervene in professional intelligence work; this study utilises a graph for this purpose as provided by Bar-Joseph (1995:70), and is depicted as follows:
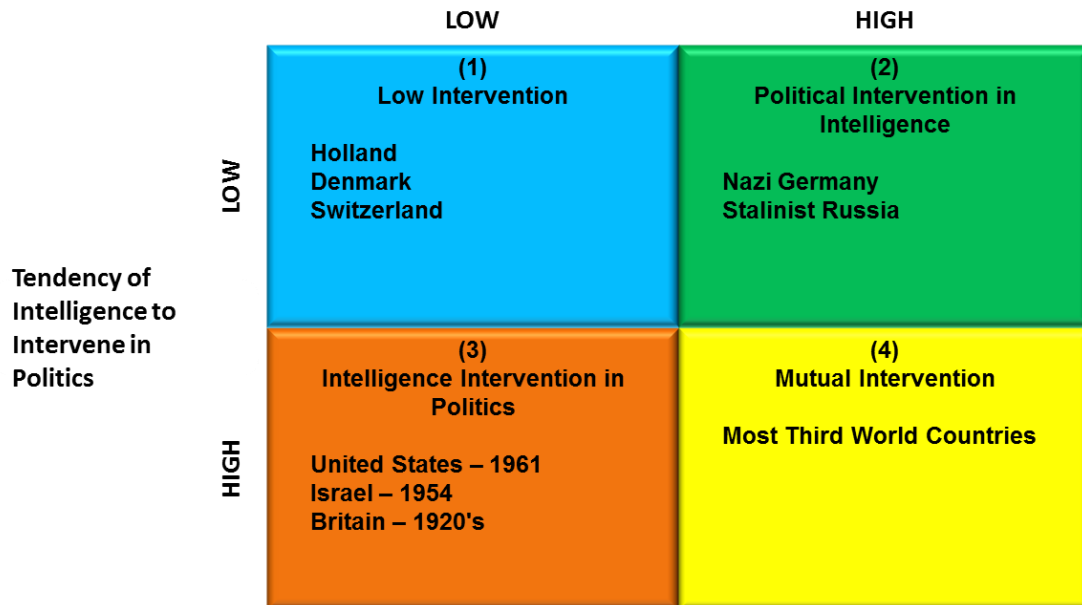

Figure 44: The Intervention of Politics and Intelligence within each other

(Source: Reproduced from Bar-Joseph, 1995:70)

The outcomes in this graph as explained by Bar-Joseph (1995:70-72), are as follows:
- *The first outcome represents the ideal type relationship where the political level does not intervene in professional intelligence affairs, and intelligence is politically neutral on their part intelligence perceive interference with politics as an undesirable action due to a high level of professionalism and ethics.*
- *The fourth type of relationship represent the worst of both worlds where there is mutual distrust between intelligence and the political echelon, which results in parochial alignments between intelligence officers and policy-makers and the negligence of the service to national interests.*
- *The second type of relationship entails strong leaders preferring to be their own intelligence analysts and compelling their own intelligence organisations to accept their opinion.*
- *The third outcome involves situations in which there is insufficient political control of the intelligence services and an insufficient level of professionalism within the intelligence service.*

Likewise, Africa and Kwadjo (2009:3-4) provided the following typologies for intelligence services in the African continent, which although viewed more as characteristics by this study, could be relevant in the attempted analysis of intelligence in South Africa, namely:

- ~~In~~telligence agencies as an offshoot of policing structures, embodied in the phenomenon of security police, which characterised the colonial period;
- Intelligence agencies as executive instruments usually located in Presidential offices, a favoured organisation form in the immediate post-colonial period;
- Incursions into domestic intelligence matters by the military which reflects the power struggles between police and military. This usually involves ascendancy of the latter over the former, which inserts a military ethos into the intelligence system; and
- Establishment of more or less autonomous intelligence structures separate from the military or police and established by legislation, not by executive decision".

As explained by Dombroski (In Bruneau and Boraz, 2007:263), the South African intelligence community has undergone at least three major reorganisations since 1989, first under De Klerk, then during the GNU period, and then again in 2000 under Mbeki. In addition most agencies endured numerous internal reorganisations and amalgamations during the same period. This study attributes the period 1996 to 1999 and the period from 2009 with the launching of the SSA, to this as re-organisations.

In similar fashion, Africa (2012:97-98) points out there were three major waves of restructuring as an outcome of the political transition in the 1990's. The first wave came about in 1995, following the adoption of the new intelligence legislation; the second wave around 2002 following an increase in scope and complexity of intelligence; and the third wave in 2009 with the proclamation of the president that created a single intelligence structure in the SSA. These restructuring periods are also linked to three intelligence policy waves as explained by Africa (2012:99-127) and also supported by this study if the period prior to 1990-1994 is also included. For the purpose of this study, apart from a brief reflection and overview of the pre-1990 period; four stages/periods of restructuring would be relevant in combining the proposals of Dombroski (In Bruneau and Boraz, 2007:263) and Africa (2012) as well as linking it to relevant changes within the political regime during the same time period. For this purpose the following periods are relevant to intelligence pre-1990, 1990-1993, 1994-1999, 1999-2003, 2004-2008 and lastly 2009-2014.

5.3.1   South African Intelligence Pre-1990

As explained in the previous chapter of this study, the roots of the first institutionalised intelligence regime in South Africa can be traced back to a police or detective service where the then ZAR Secret Service (1895 – 1901) functioned initially within the detective branch unit of the ZAR police service. As this service functioned before and during a war, it could be described as

a Political Police Agency (Fig. 25) according to the adapted typology of intelligence services. During the period 1910-1961 which includes two World Wars, the Union of South Africa as a British dominion relied heavily on the British military intelligence structure and subsequently could plot the intelligence regime still as a Political Police Agency.

As also explained by O'Brien (In Farson and Phythian Ed, 2011:221), the period from 1960 (the effective beginnings of both South Africa's post-colonial history and the violent struggle against apartheid) to 1990 (the year regarded as regime break down), South Africa was a security state. This is also a reflection of the typology provided by Africa and Kwadjo (2009). By 1970 the true center of power resided in the central security structures with the BOSS initially being the dominant intelligence structure up to 1975. This service, as almost an offshoot of the Security Branch of the Police under command of General Van den Bergh, could also be seen as having its roots within the police, and therefore the intelligence regime for that time period is plotted on the graph in Fig. 25 as a Political Police Service.

However, during the administration of President PW Botha (1975-1989), the securocrats flourished and the military dominated the security apparatus, thereby controlling the national security structures and National Security Management System (NSMS) as discussed in the previous chapter. Dombroski (Bruneau and Boraz, 2007:248) portrays these military-dominated intelligence organisations as resembling independent security state intelligence, because they determined their own agenda that did not coincide with the ruling elite. This study however differs from this point of view and rather supports the adapted typology of Keller (1989:17), Gill (1994:82) and Bruneau and Dombroski (2004:3-5) - (See Fig. 25) in referring to this period as indicating a typology as a Security State Agency (defined as having broader allowed actions that include powers of arrest, to imprison and possibly kill people). Similarities can also be drawn to the typology of intelligence services in Africa as provided by Africa and Kwadjo (2009).

This period also reflects a high level of political intervention in intelligence and a high level of intervention of intelligence in politics, resulting an outcome in the table provided by Bar-Joseph (1995:70) depicted in Fig. 44; ending in the *fourth* type of relationship representing mutual distrust between the intelligence and political regime. It is furthermore argued that the security intelligence was still accountable to the then State President (P.W. Botha) and followed the ―Total Strategy" of the political regime, coinciding with the typology of the state as authoritarian as depicted in the graph in Fig.43.

The research findings confirms that the South African intelligence has its heritage (as is the case within most other countries) within a police security service, then for a long time, through

the two World Wars, was more or less in the hands of military intelligence; where after it came back into the realm of police security during the early years of the Cold War and the Republic. This time reflects a regression back to a security state from 1975 until 1989 during the so-called total strategy era, followed by a subsequent reverse back to that of a police security service during 1990. This period is delineated by this study as follows:
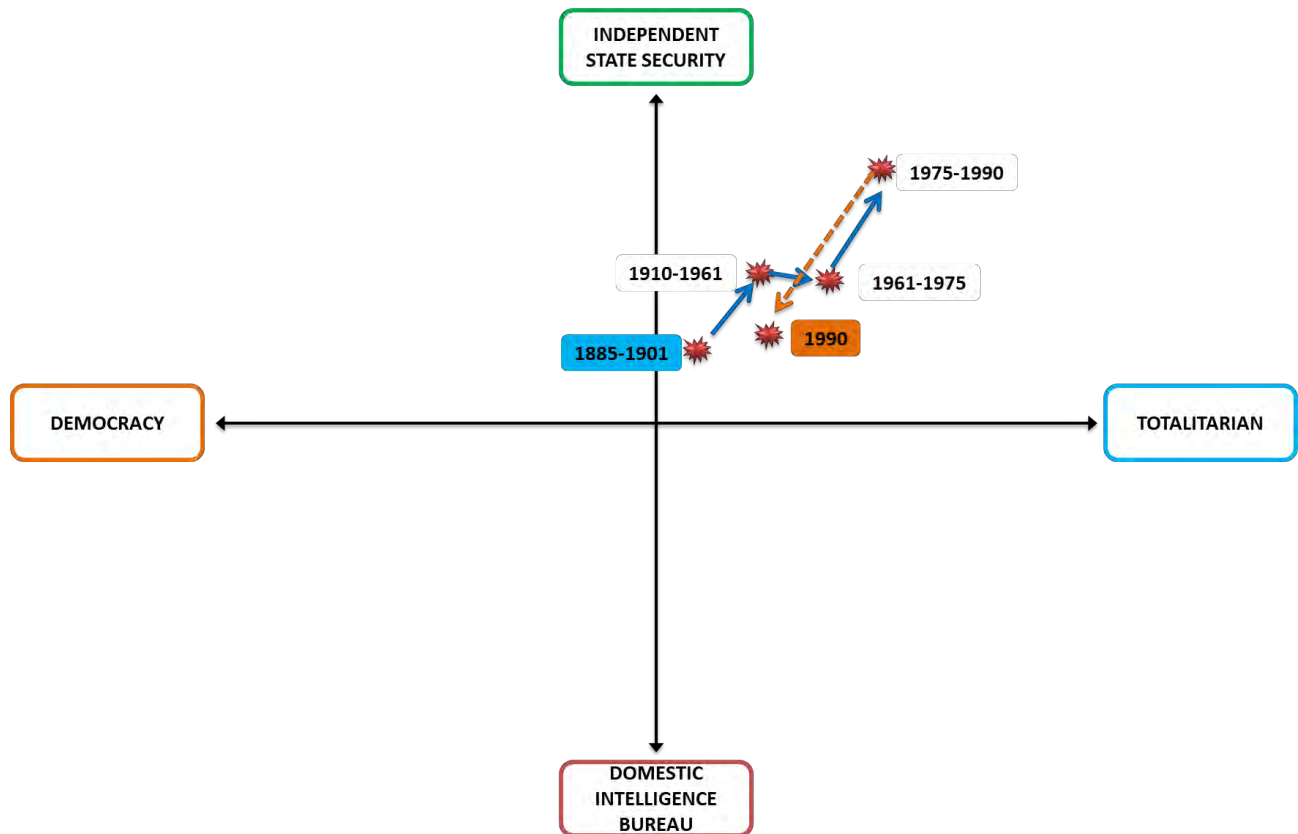
Figure 45: A Typology of South African Intelligence from 1885 – 1990
(Source: Own construct)

5.3.2 *South African Intelligence Regime 1990 – 1993*

This period is indicative of the first changes in the intelligence policy of the then apartheid South Africa, as also reflected by the changes in the political regime of the country and discussed in this study. During the last years of the apartheid era under President F. W. de Klerk, as also described by Dombroski (Bruneau and Boraz, 2007:249-250), the NIS was the intelligence agency most in favour of seeking a political rather than a military solution. This was also a shift away from the Total Onslaught and Revolutionary Onslaught era as explained by Seegers (2010:268-270) with the political changes in 1990 which included the unbanning of the liberation movements and the release of Nelson Mandela. De Klerk attempted to reform the intelligence regime and limit the control of the military and police intelligence structures.

CHAPTER 5: A POLITICAL EVALUATION OF THE SOUTH AFRICAN INTELLIGENCE REGIME

As also discussed in the previous chapter, the intelligence was placed under De Klerk's control and the Security Council reformed to a mere Cabinet Committee. Nonetheless, the TEC laid the basis for cooperation as described by Africa (2012:104): ―with a view to promoting the preparation for and transition to a democratic order in South Africa". Even the ANC committed itself to a new approach to security as depicted by its 1992 conference and a document produced titled ―Ready to Govern", addressed the role and principles of intelligence (Seegers, 2010:269-270).The established sub-council on Intelligence had powers of political supervision and oversight over the statutory and non-statutory intelligence structures, as also explained in the previous chapter.

According to the typology provided by Bar-Joseph as depicted in Fig. 44, the intelligence-politics relations during this period could be depicted as high political intervention in intelligence and a low tendency of intelligence to intervene in politics as outcome *two*. In addition, this period that is reflected by negotiations for a new dispensation and the governance of the country through the TEC is plotted in the Regime Breakdown stage in reference to the graph in Fig.43. The intelligence regime in South Africa can subsequently be plotted as moving away from a State Security Service to that of a Political Police Service, with the ultimate aim transforming into a Bureau of Domestic Intelligence.

5.3.3 South African Intelligence Regime 1994 – 1998

After the first democratic elections in 1994 the GNU was established, under which the intelligence functioned together in a coordinating structure named the Heads of Civilian Services – as also explained in the previous chapter. A new notion of security started to appear as argued by Seegers (2010:272) in the green and white papers on defence, police and intelligence. A major shift in the intelligence approach causes greater focus on the identification of potential and real threats to national security and a lesser focus on the policy-making process, as also indicated by this study. In a paper presented during 1995 at an Institute for Security Studies (ISS) conference Deputy Minister Nhlanhla states that: ―the intelligence community contributes to a new national security doctrine, that is based on the attainment of human security and one that moves away from a narrow militaristic approach to one which addresses political, economic, social, cultural and stability needs of all the citizens of the country" (Nhlanhla, 1995:11).

The White Paper on Intelligence of 1994 (1995:1) explains the policy framework within which the intelligence should function, as also discussed in this study. As in the South African context the mission of the ―intelligence community is to provide evaluated information, bearing in mind

the safeguarding of the Constitution; the upholding of the individual rights enunciated in the chapter on Fundamental Rights (the Bill of Rights) contained in the Constitution; the promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern Africa; the achievement of national prosperity whilst 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".

An interesting addition of the White Paper is also noted by Africa (2012), Nathan (2010) and Dombroski (In Bruneau and Boraz, 2007), stipulating that the GNU saw a role for a domestic intelligence service which, even after apartheid, remains significant. The integration of intelligence structures of the former regime, Bantustans and liberation organisations as well as the separation and coordination of military, police and civilian intelligence functions, were addressed (Africa, 2012:106). These policy changes included democratic control, oversight and a constitutional bound intelligence dispensation and paved the way for the formal establishment of amalgamated intelligence services with effect from 1 January 1994.

All the same, Africa (2012:102-103) identifies three elements in assessing the post-apartheid South African intelligence policy. Firstly; the philosophical underpinnings of the intelligence system namely the norms and values that the democratic dispensation requires the services to adhere to as found in the 1996 Constitution and White Paper on Intelligence. The second element relates to the practice of intelligence, focusing on what services actually do and how they interpret their legal mandates and the third, that an evaluation of intelligence policy must concern itself with its impact on society – in particular the constitutional rights of individuals as referred to in the Constitution. The intelligence services as argued by Africa (Africa and Kwadjo, 2009:74) in the new dispensation: ̶would be governed by principles that are in sharp contrast to those that governed intelligence under apartheid".

Some of the principles listed in the White Paper on Intelligence (1994) are as follows: political neutrality; legislative sanction, accountability and parliamentary control; the balance between secrecy and transparency; the separation of intelligence from policy making; effective management, organisation and administration; and an ethical code of conduct to govern performance and activities of individual members of the intelligence services. The civilian intelligence services began in 1995 with a deputy-minister of intelligence and what Africa (Africa and Kwadjo, 2009:81) refers to as a modest architecture consisting of two agencies and a coordinating structure. However, as discussed in the previous chapter, the new dispensation faced several problems both internally and externally between 1994 and 1996, and through the established Pikoli Commission, Deputy Minister Nhlanhla attempted to determine what

adjustments were to be made (O'Brien in Farson and Phythian, 2011:236). The GNU also did not survive as a model of governance with De Klerk resigning and Buthelezi declining to serve a second term as Deputy President (Africa, 2012:109).

The intelligence-politics relations during this period, according to the table provided by Bar-Joseph (1995:70) in Fig. 44, could be depicted as initially high political intervention in intelligence and a low tendency of intelligence to intervene in politics as an outcome *two* during negotiations, the first year of the GNU during 1994 and after the democratic elections. However, after the inauguration of the new intelligence regime in 1995, based on the Constitution, a legal framework and with democratic control and oversight; the intelligence-politics relation can be described as a tendency of low political as well as low intelligence intervention resulting into the ideal situation - an outcome *one*. This also coincides with the typology forwarded by Africa and Kwadjo (2009:4) in reference to intelligence services in Africa, which notes the establishment of more or less autonomous intelligence structures separate from the military or police and established by legislation, not by executive decision. Nevertheless, taking the plotting of the political regime in the graph depicted in Fig. 43 as a democracy in transition into consideration, this study views intelligence in South Africa as making a remarkable transformation towards a bureau of domestic intelligence (see Fig.25), as also acknowledged by Dombroski (Bruneau and Boraz, 2007:263) in reference to the GNU.

5.3.4 South African Intelligence Regime 1999 – 2003

This period commenced with the second democratic elections and the ANC continuing its dominance of the political regime. Upon Mbeki's appointment as president he moved to strengthen the presidency (Africa, 2012:110). This included the establishment of the PSU for strategic advice and intelligence. Africa (2012:110) argues that Mbeki shaped Government policy through his African Renaissance ambitions. This time period also saw the formation of the new Africa Union (AU).

Many of the recommendations made by the Pikoli Commission took effect in this period through several amendment acts that went through parliament and addressed issues such as oversight, the tightening of the roles of the Inspector-General and JSCI as well as the establishment of the Electronic Communication Security (Pty) Ltd (O'Brien in Farson and Phythian, 2011:236) and the Intelligence Academy.

Probably the most significant change was the establishment of a full Minister of Intelligence Service, as a separate department moving away from its former home within the Justice Department. This study argues that it is even more significant considering the fact that very few states and even no other democratic state, has a separate ministry with a full minister, for

intelligence. All the same, the Minister of Intelligence is responsible for advising the president and National Executive on national strategic intelligence and intelligence coordination. This period also experienced a change of intelligence ministers with Lindiwe Sisulu appointed as successor to the ailing Nhlanhla.

Under Sisulu, as Africa (2012:112 and Sisulu, 2001) explains, the major policy tenets that shaped intelligence remained in place and she promised in her 2002 budget vote address in Parliament to review the White Paper on Intelligence – something that has not happened to date (maybe for the good, as a new philosophy could arguably be manipulated to suit non-democratic intelligence trends), although also repeated in similar fashion by her successors. She (Sisulu) furthermore argued that the existing resources were inadequate and that fresh policy initiatives were needed to meet the security threats facing the country, which resulted in the expansion (see Fig. 36) of the intelligence services (Africa, 2012:82, 112-117). The Promotion of Access to Information Act and the subsequent discourse on the need for a balance between secrecy and transparency, came to light. Sisulu's term of office ended when Mbeki's first term as president expired.

The intelligence-politics relations during this period, according to the classification of Bar-Joseph (1995:70) in Fig. 44, could be depicted bearing the amendment acts and changes in mind, as similar to the previous period, namely as high political intervention in intelligence and a low tendency of intelligence to intervene in politics as an outcome *two*. However, the fact that intelligence is based on the Constitution and a legal framework, with democratic control and oversight; results in the intelligence-politics relation can being described as almost a tendency of low political as well as intelligence intervention as in an outcome *one*. In addition, the typology of intelligence services in Africa as promoted by Africa and Kwadjo (2009:4) remains relevant. Taking into account the plotting of the political regime in the typology depicted in Fig. 43, as a democracy in transition, this study plots intelligence in South Africa as a bureau of domestic intelligence in the typology delineated in Fig. 25.

5.3.5   *South African Intelligence Regime 2004 – 2008*

Ronnie Kasrils was appointed Minister for Intelligence in Mbeki's second Cabinet and according to Africa (2012:118-119) echoed his predecessors viewpoint that the changing global environment provided the basis for the changed role of intelligence. Kasrils identified ten priorities which included the adjustment of the ratio between personnel, capital and operational expenditure in favour of operations. The second important change Kasrils brought about was to dismantle the Presidential Intelligence Support Unit.

Nevertheless, during this period several incidents took place that ranged from the arrest and detention of a SASS member for espionage in Zimbabwe, to the claimed unauthorised surveillance of a prominent businessman and senior officials of the ANC by the NIA. This led to the subsequent suspension and dismissal of senior intelligence officials and a focus away from ‚political intelligence' towards ‚social stability intelligence' (Africa, 2012:120). Apart from launching a Civic Education Programme, Kasrils also instituted a Ministerial Review Commission under chairmanship of Joe Matthews, as also discussed in the previous chapter.

All the same, Kasrils resigned in 2008 after the recall of President Mbeki by the ANC. The typology of intelligence services in Africa, raised by Africa and Kwadjo (2009:4), is also relevant to the South African intelligence during this period as it still reflects an establishment of more or less autonomous intelligence structures separate from the military or police and established by legislation. However, in reference to the intelligence-politics relations during this period as indicated in the classification of Bar-Joseph (1995:70) in Fig. 44, this period reflects a reverse change as observed from the previous period, namely in moving from a low tendency of intelligence to intervene in politics to that of a high tendency of intelligence to intervene in politics and from a high political intervention in intelligence towards low political intervention – as an outcome *three*.

In addition, in reference to Gill's (1994:82) typology, Dombroski (Bruneau and Boraz, 2007:263), points out that with the consolidation of the ANC's hold on power, the Mbeki administration showed a tendency to inch the security intelligence services more towards a political police mode of operation than a bureau of domestic intelligence (see Fig. 25). He continues to argue that rather than being dominated by military securocrats, the intelligence is dominated by ANC members trained in the former Soviet Union, Cuba and East Germany, which is a remarkable exception to the general trend in new democracies. Nevertheless, intelligence remains a domestic intelligence bureau in the typology depicted in fig 25, together with the political regime of this period indicated as a democracy in consolidation in Fig. 44.

This study however, depicts a typology of intelligence and regime change in South Africa from 1990 until 2008, as follows:
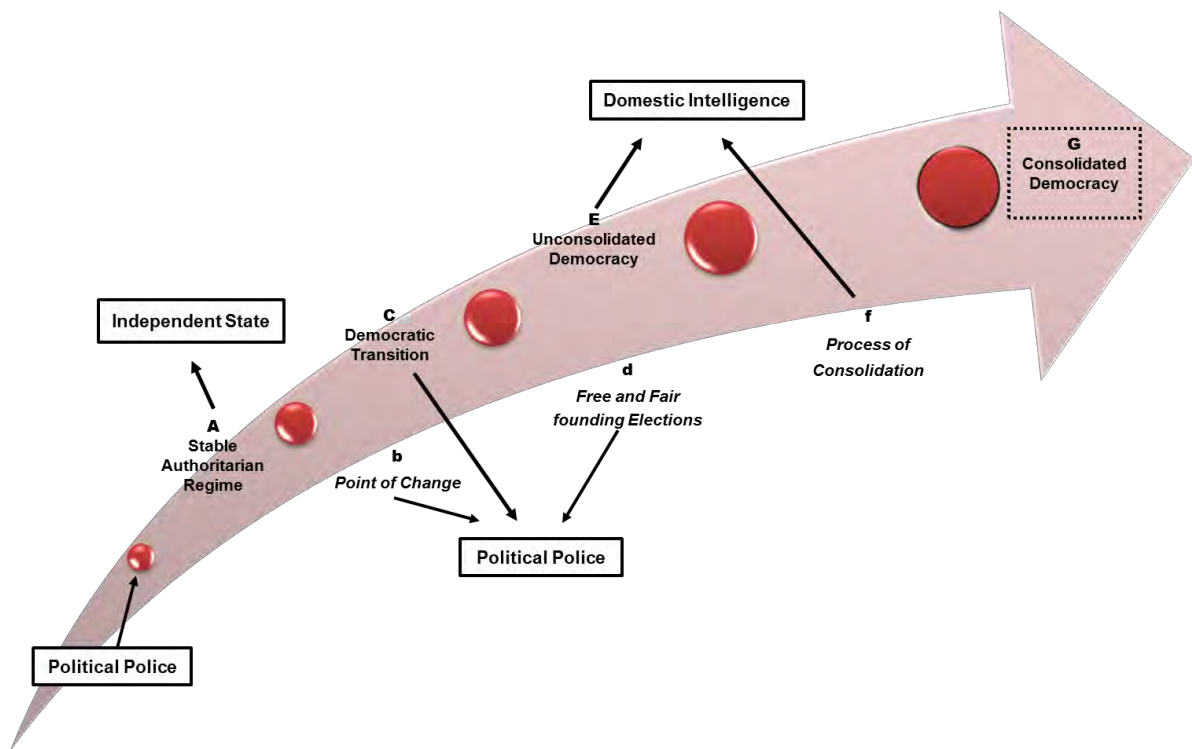
Figure 46: A Typology of Intelligence Linked to Regime Change in South Africa 1990 – 2008

(Source: Own construct)

5.3.6 South African Intelligence Regime 2009 – 2014

During 2009 a major transformation process started with a view of improving intelligence, albeit taking none of the recommendations of the Ministerial Review Committee under Matthews, into account. In addition, the intelligence policy development under the administration of President Zuma and Siyabonga Cwele as successor to Kasrils, as also argued by Africa (2012:124) and supported by this study, is a subject of considerable debate. To this extent it is argued that the creation of the SSA and the subsequent integration of all the civilian intelligence services (Fig. 37) into one department (see Fig. 39); reflects a growing securitisation of the South African state and that the security of the state has displaced that of the individual, undermining the core principals as acknowledged within the White Paper on Intelligence and South African Constitution. Thereby the intelligence regime revealed a tendency to be less democratic.

This move placed several fully-fledged government departments (NIA, SASS, SANAI, NCC, OIC, COMSEC etc), as mere components within a new single structure. Cwele (2009a, 2009b and 2009c) also announced in his Budget Vote Address to Parliament in July 2009, that a new

border management agency is under development. It is likewise viewed, as mentioned in this study and debated by Africa (2012:124) that the centralisation of resources of the civilian intelligence is a precursor to an era of greater authoritarianism. Similarly, supporting this view, is the initial creation of the SSA by presidential proclamation in 2009 (South Africa (Republic) Proclamation No R59 of 2009) – only to be followed-up with a legislative framework by a new General Intelligence Laws Amendment Act (South Africa (Republic) General Intelligence Laws Amendment Act no 11 of 2013), approved by Parliament nearly four years later in August 2013, as discussed in the previous chapter. This proclamation set a restructuring period in motion, which lasted well beyond 2013, even with the announcement by the Minister of State Security (Cwele, 2011) of the permanent appointment of senior officials, to head the SSA as well as a public statement announcing that the restructuring process is successfully completed (Ministry of State Security, 2013).

Furthermore, Africa (2012:126-127) points out that Cwele's policy initiatives have been regarded with suspicion in the public domain and media (Segar, 2012), furthered by the broader political context in which current developments are playing out, which is also explained and supported by this study. This public suspicion includes the critique on the draft Protection of Information bill. Africa (2012:126) continues that there is also widespread suspicion that the intelligence services are easily available as pawns in political power games. In this regard it is already described as in a crisis according to the first publicly revealed yearly report for 2010-11 and 2011-12 by the Parliament Joint Standing Committee on Intelligence (Sunday Times 9 March 2014). The report furthermore states possible unlawful interception of telephone, cellular phone and e-mails of citizens as well as the ‑extremely busy schedule" of the State Security Minister affecting his overall duties and responsibilities. The media report furthermore quotes a Member of Parliament saying: ‑There's more *Johnny English* than *James Bond* in the annual reports".

Lastly, one of the major flaws of all the ministers for intelligence to date as indicated by Africa (2012:127) and supported by this study, is the failure to review the outdated White Paper on Intelligence which provides for an intelligence philosophy and framework on the one hand; and to develop a national security strategy, on the other. The danger however exist that a new White Paper would be drafted as an after effect to the changed legislation (in the General Intelligence Laws Amendment Act August 2013) where the function of intelligence is changed to only identify threats and potential threats against national security and not as was stated before – against South Africa, its institutions and its people. With these new amendments to the intelligence acts, the movement towards a security service is strengthened (albeit publicly denied by the Minister) - away from the notion of being an intelligence service with the role of

protecting the constitution and providing government with policy-making intelligence. In light of the recent developments in the country, former President De Klerk made the following statements during a speech about the state of the nation, namely that South Africa is balanced between success and failure, and warned that the national democratic revolution is a threat to the country's racial harmony. He said while South Africans have a lot to be proud of, corrupt and incompetent political leaders are bringing the country into disrepute (Eye Witness News - Nicolaides, 02 June 2011).

The intelligence-politics relationship in terms of Bar-Joseph's Fig. 44 during this period, could be viewed in light of the perception of public mistrust on the one hand and the growing securitisation of the intelligence on the other, as moving towards an outcome *four* which represents a mutual distrust between intelligence and the political echelon. However, the observation as it currently stands is rather a shift from a low political intervention in intelligence towards a high political intervention, and a move from a high tendency of intelligence to intervene in politics to that of a low tendency; resulting in an outcome *three*. In reference to the typology of intelligence services in Africa (Africa and Kwadjo, 2009:4), the South African intelligence regime remains the same as in the previous period as reflecting a more or less autonomous intelligence structure. Nevertheless, a persistent tendency is observed to securitise intelligence in South Africa with added indications of intelligence tasked to assist in securing power to the political regime. For instance, media statements indicating the SSA as investigating the so-called BOO-Brigade, referring to disgruntled citizens booing President Zuma during some of his public speeches and appearances, and the Nkandla overspending issue pertaining to upgrades at the president's private homestead being labelled as a national security issue to prevent any public scrutiny. Other reports include allegations of SSA staff being deployed at Luthuli House as the ANC headquarters to assist in the ANC ‗Project Veritas‗ which is the selection process of prospective members of parliament (Beeld, and Mail & Guardian, 2014). Having the current super structure in place under the command of a political head and its own ministry could also be labelled as less democratic and more non-democratic. This includes the appearance of South Africa as a weak state in terms of the degree and form of government as depicted in Fig. 20 as well as the efficiency of stateness as depicted in Fig. 40.

In addition, the notion to regard South Africa as unable to transgress towards a consolidated democracy and rather to be a hybrid regime (see Fig. 44) as also supported by this study, is further impacting on the typology of intelligence during this time period. Media articles projected the services as non-professional (Joubert, 2014a & b; Prince, 2014 and Vecchiatto, 2013). For these reasons and according to the characteristics of a hybrid regime is reflected in intelligence practices – as is also the case in South Africa, this study postulates the typology of intelligence

(see Fig. 25) in South Africa during 2009 to 2014 as changing into an intelligence police with tendencies to shift towards that of a political police. Therefore, the typology of intelligence as linked to a classification of the political regime for this time period could be illustrated by this study, as follows:

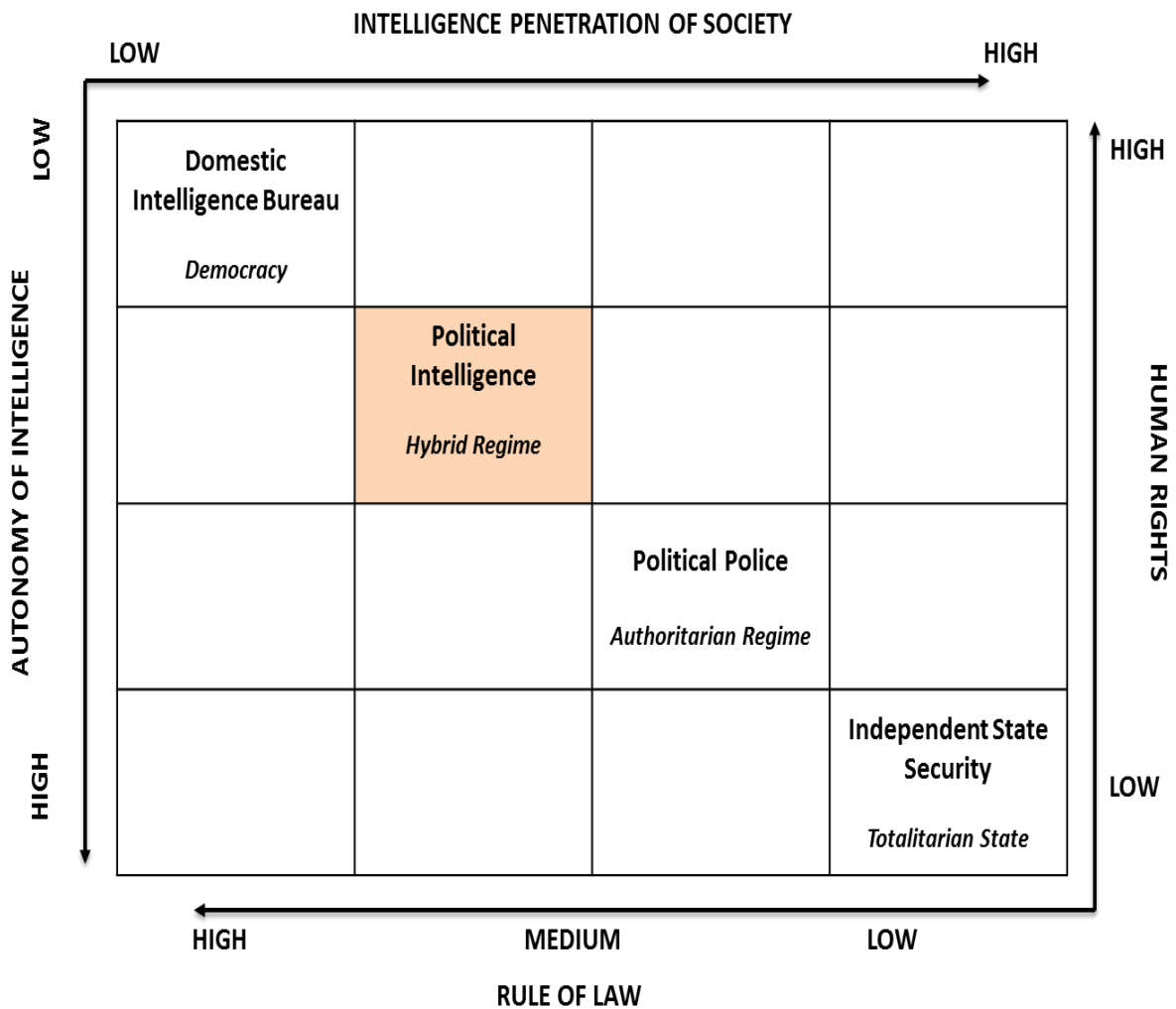**INTELLIGENCE PENETRATION OF SOCIETY**

Figure 47: A Typology of the Political Regime and Intelligence in South Africa: 2009 – 2014

(Source: Own construct)

Albeit, the development and change of intelligence in South Africa from 1992 until 2014 could also be depicted in the following graph, indicating the typology of intelligence as also linked to more or less democratic:
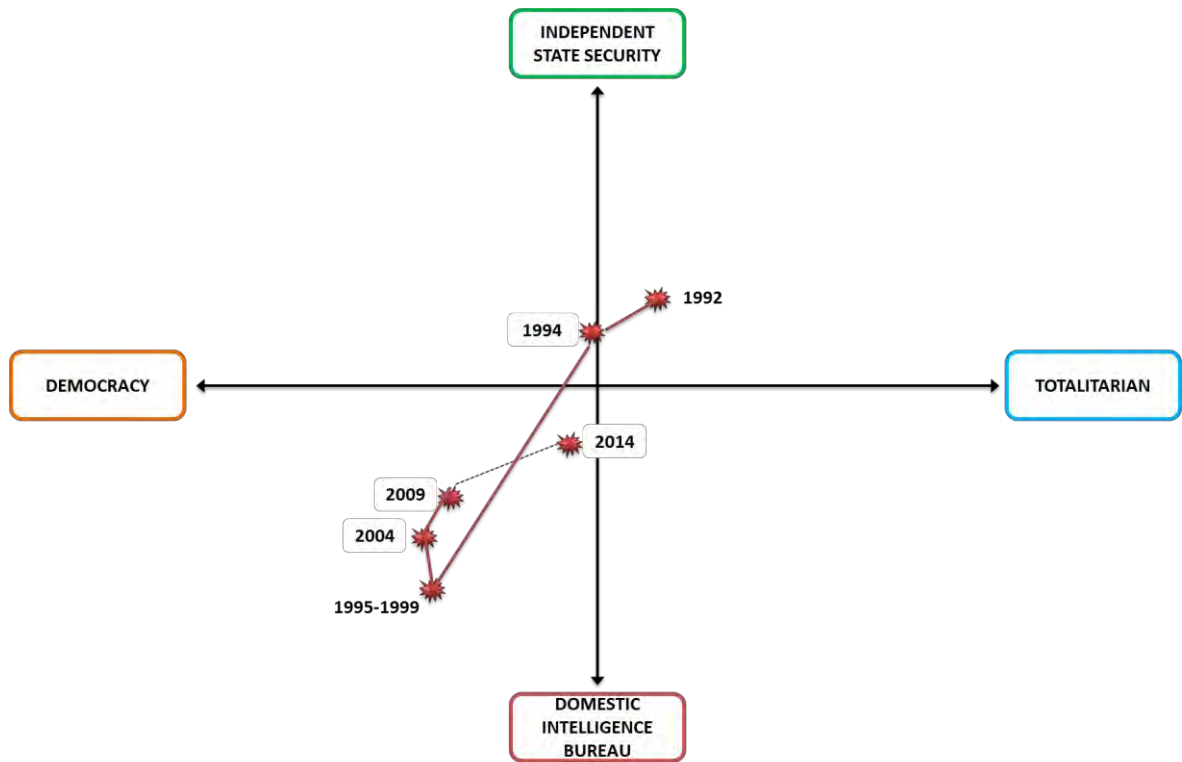
Figure 48: Intelligence Development in South Africa: 1992 – 2014

(Source: Own construct)

Similarly, the matrix developed by Fukuyama (2005) measuring the effectiveness of statehood (Fig. 40), could be utilised to depict the movement of South Africa during its transitional period, in this regard. This study delineates it as follows:

Figure 49: South Africa's Stateness and Efficiency from 1990 – 2014

(Source: Reconstructed and adapted from Fukuyama, 2005)

The above mentioned graph as well as the typology of the South African intelligence as a Political Intelligence Agency within the context of South Africa as a hybrid regime, clearly indicates that as far as democratic consolidation is concerned – South Africa is in a *grey zone* and not making any progress towards reaching the goal of consolidation. Actually, it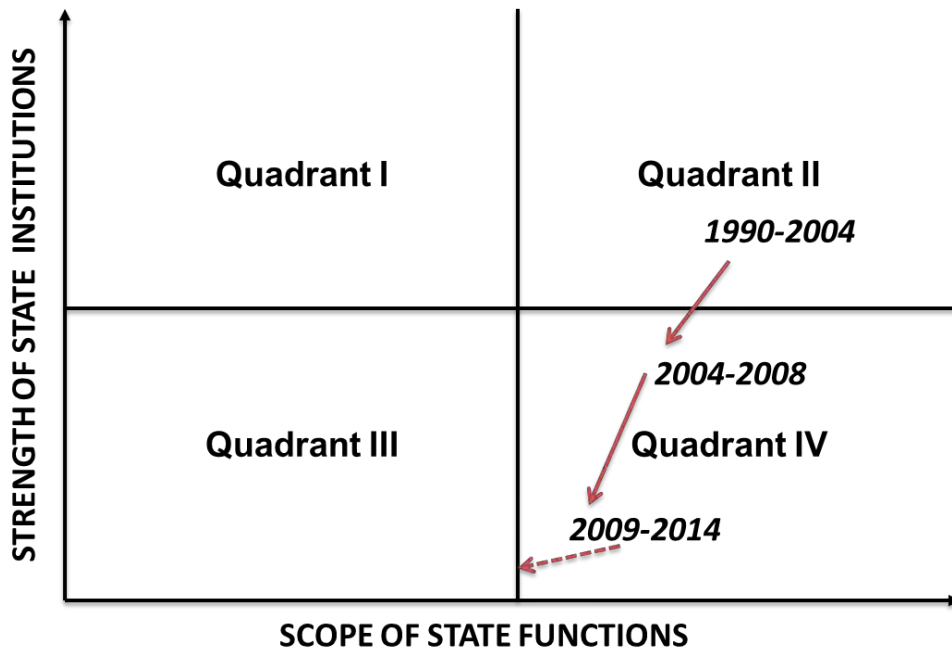 is rather in a transition of reverse which raises several issues concerning its transition as well as democratic practices. Lastly, bearing 2014 as an election year in mind, with already several indicators of frustration, the concern for the future of South Africa in this context is heightened by mistrust, anger and unease towards the successes and failures of the ruling party – which as indicated, impacts on the mission and function of intelligence; that is to safeguard the constitution and provide the good life for all.

Nevertheless, the ultimate test for democracy lies within the notions forwarded by Przeworski (1991:26): ̶democracy is consolidated when under given political and economic conditions a particular set of institutions becomes the only game in town" on the one hand and Huntington's (1993:266-267): **Two-turnover test** whereby consolidation is achieved when power could be turned over through losing and winning elections, on the other. It remains to be seen whether South Africa would be viewed as a model in this regard, and raises concerns regarding the third wave of democratisation. It could be asked if this wave is over and whether it is time for the reverse as indicated by the two previous waves and explored by Huntington and others. The tendency of South Africa seems to reflect the characteristics of both that of a democratic as well as a non-democratic regime and seems to favour the latter in respect of its intelligence practices.

5.4   Conclusion

Chapter five aimed to provide a reflection and analysis on intelligence in South Africa in context to the democratisation process and the quest to reach democratic consolidation from the period pre-1990 up to 2014. Intelligence is an important part of the security sector in a democratic society and has an essential role to protect both the state and its population. In addressing this goal, the chapter set out to explore and explain the political context of South Africa's democratisation process to provide an analysis thereof, indicating the more or less democratic practices in conjunction with the state and its effectiveness.

As Wills (2010:11) argues, intelligence services should remain impartial in their role to serve all individuals of society, and not only a particular group. South Africa as a new democracy as well as the transition of its intelligence regime is perceived as a model for other states including those of the African continent. The failure to reach democratic consolidation and the typology as

a hybrid regime with an intelligence police service, severely impacts on South Africa's image of a success story and model of democratisation. The professionalism and effectiveness of its intelligence furthermore is also vital in ensuring increased democratisation and less tendencies towards non-democratic practices. As intelligence is a reflection of the state and its people, an analysis was conducted on intelligence practices between 1994 and 2014 in South Africa during its democratisation process in this chapter and it clearly indicates a tendency to move away from the philosophy of intelligence as indicated in the White Paper for Intelligence as well as to be less constitutionally bound.

In reference to political processes, it was however noted that although South Africa made the change from an authoritarian state towards a democracy through democratic transition into an unconsolidated democracy – it never made it into a consolidated democracy, but rather into a hybrid regime (as postulated by this study). This has severe consequences for South Africa as a model state initially regarded as on its way to democratic consolidation. This however does not mean that it could not make progress in the future towards more democratic practices, with the possibility of reaching the goal of being a consolidated democracy. Although this remains to be seen it does raise the issues of the third wave of democratisation and a subsequent third reverse wave.

The role and function of intelligence in providing policy-makers with relevant intelligence to be able to make and implement policies for the good of all, is furthermore being questioned as there are clear indications that the South African regime moved away (through several amendments to the legislation) from the initial mandate of protecting the Constitution and to provide intelligence to the policy-maker for policy-making; to only identify threats and potential threats against national security. This chapter confirms that the South African intelligence service is merely a security service with no strategic intelligence function in terms of intelligence for policymaking – as is the case with other intelligence services in democratic regimes.

Subsequently, this chapter confirms that recent developments within the political context reflect a tendency towards securitisation on the one hand, as well as less political impartiality on the other; which could result in intelligence slipping back to a police security agency, as was the case during the era of the securocrats prior to 1994. This indicates that South Africa is not indifferent to the politics of other African countries – specifically in Sub-Saharan Africa as also supported by Joseph (1997:363).

All the same, the South African intelligence regime evolved from its previous classification as a state security and political police service, to a democratic intelligence structure as an

intelligence bureau, bound by the Constitution and a legal framework; under democratic control and oversight. It however transgressed into less democratic practices with the resulted classification as being an intelligence police within a hybrid state – reflecting both democratic and authoritarian characteristics.

The application of the regime and intelligence typology postulated in chapter three in this chapter, clearly indicates its usefulness in future studies as well as to the similar studies in other countries. It does however indicate that regime and regime change is a complex issue that is never exact or similar, and that every country has unique characteristics in terms of its culture, society, economy and politics that impacts clearly on the form and type of its intelligence, as well as its subsequent role and functions – albeit less or more democratic.

Taking the current weak state into account, the strengthening of stateness as well as the efficiency of state functions, is required to address this issue which specifically includes intelligence as a vital and special function to ensure prosperity and safety. This chapter includes reference to the effective role and function of intelligence in ensuring a peaceful transition towards democracy as well as the subsequent effect of the politicisation of intelligence on reaching democratic consolidation. It furthermore highlights the vital role of an intelligence service to assist the political regime to reach the goal of democratic consolidation.

This chapter also confirmed the notion that over the period 1994 to 2014 the role and function of the intelligence regime is an epitome of South Africa's democratisation process. To this extent, this study indicates that the intelligence regime in South Africa reflects both democratic and non-democratic practices; but with a tendency to rather move away from its initial role of protecting the constitution in favour of safeguarding national security interests. This could lead to a perception of high national security and the creation of high levels of internal threat – as was the case prior to 1994. South Africa is placed as a hybrid regime with an intelligence police agency serving the interests of the power elite within a praetorian oligarchy. Even so, one could reason that South Africa was a one party dominant authoritarian state from 1948 until 1994, and is just as well reverting back to this.

Nonetheless, this chapter paves the way for the next chapter, which aims to summarise the main aspects covered in this study and provide conclusions to certain research findings and make subsequent recommendations on intelligence and the political regime towards more democratic practices and a good life for all within South Africa.

CHAPTER 6: Study Overview and Final Conclusions

"… the intelligence and security services are key and important components of a State. We still need to raise awareness that intelligence work is actually intended to advance government programmes and objectives. It is not just smoke and mirrors, spies and cameras as it is made out to be. The intelligence community, as part of the security cluster, has to achieve the objective of ensuring that all South Africans feel safe and are safe." President Jacob Zuma 2012 Intelligence Services Day

6.1   Introduction

The final chapter of this study will seek to summarise the main issues addressed in the study and make some crucial conclusions and arguments arising from the research conducted. This work will be evaluated in terms of the objectives as set out in chapter one. In the aftermath of the third wave of democracy and the subsequent goal of so-called new democracies to reach the ultimate goal of democratic consolidation, most of these countries failed in this quest. Part of this process involves the role and function of intelligence which is regarded as a vital tool within any state. The challenge in this regard for intelligence - given the nature and history thereof – is to adhere to democratic practices. This means that there should be democratic control, oversight and accountability of intelligence services that include professionalism, being non-partisan and objectivity.

The role, functions and mandate of an intelligence service within a democracy, as stated by this study, should *firstly* focus on providing the policy-maker with intelligence to be able to make policies; *secondly* on the identification of threats or potential threats to national security of the state and *lastly* to protect the constitution. Therefore the research problem examined in this study was: given the history and development of South Africa as a democracy, what is the role and function of the intelligence regime during the period 1994 to 2014 – specifically to determine whether intelligence practices were more or less democratic.

6.2   Overview of the Study

The quest of this study was to attempt to contribute to the theory and understanding of intelligence studies as a sub-field within the political science in describing, explaining and analysing the intelligence regime. More so, the primary aim was to provide a contextualised and systematic overview of the South African intelligence regime within the framework of the democratisation process in South Africa with specific reference to the period from 1994 to 2014. This study is furthermore not classified, to make the research findings available to both practitioners and scholars of intelligence studies.

CHAPTER 6: STUDY OVERVIEW AND FINAL CONCLUSIONS

Chapter *One* of this study provided an introduction to the research background, problem statement and methodologies. A qualitative research methodology focussed on description and analysis was followed in this study with a realistic approach as foundation. This chapter furthermore placed intelligence studies as a subfield of study within political science, although international relations and security studies are also accommodative in this respect. Nevertheless, the quest for more democratic practices of intelligence as a vital function within a state, within its secret nature, was highlighted and also the fact that intelligence mirrors the history, people and culture of a state. In addition, regarding the evaluation of primary and secondary sources, (bearing the secret nature of intelligence in mind as well as the fact that this study is not classified and that no classified information was accessed or utilised), it was established that limited reliable sources are available, specifically in reference to the history of South African intelligence. This however did not place any limits on the study even though more in depth sources are lacking. Consequently, a central assumption was formulated and the necessary research objectives identified.

Chapter *Two* presented an explanation of the meaning of the word intelligence, followed by a description of the history and development of intelligence from spying as its roots. It dealt with the different approaches to the study of intelligence and placed relevant concepts towards the theory in perspective. This chapter showed the complex nature of intelligence and presented an understanding to the elements, functions and purpose thereof. It conceptualised and assisted in a reconstruction of the definition of intelligence and placed it within its three dimensions, namely: product, activity and organisation - which also supported the main point of departure of this study.

Chapter *Three* dealt with a conceptualisation of intelligence within democratic and non-democratic states and practices. It explored theoretical frameworks that enabled the typology of intelligence services within the context of a classification of political regime types. The theoretical framework formed the basis from which to explore the concepts of state, political regime types and form and degree of government. It furthermore provided for a comparison of democratic and non-democratic intelligence practices. The notion of a hybrid regime, as having elements of both democratic and non-democratic regimes, presented a fundamental shift in the perception of South Africa's democratisation process towards an attempt to reach the goal of being a consolidated democracy. This notion coincided with concepts such as oligarchy and weak states. This chapter enabled the study to conduct an analysis of the South African intelligence practices within the context of its political regime.

Chapter *Four* explored the history and development of intelligence within South Africa and was predominantly descriptive in nature to provide an overview and broad understanding on its nature and development. This provided the basis and foundation for an in-depth analysis of the intelligence regime in the next chapter – specifically pertaining to the time period from 1994-2014. It furthermore enabled a typology of intelligence services throughout the history of South Africa in context to the different regime types.

Chapter *Five* presented the central analytical component of this study by providing for a political perspective of the intelligence regime in South Africa during its regime change, more specifically from the regime breakdown, through a transition towards democracy, democratic consolidation and ultimately the failure to reach the goal of being classified as a consolidated democracy. It further addressed the notion postulated by this study that South Africa is a weak state and should be perceived as a hybrid regime and having a praetorian oligarchy present. Furthermore, this chapter also showed that the intelligence regime has tendencies towards non-democratic practices as indicated in recent legislative amendments, policy changes and continued restructuring, which placed it as an intelligence police service.

Lastly, this chapter will continue to evaluate the central assumption of this study, to be able to provide findings and conclusions. The contributions of this dissertation will be discussed. Final recommendations will be highlighted and references will also be made for possible future study opportunities, followed by overall conclusions.

6.3   Evaluation of the Study

6.3.1   Introduction

The study approach was mainly deductive theorisation with the objective to understand, to study and to explore topics. The study was conducted following a qualitative research methodology that combined descriptive, explanatory and analysis/comparative analysis methods. The research summarised and overviewed in the preceding section, was based on the following central assumption that needs confirmation: the role and function of the intelligence regime is an archetype/epitome of South Africa's democratisation process. Based on the research problem stated in the study and given the history and development of South Africa as a democracy, this study aims to confirm what is the role and function of the intelligence regime during the period 1994 to 2014 and specifically to determine if intelligence practices were more or less democratic. This study will also be evaluated in terms of the specific objectives given again for this purpose:

- *To provide an insight in the understanding of intelligence;*
- *To determine and describe what constitutes democratic and non-democratic practices/states;*
- *To explore and assess the development of the intelligence regime in context to South Africa's political system; and*
- *To provide an analytical perspective on the role and function of the intelligence regime in contributing to democracy and development in South Africa over the period 1994 to 2014 – thereby identifying shortcomings and propose possible areas for further research.*

6.3.2   Evaluation

The first objective, namely to provide an insight in the understanding of intelligence, was achieved because in the opinion of the writer a comprehensive conceptualisation, review and reconstruction of intelligence concepts was undertaken which includes an explanation of the root form of the word intelligence, and description of the development and change of intelligence from its foundations within espionage as depicted in figure 1. The different approaches to the study of intelligence and schools of thought were also addressed as well as a reflection provided on theories *of* and *for* intelligence, as can be read in chapter two of this study. Intelligence was furthermore placed within the context of a three tier description namely as: a product, an organisation or an activity - which provided for a clarification of the utilisation of the word as presented in figure 4, repeated here for additional emphasises and postulation:

Repeated Figure 4: A Definition of Intelligence as a Three Tier Concept

(Source: Own construct)

Even so, the main concept of intelligence was also described and explained (Fig. 11). An adapted diagram is hereby provided:
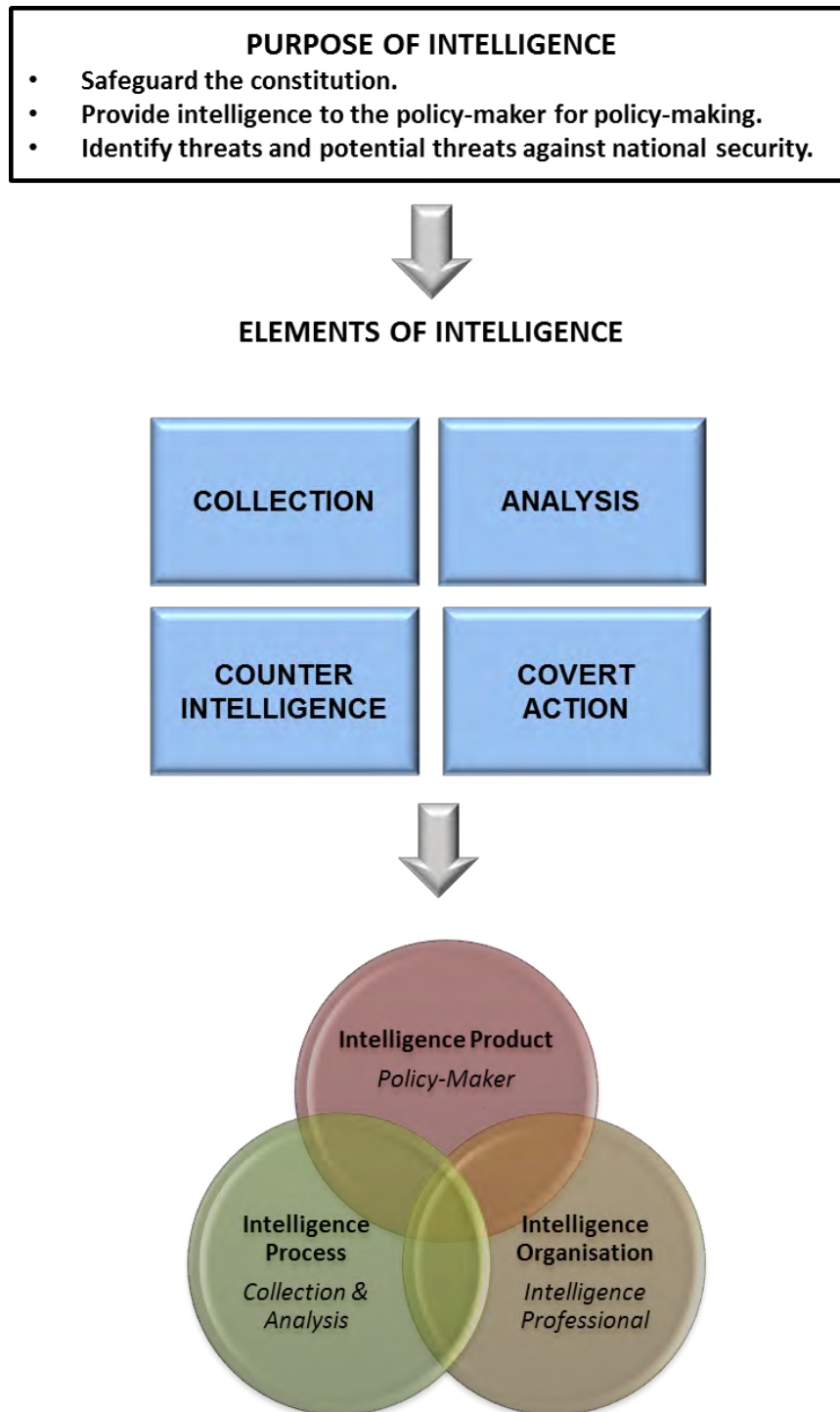
PURPOSE OF INTELLIGENCE
- Safeguard the constitution.
- Provide intelligence to the policy-maker for policy-making.
- Identify threats and potential threats against national security.

ELEMENTS OF INTELLIGENCE

COLLECTION	ANALYSIS
COUNTER INTELLIGENCE	COVERT ACTION

Intelligence Product
Policy-Maker

Intelligence Process
Collection & Analysis

Intelligence Organisation
Intelligence Professional

Figure 50: The Concept of Intelligence

(Source: Own construct)

Objective two, in reference to determine and describe what constitutes democratic and non-democratic practices/states, was similarly achieved in terms of explaining and defining

definitions and concepts as reflected in chapter three. These concepts were also conceptualised and reconstructed in terms of the state, political regime and government forms (as depicted in fig 12 to 17). A classification for regime types that included a trichotomy and a four tier typology (delineated in Fig. 22) which made provision for a democratic regime, a hybrid regime, an authoritarian as well as a totalitarian regime type, was reconstructed. Concepts such as regime change and weak states in comparison to form and degree of government (Fig. 21) furthermore contributed to achieving this objective.

More specifically, different intelligence practices within these regime types which include control, oversight and accountability in terms of human rights and the rule of law, were also explained and described in order to also conceptualise and provide a typology thereof. These include a description and classification of a domestic intelligence bureau, an intelligence police (as an adapted typology by this study), a police security and lastly that of an independent state security service as depicted in Fig. 25. The following framework of state, political regime and type of intelligence, as postulated by this study is again repeated, but in support of the research findings the position of South Africa and its intelligence is included and highlighted:
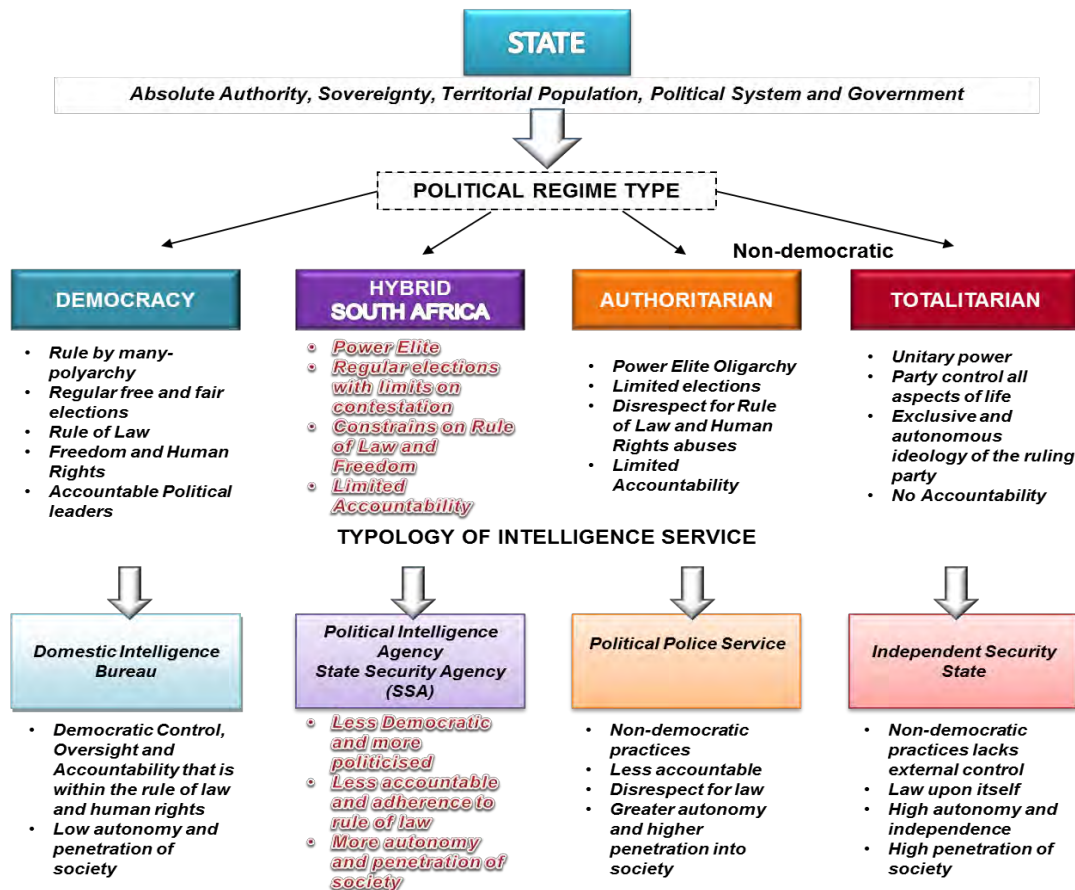

Figure 51: South Africa's Position within State, Political Regime and Type of Intelligence
(Source: Own construct)

The description, exploration and explanation of the history and development of the South African intelligence regime in context to political developments, which is the third objective, was also obtained and is provided in chapter four of this study. This provides a foundation as discussed for an evaluation and analysis of intelligence in South Africa within the broader political context through different time periods which includes regime change towards democratisation as illustrated in Fig. 18, Fig. 21, Fig. 33, fig 34 as well as Fig. 46. The historical development of the South African intelligence as depicted in Fig. 34, is adapted to include the findings of this research reflecting on the current classification of South Africa as a hybrid regime with an intelligence police service; delineated as follows:
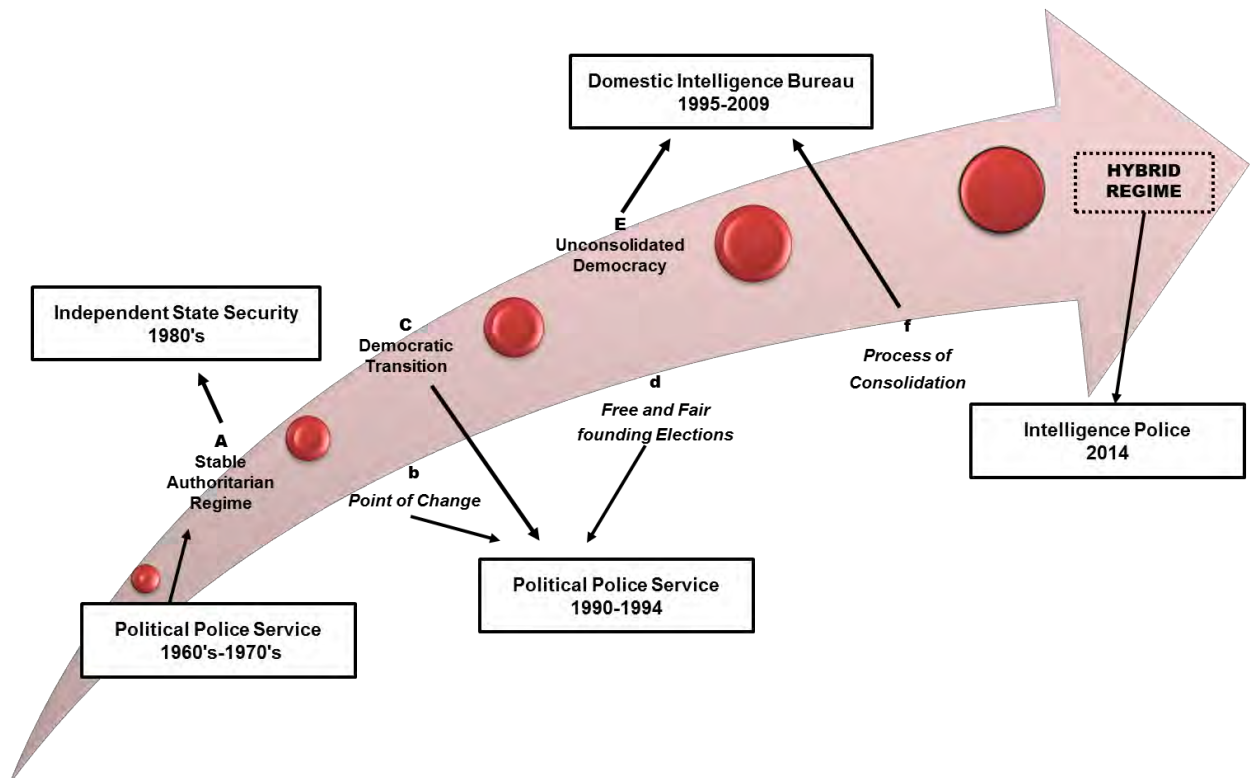

Figure 52: A Typology of South African Intelligence from 1960 - 2014
(Source: Own construct)

The objective to explore and assess the development of the intelligence regime in context to South Africa's political system, was also achieved as discussed in chapter four as well as in chapter five. The reconstruction and interpretation of the intelligence regime in South Africa made it possible to distinguish between more or less democratic practices as illustrated in Fig. 34, Fig. 45 and 46.

Finally, the last objective to provide an analytical perspective on the role and function of the intelligence regime in contributing to democracy and development in South Africa over the

period 1994 to 2014 (Fig. 46 and Fig. 48), was achieved. This enabled for the proposal of possible areas for further research as the overall research objectives were achieved, as reflected in the recommendations and final conclusions reached by this study, and can be read in chapter six.

All the same, this study has as its central assumption that over the period 1994-2014, the role and function of the intelligence regime as an archetype/epitome of South Africa's democratisation process required validation. Is intelligence a reflection of a state and its people? South Africa made a successful transition to be regarded as an intelligence service in a democracy adhering to what Matei and Bruneau (2011) indicated as a requirement – firstly by crafting a legal framework, secondly by establishing intelligence control, oversight, accountability and transparency and lastly by imposing transparency and some level of accountability to the citizens. Unfortunately, as established by this study, these democratic practices have been gradually changed to reflect a tendency of being more non-democratic. Evidence of this conclusion is that South Africa, as established by this study, is perceived to be the only democratic country which has a full Intelligence Minister with its own political bureaucracy and institutions. In other established democracies these political appointed secretaries or ministers, form part of either the executive or judiciary.

The purpose of intelligence as indicated by this study is twofold: firstly, to provide the policy-maker with intelligence to be able to make policies and secondly to identify threat and potential threats against national security. The latter, as is the case in South Africa, became the only function stipulated in the 2013 General Intelligence Laws Amendments Act, which also instated the State Security Agency as sole intelligence organisation. This led to the ultimate transforming of an intelligence service into a security service – as mostly evident within non-democratic regime types as also discussed within chapters two and three pertaining to democratic control of intelligence in democracies and new democracies.

The analysis and comparative analysis conducted in chapter five confirms this assumption – also in terms of the classification of intelligence services according to regime change as depicted in Fig. 33, Fig. 46, Fig. 47 and Fig.48. Nonetheless, the intelligence in South Africa is faced with continued restructuring and political interference which place a hampering effect on the role and purpose thereof, as discussed in chapter four and five. In terms of prosperity and development, the intelligence regime faces challenges to improve its professionalism and effectiveness and maintain more democratic practices in order to ensure a safe South Africa with a good life for all. In fact, the president asked the following question on Intelligence Service's Day 10 April 2012: ―How does the intelligence service of our country contribute meaningfully to the realisation of the ideals of building a better life for all, as outlined in the

programme of action of Government?" He concluded by stating that: "Our mission remains to create a better South Africa and to contribute to a better and safer Africa in a better world. The State Security Agency must deploy its resources and tradecraft to assist Government to comprehend these indicated issues in order to have a competitive edge in its international work". South Africa emerged from the shadows of its former authoritarian rule into the rainbow of a new democracy. It successfully negotiated a new constitution and entered into democratic transition and into a process of democratic consolidation – but then stagnated. It is evident that intelligence mirrors the state and its political regime and bears the affect of its culture, society and historical scars.

These reminisce of the past also had an effect on South Africa's political regime and its intelligence. When reflecting on current intelligence practices, it is evident that former/current links (partnerships and training) with non-democracies by the intelligence regime were present and consequently, it came as no surprise that similarities could be drawn between these countries and the changes in South Africa. In this regard, the intelligence service (KGB) of the former Soviet Union also split into two separate services for domestic and foreign intelligence namely the SVR and FSB, which was replicated by the SASS and NIA. Apart from these they also maintained a Presidential Protection Service (PPS) and a Government Communication and Technological Service (FAPSI) similar to South Africa's PSU and NCC. Furthermore, both countries' intelligence services went through a time of various re-structuring, re-organising and change – and just recently re-emerged under their auspices of one "super" intelligence department. Albeit, only time could tell if their respective future tasks, role and functions – would coincide. This could be delineated as follows:
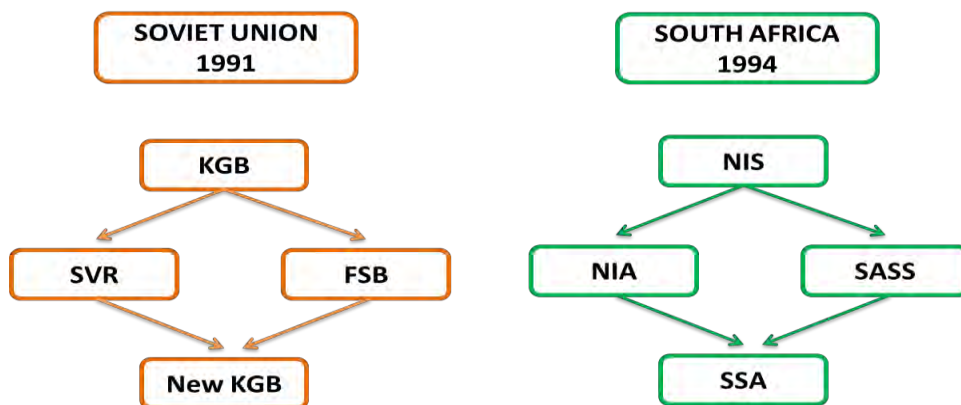

Figure 53: Similarities between the KGB and SSA

(Source: Own construct)

Even so, challenges remain for South Africa in terms of reaching the ultimate goal of being regarded as a consolidated democracy in light of the findings of this study which placed it in the later parts of the period 2009-2014 – as being a hybrid state. This is also reflected within the intelligence in South Africa in its changes both towards that of a security service as well as in support of the political regime. The central research assumption of this study is hereby confirmed that the less democratic the political regime – the less democratic intelligence as well as the more democratic the political regime – the more democratic its intelligence practices.

6.4   **Contribution of the Study**

The contributions of this study is postulated based on the following diagram provided by Blackhurst (2001) which addresses research, theory and practice on the concept that research and the dissemination of information is useful to strengthen both theory and practice.
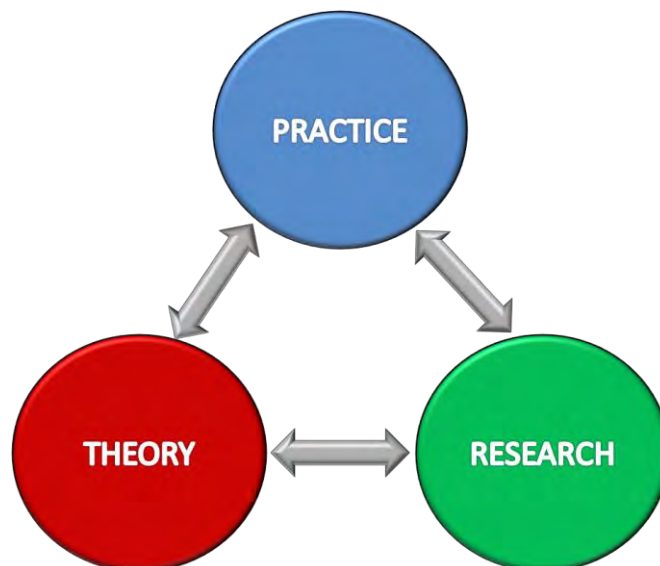

Figure 54: The Interrelationship between Research, Theory and Practice
(Source: Reproduced from Blackhurst, 2001)

Political science as defined by Aristotle refers to the study of the state. However, as a discipline, political science is not only concerned with the study of the state, but also government, politics and political regimes. It deals with the theory and practice of politics as well as the analysis of political systems and behaviour. In this context, this study not only contributes to the broader study field of political science, but also to the sub-field of intelligence studies. The argument as forwarded by Kreitner and Kinicki (2001:17) is relevant to this study that a combination of theory, research and practice forms the basis for learning, improvement and contribution to the body of knowledge of the subject under study. Therefore, the contribution of this study will be given in terms of the model in Fig. 53 under the three headings, theory, research and practices:

6.4.1   Theory

Chapters two, three and four formed the bases of the theory where the literature on the subjects of intelligence definitions, concepts and history as well as the theory related to politics, states, regimes, and democratic and non-democratic practices were described and explained in order to reflect on the intelligence regime within the South African context. In this regard this study is of the opinion that the following three specific contributions to the theory of both intelligence and politics – needs further consideration. Firstly, the description and examination of South African intelligence practices in terms of its history and development. This study provides - as far as the research findings could determine – the most comprehensive overview of the history and development of South African intelligence, to date. Secondly, the contribution in terms of developing a typology for intelligence services within democratic, hybrid, authoritarian and totalitarian practices (Fig. 23). Thirdly, the reconstruction of a trichotomy and four tier classification of political regime types that include democratic, hybrid, authoritarian and totalitarian regimes (Fig. 22) and the subsequent classification of South Africa as a hybrid regime not reaching a consolidated democratic ideal; enabled this study to apply both typologies (Fig. 25) to identify and examine whether South Africa is reflective of more or less democratic practices.

6.4.2   Research

Given the secret nature of intelligence, and taken into account that this study of the intelligence regime in South Africa was specifically not classified and conducted in an overt nature, utilising open sources – the study is of the opinion that it nevertheless contributed to research in this field. The research in this study made a contribution in identifying current democratic and non-democratic intelligence practices within the intelligence regime in South Africa and the research findings might help future research in this regard. Furthermore, recommendations stemming out of these might help to ensure future success.

6.4.3   Practices

By reflecting on intelligence practices within South Africa and placing them against both democratic and non-democratic characteristics, this study is of the opinion that practitioners as well as academics of the intelligence profession, could benefit. Not only would a practitioner be able to identify current democratic or less democratic practices, but also to improve current and future efficiency and professionalism, specifically being confronted with an ever changing environment and world out there.

In conclusion, in the opinion of this study, a contribution was made as a body of knowledge towards the sub-field of intelligence studies within its broader context of political science, through the theoretical, research and practical application within this study. Bridging theory with practice, the qualitative research findings informed by theory of both political science and intelligence studies will help to inform and better understand the practice of intelligence – both for practitioners and academics thereof. The contributions to the theory through the research findings are also applicable to the practice of intelligence within the South African context as well as in other democracies. The overall benefits of this research study's success (as well as future studies of this nature) ultimately lie in the extent to which the understanding, skill and knowledge of the practitioners of intelligence, is enhanced.

6.5   Recommendations

The image of South Africa as a model for new democracies is tainted. Although often cited as the example of democratisation, the findings of this study indicates South Africa failed to reach democratic consolidation and remain stagnant. It is reasonably regarded as a weak state. To improve this situation more democratic practices are needed to ensure a consolidated democracy. To be able to move away from a stagnant hybrid state – caught between democratic and non-democratic characteristics; the following recommendations are made based on the research findings:

In light of Huntington (1991, 1993), Dahl (1971), Diamond (2002, 2008), Schumpeter (2003) and Migdal's (1988) contributions; a higher degree of democratic governance and a more democratic form of government is proposed. Huntington's (1993:266-267) two turn-over test of a democracy is the fundamental measurement and could ensure more inclusive political tolerance and accommodation which will ultimately place a restriction on praetorian oligarchy political practices. These include that the ruling party should be able to distinguish between party and state or even government and party. The electoral system also needs to be amended to be able to hold elective officials accountable individually. A more accountable degree of government would ultimately ensure adequate skill, and resources, the necessary accountable leadership and an accompanied service delivery orientation. Civil society and interests groups lack political maturity and constructive political participation as demonstrated by current public violence and protest actions. A change of culture and practices are required regarding violence and participation in politics as well as a change in the perception of the public towards the ability of government to govern, and the state is to ensure safety and prosperity – that the good life is there for all – not only for those elected few in power.

An intelligence service in a democracy requires strict entrance requirements, a professional corps of intelligence officers who adhere to a code of ethical conduct and adherence to the core values of the constitutions as founded on the rule of law, freedom and human rights. Furthermore, corruption, subjectivity, a general lack of intelligence professionalism and management skills, and most importantly political partisan tendencies were found to be the most hampering factors towards progress towards more democratic intelligence practices. These can only be addressed through a re-commitment to the constitution (not the minister or party in power, being non-partisan), and professional training and development of all members – specifically towards the senior management level. The fourth recommendation is linked to the functions as specifically also referred to. This study recommends that the South African intelligence regime reverts back to the mission and purpose of intelligence as initially stated within the White Paper of Intelligence (1995:1) and provided here once more for easy reference and actualisation:

> - *The safeguarding of the Constitution;*
> - *"the upholding of the individual rights enunciated in the chapter on Fundamental Rights (the Bill of Rights) contained in the Constitution;*
> - *the promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern Africa;*
> - *the achievement of national prosperity whilst making an active contribution to global peace and other globally defined priorities for the well-being of humankind; and*
> - *the promotion of South Africa's ability to face foreign threats and to enhance its competitiveness in a dynamic world".*

In this regard intelligence is also a watchdog of the democratic processes as well as any possible threats to the constitution. It is therefore recommended, that the intelligence regime amends the recent changes to the intelligence acts whereby the intelligence structure is securitised and negate away from its twofold function to that of also providing policy advice. The challenge is not only to focus on the identification of potential threats and threats against national security – but also to be able to provide for the identification of opportunities regarding the prosperity and competitiveness of South Africa in general and its citizens in specific terms. This brings the recommendation of policy advice to the fore. Lowenthal (2009:5) explains that nothing prevents the policy-maker rejecting intelligence or using their own.

However, intelligence and policy must not cross the so-called divide into the policy making process as depicted in the following diagram:

One way to envision the distinction between policy and intelligence is to see them as two spheres of government activity that are separated by a semi-permeable membrane. The membrane is semi-permeable because policy makers can and do cross over into the intelligence sphere, but intelligence officials cannot cross over into the policy sphere.

GOVERNMENT ACTIVITY
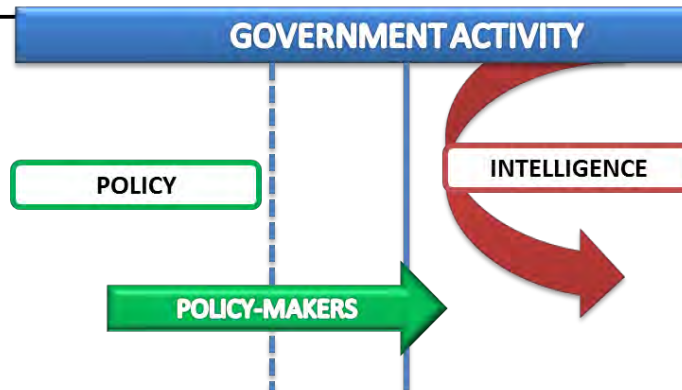
POLICY

INTELLIGENCE

POLICY-MAKERS

Figure 55: Policy versus Intelligence: The Great Divide

(Source: Modified from Lowenthal, 2009:5)

The current control and oversight as depicted in the following diagram (SSA Website, 2011), linked to legislation of the intelligence regime, is also recommended to be adapted to ensure more participation of the parliamentary element of the state:
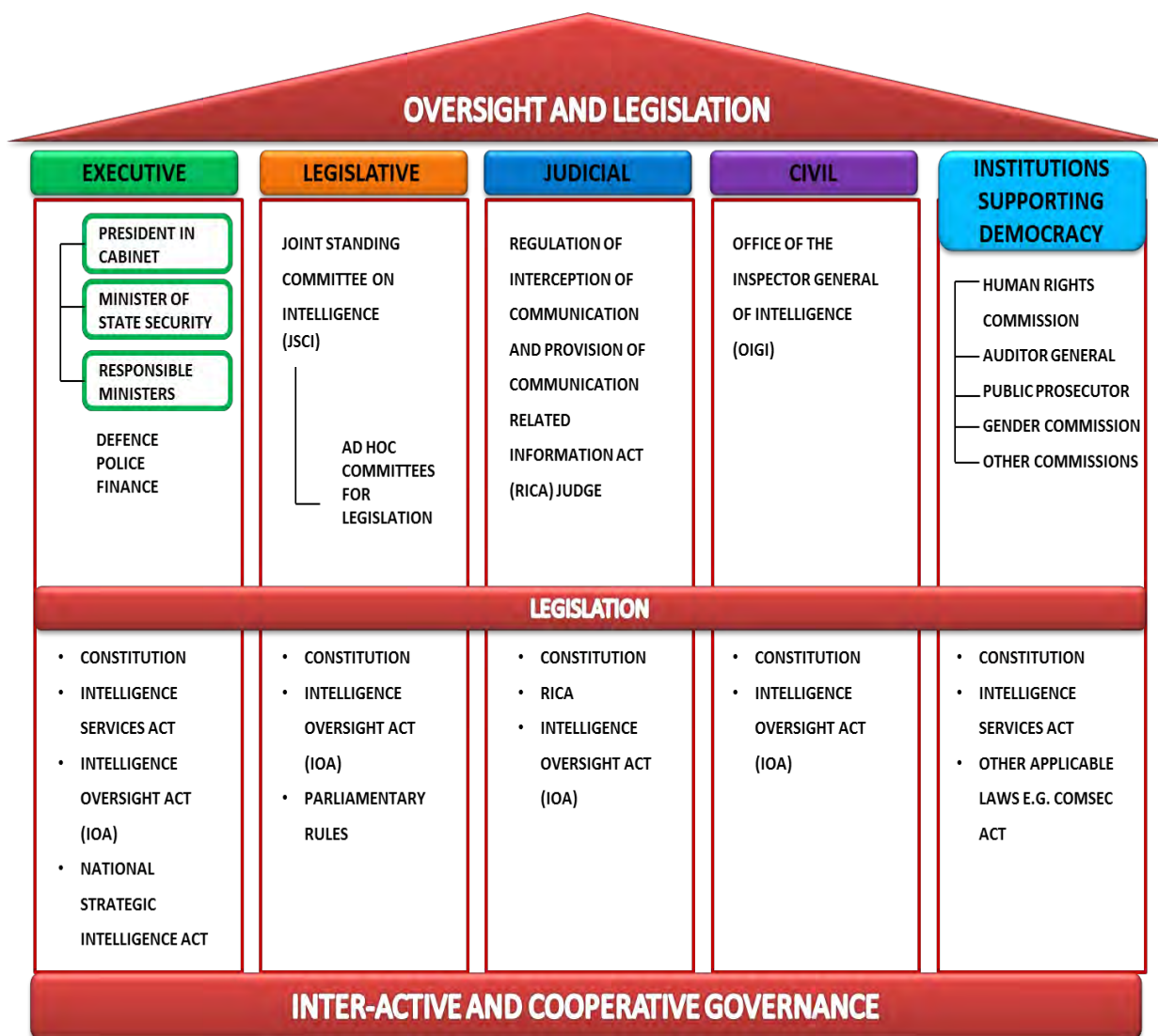
Figure 56: Control and Oversight of Intelligence in South Africa 2011 – Present

(Source: Reproduced from SSA Website, 2011)

In addition, as argued by Bar-Joseph (1995:11), *intelligence is not about making policy* but about describing and analysing reality – the context in which policy is formulated and conducted as a means to improve the quality of the policy-making process. For intelligence to be effective this study recommends that the status of a Security Ministry be downgraded to a pure administrative function under a Deputy-Minister for Intelligence. This administrative responsibility should be placed within the judiciary.

Additionally, South Africa's intelligence needs to be aligned to more democratic practices. It is recommended that the current almost negated role and function of the National Intelligence Coordinating Committee (NICOC) be relooked versus the current role and functions of the Minister for State Security – to serve the policy-makers with their policy-making role and function. The role of NICOC is proposed to provide strategic intelligence in the format of a

national intelligence estimate as well as to identify and address intelligence priorities and the needs of the client between the relevant departments and the executive. In addition, other relevant departments linked to defence, police, foreign affairs as well as home affairs issues should also be linked to the purpose of NICOC. For this reason and as part of the recommendations, this study populates the following reconstruction and conceptualisation of democratic oversight, control and accountability for South Africa:
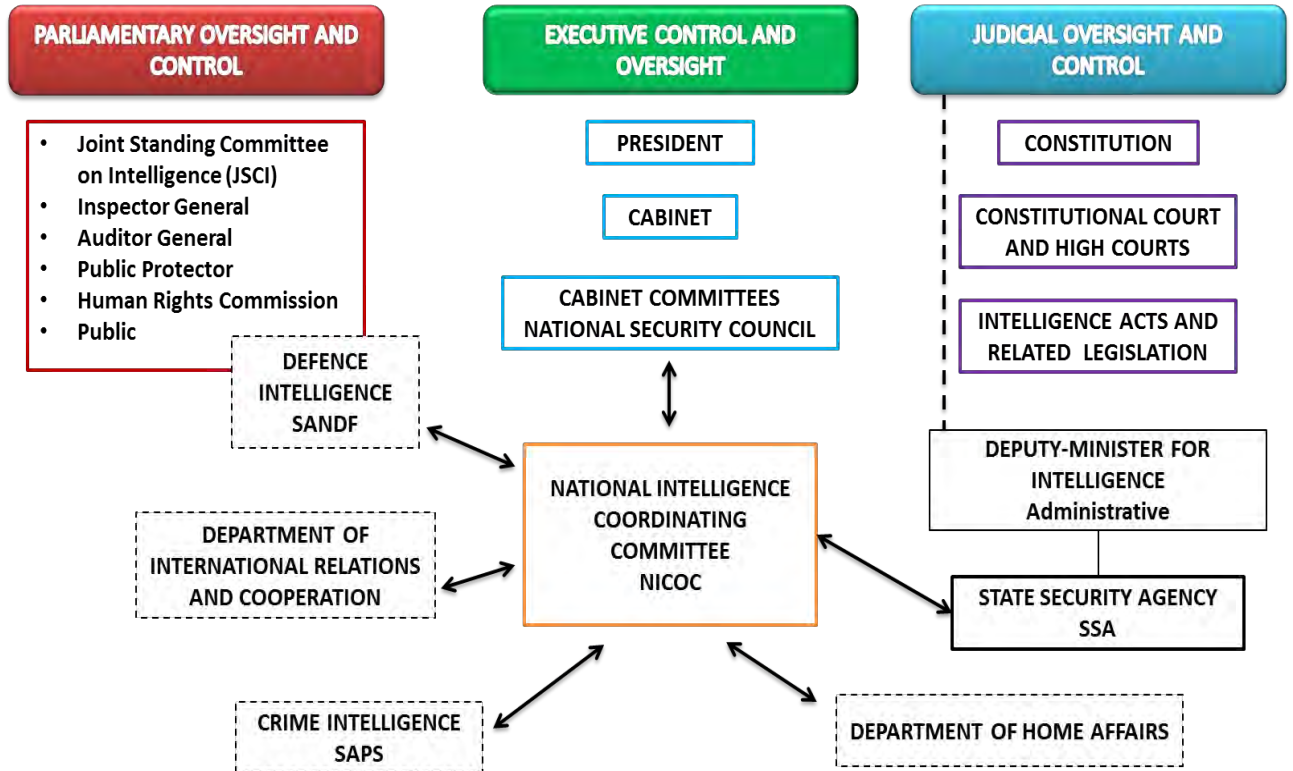

Figure 57: Recommended South African Intelligence Control, Oversight and Accountability

(Source: Own construct)

6.6 Future Study Opportunities

The statement made by Wilhelm Agrell (2002): and also argued in this study: ―When everything is intelligence – nothing is intelligence" is also taken as bases for further study and contributions to the body of knowledge within intelligence studies. Different concepts such as the purpose, elements and practices of intelligence also validate future study possibilities.

The notion supported in this study that South Africa failed to reach the dream of being a consolidated democracy and should be regarded as a hybrid state, furthermore provides future study opportunities, specifically in light of all the challenges facing the ANC as the current party in power in the coming year (2014) which is an election year. It would be interesting to analyse if

the political regime improves its degree and form of government to ensure more or less democratic practices. Lastly, this study is of the opinion that the reconstructed and conceptualised typology of regime types and intelligence services (initially fig 25 - repeated below for easy reference and emphasises), could also be applied for similar studies in other countries or a follow-up on this study:

INTELLIGENCE PENETRATION OF SOCIETY

	LOW			HIGH
LOW	Domestic Intelligence Bureau *Democracy*			HIGH
		Political Intelligence *Hybrid Regime*		
			Political Police *Authoritarian Regime*	
HIGH				Independent State Security *Totalitarian State*	LOW

AUTONOMY OF INTELLIGENCE

HUMAN RIGHTS

HIGH	MEDIUM	LOW

RULE OF LAW
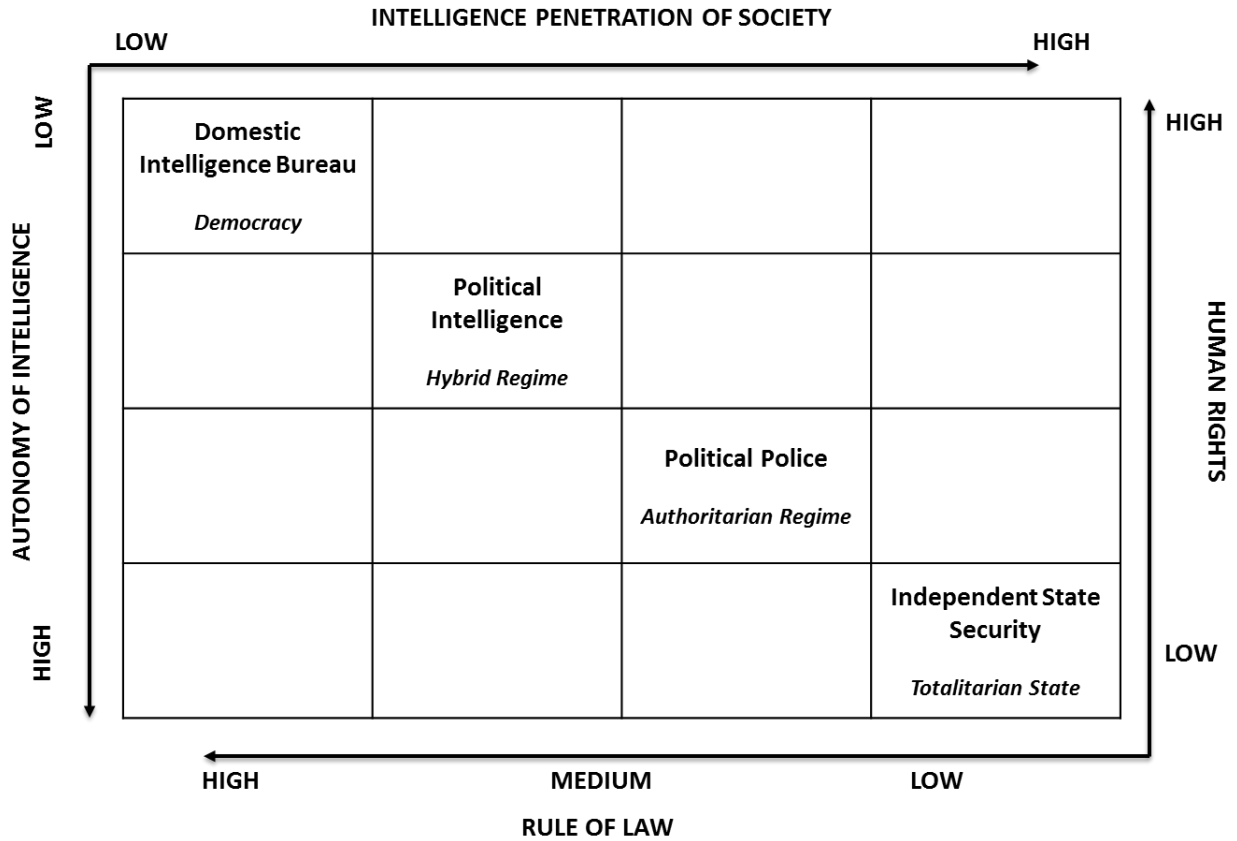
Repeated Figure 25: A Typology of Intelligence Services was identified and defined, followed by Political Regime Types

(Source: Own construct)

All the same, these lead to the overall conclusions of this study.

6.7   Overall Conclusions

6.7.1   Introduction

Chapter one gave the nature and scope of the study, where the problem was identified and defined, followed by the research objectives and the research methodology used. This was followed by chapter two, where the concept of intelligence was reconstructed and conceptualised. Chapter three followed with an examination of political concepts and democratic and nondemocratic practices, and chapter four thereafter determined and described

the history of intelligence in South Africa. An analysis of the political regime and intelligence in South Africa as relevant to the time period of this study was conducted as reflected in chapter five. Finally a brief review of the study was conducted in the final chapter which provided an overview, and concluded with an evaluation, contribution and recommendation.

An interesting notion appeared out of the findings of this research, postulating the transition towards democracy of South Africa, into the **grey zone** to be classified as a hybrid regime. This clearly indicates the country is not making any progress towards reaching the goal of being a consolidated democracy. The balance between democratic and authoritarian elements has managed to prevent either the consolidation towards democracy or the regression from authoritarian regime types for the moment.

This brings the issue of the third wave of democracy as explained by Huntington (1993) to the fore, who (Huntington 1993:25) wrote: ―The democratization waves and the reverse waves suggest a two-step-forward, one step-backward pattern". The first wave of democratisation started in 1828 up to 1926 with its reverse wave from 1922 to 1942. After the end of WWII the second wave, which was brief, lasted from 1943 until 1962. The second reverse wave started in 1958 and lasted until 1975. Lastly, the third wave of democratisation began in the mid 1970's and lasted through the Cold War into the 2000's. To this extent both the two previous waves of democracy experienced a reverse wave.

This study postulates the notion as evident in the findings of this research that the *third wave of democracy is over* (also discussed by Diamond, 1996, Doorenspleet, 2000, Popescu, 2012, Carothers, 2002 etc) and that the *reverse wave* has begun – as evident with the transgression of South Africa into a **hybrid regime**. Although more countries made the transition towards democracies than in the previous waves, the process of reaching democratisation varies enormously and those countries not reaching democratic consolidation are specifically of interest for observers and academics alike.

In addition to this, Shin (1994: 139-140) argues that the focus in studying democracy is on the role that political leaders and strategic elites should play and refers to Huntington who states that mass popular action seldom brought about democracy, and Linz who explains that leadership is responsible for much of the success in consolidating new democracies. Shin adds that these leaders must convince people of the value of newly gained freedoms and to overcome the legacy of non-democratic rulers and their mistakes. This coincides with the arguments forwarded by Human (2003:46) that for democracy to work communities need to think and act democratically on an everyday basis.

Furthermore – transformation is of no value unless it also involves the transformation of the mind. In this regard the lack of strategic intelligence is clearly evident and is it therefore recommended that new mechanisms as proposed in Fig. 58, be created to ensure more democratic practices for South Africa in the future. Similarly, the stateness and efficiency matrix in Fig. 40 proves to be a valuable tool for analysis together with Fig. 20 measuring the form and degree of government. This was, as indicated in this study, clearly evident pertaining to the role of intelligence in the initial transition and breakdown towards democracy, and the onus is on the current intelligence regime to reclaim its vital role in contributing through policy-making intelligence to the policy-maker.

Ultimately, the function of the state to ensure the good life for all is a problem in weak states and it is required that states address this through effective state building and functioning public institutions, which includes intelligence. For this purpose this study recommends and supports the Weberian bureaucracy model as postulated by Weber (1922), which focuses on the following six elements: a formal structure or hierarchy of authority; written and managed by rules; impersonal relations; a focussed area of functions, specialised employment; promotion through achievement and lastly efficiency. The main focus could be, according to the Weberian model that states may be classified according to whether they rest on the principle that the staff of men themselves own the administrative means, or whether the staff is 'separated' from these means of administration ultimately to be non-partisan. These are vital guidance points to the intelligence regime in South Africa.

To this extent South Africa remains a model country to be studied in examining the possibility of it being more or less democratic specifically, unlike during the two previous reverse waves where most countries transgressed back to authoritarian regime types – it seems that transgression is now slower and more into the *grey zone or hybrid regime type*.

Nonetheless, Huntington (1991:17) himself asks the question whether there is a third reverse wave and provides the following reasons why countries reversed back from democracy after the first and second wave: Among the factors contributing to transitions away from democracy during the first and second reverse waves were:

- the weakness of democratic values among key elite groups and the general public;
- severe economic setbacks, which intensified social conflict and enhanced the popularity of remedies that could be imposed only by authoritarian governments;
- social and political polarization, often produced by leftist governments seeking the rapid introduction of major social and economic reforms;

- the determination of conservative middle-class and upper-class groups to exclude populist and leftist movements and lower-class groups from political power;

- the breakdown of law and order resulting from terrorism or insurgency:

- intervention or conquest by a nondemocratic foreign power:

- "reverse snowballing" triggered by the collapse or overthrow of democratic systems in other countries. Transitions from democracy to authoritarianism, apart from those produced by foreign actors, have almost always been produced by those in power or close to power in the democratic system" (Huntington, 1991:17-18).

This brings the current classification of the intelligence regime and implications for the future of South Africa, to the fore. This study postulates the following outcomes in this regard:

6.7.2   Scenario Matrix

All the same, the ultimate question that comes to mind based on the findings of this research and which are deemed necessary to be addressed briefly by this study as part of the overall conclusion, is to ask what the future trajectory of South Africa is considering its initial goal towards democratic consolidation. Taking the transition towards a consolidated democracy and regime change into consideration as delineated and explained in this study through Fig. 34, as adapted from Siaroff (2009), the following three possibilities exist: Either a transition towards democratic consolidation, or transgression towards a non-democracy or lastly, remaining a hybrid regime in the grey zone, is depicted by this study as follows:
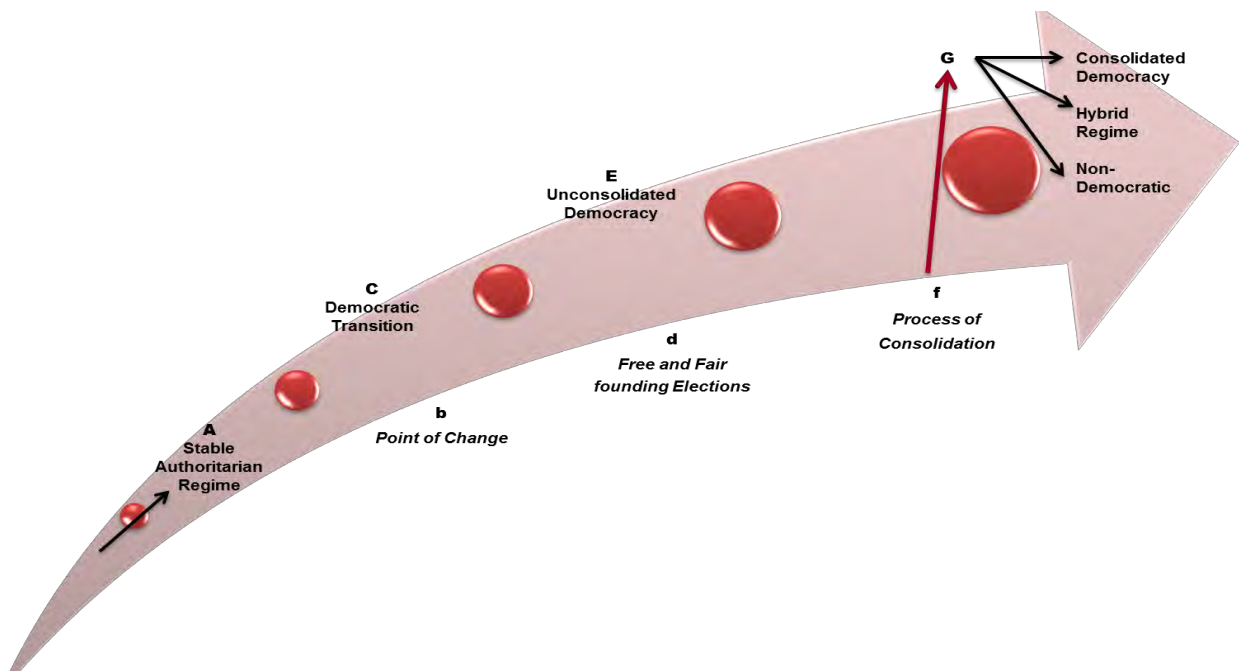

Figure 58: Transition/Change Possibilities for South Africa

(Source: Own construct)

To be able to examine this question as well as to take the above-mentioned transformation/change into account and to provide some contributions to a possible answer, this study postulates a scenario model for the future of South Africa based on and adapted from the Foxy matrix (Sunter and Illbury, 2001):
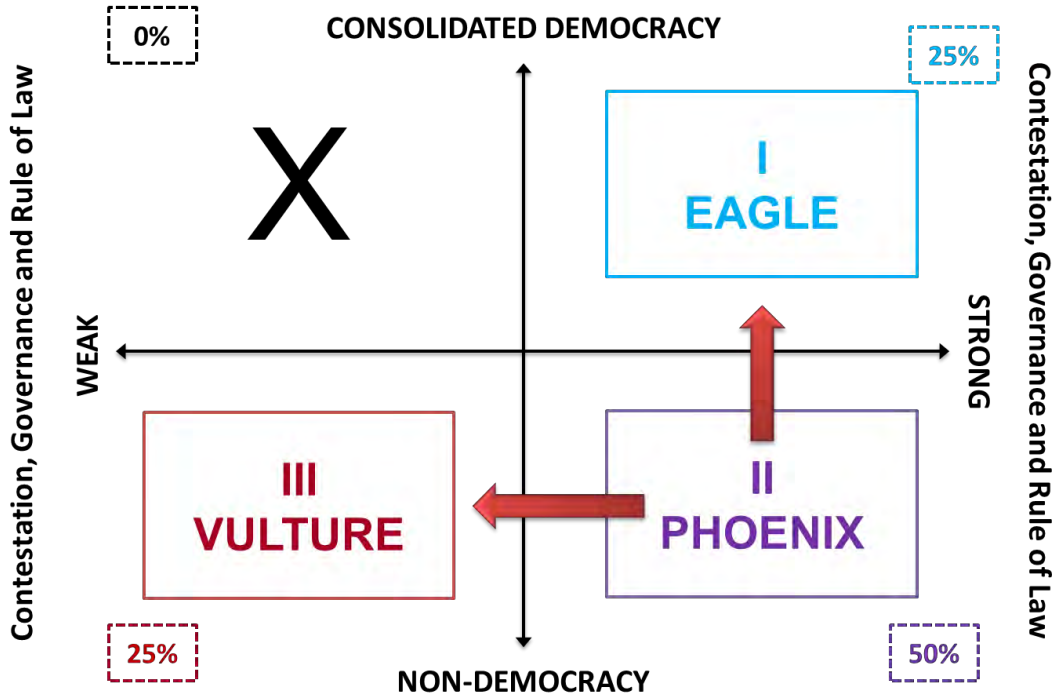

Figure 59: Scenario Matrix for South Africa's Future Democratisation *
(Source: Own construct)

In this matrix, transition towards democratic consolidation is measured as well as weak or strong contestation, governance and rule of law. The percentages represent the possibility of each scenario.

This scenario model is based on the book *The mind of a fox* by Sunter and Illbury (2001). Sunter, as a former senior official of Anglo American Corporation together with former members of Shell; Wack and Newland initially presented scenarios in the mid 1980's pertaining to negotiations in South Africa and formulated it as High and Low roads. This study does not however aim to provide the ultimate model or outcome to this extent, though attempted to put forward valid contributions based on the research and findings within this dissertation. Nevertheless, as scenario building is regarded as a methodology to provide **a bird's eye view** over what the future may entail, this study thought it appropriate to use this notion within its matrix model. The model addresses both the concepts of intelligence as well as political regime which is explained as follows:

Scenario I: EAGLE

This is the ultimate goal of democratic consolidation, to be able to share the Eagle of the USA, which is regarded as the world-wide symbol for a consolidated democracy. This is the place where democracy is the only game in town. Political regime and intelligence characteristics of the Eagle include the following:

- Contestation
- Regular free and fair elections
- Rule of Law
- Human Rights and Freedom
- Political participations to be elected as officials
- Economic and cultural development
- Polyarchy
- Democratic intelligence practices according to the constitution
- Intelligence is no-partisan and unbiased
- Intelligence is not politicised
- Purpose of intelligence is focussed on the protection of the constitution, identification of threats and potential threats against national security and lastly to provide the policy-maker with intelligence to be able to make and implement public policies.

Projection

The country remains at a tipping point to either move towards an Eagle scenario at 25% or towards that of a Vulture non-democracy also at 25%, because a hybrid regime has both democratic and authoritarian regime elements. Nonetheless, the focus of the political regime within the Eagle scenario on key features such as the economy, culture and politics; is a determining factor whether they are able to improve on the form and degree of government. This could lead to more or less efficient stateness and is the determining factor of the future ahead – as supported by this study. Furthermore, issues such as the redistribution of land, demographical enforcement in the work place, accountability and disrespect for the Rule of Law and Human Rights; are determining factors to transgress the country further into the third reverse wave from democracy. The Eagle scenario is furthermore representative of the ideal situation, that of a consolidated democracy and represents the intelligence as such. Within this scenario the intelligence regime would adhere to democratic control, oversight and accountability and would serve the interests of the political regime to the benefit of the public as

to enable all to live the good life. Even so, the classification of South Africa's political regime and intelligence service within the Eagle scenario is as follows:
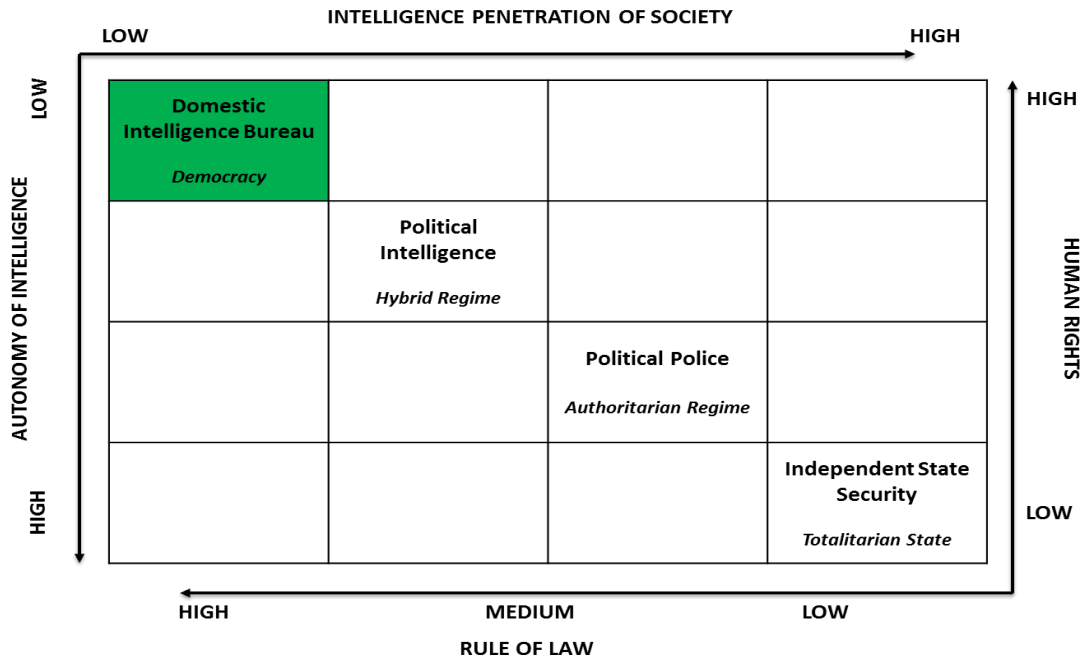

Figure 60: Typology of Political Regime and Intelligence within the Eagle Scenario

(Source: Own construct)

Scenario II: PHOENIX

This scenario reflects the current typology of South Africa. In this scenario uncertainty is dispersed all over the place, being representative of a hybrid regime. The Phoenix symbolises the possible rise towards the goal of democratic consolidation on the one hand or the possibility of going back into the ashes of non-democratic regimes, such as an authoritarian regime. The hybrid state has characteristics of both democratic and non-democratic regimes and intelligence practices, which could be described as follows:

- Contestation but controlled opposition; usually one party dominance
- Regular elections but not necessarily free and fair
- Limitations and ignorance to the Rule of Law
- Political participation is restricted
- Economic and cultural development are for the benefit of a few
- Rule by elite – oligarchy
- Weak state
- Intelligence is politicised and partisan
- Intelligence legislation is amended to serve the needs and requirements of the policy-maker
- Intelligence is a tool that is utilised to protect the power elite
- Limited public accountability of intelligence

- Intelligence reveal democratic and non-democratic practices and alternate between the two with sometimes a high or low penetration of society and infringement of human rights as well as a high or low autonomy and disrespect for the rule of law.

Projection

This study assigns a fifty-fifty probability to the odds that South Africa would remain within the Phoenix scenario as a hybrid regime for the unforeseeable future. This scenario would remain unless the political dominance of the ANC is broken by a new legitimate opposition that could provide a voice to disgruntled and disillusioned freedom movement supporters within the ANC alliance. Secondly, turmoil within the ruling party itself could provide the impetus to break the party dominance, resulting in more or less democratic tendencies. Even so, this hybrid grey zone provides comfort for both the ruling elite as well as the citizenry as it provides some order and stability due to its reflection on politics within the broader sub-Saharan African environment. As argued by Joseph (1997:363), according to the main theories about the prerequisites or favourable conditions for democracy, most African countries constituted infertile terrain.

Nonetheless, linking the classification of South Africa's political regime with its intelligence service within the typology postulated by this study, these could be graphically depicted for Phoenix scenario as follows:
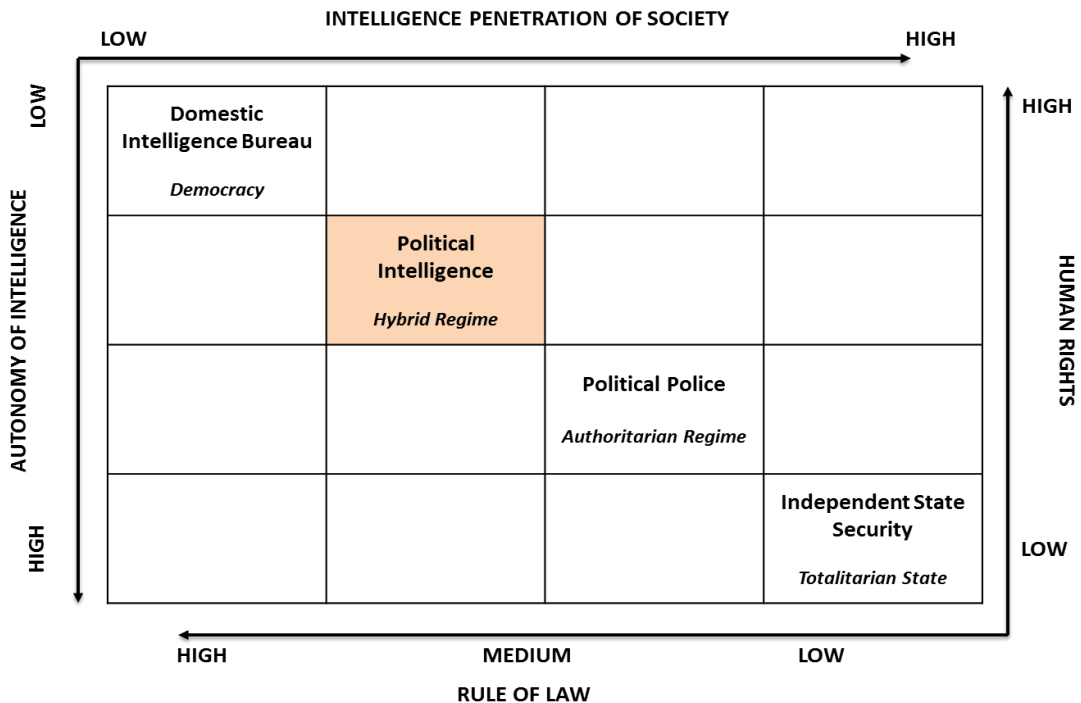

Figure 61: Typology of Political Regime and Intelligence within the Phoenix Scenario

(Source: Own construct)

Scenario III: VULTURE

This scenario represents an authoritarian regime where the political powers to be, either in elite, a party or dictatorship are the only feeders of an underdeveloped country – similar to a vulture that feeds on a carcass. Political regime and intelligence characteristics could be described as follows:

- No contestation
- No or totally controlled elections
- Ignorance to the Rule of Law
- Controlled civil society
- Economic development only benefits the power elite
- Cultural development only in context of mobilisation of society in support and propaganda to the party and its ideals
- Weak state
- Authoritarian rule that includes oligarchy, military rule, monarchy, theocracy etc.
- Autonomous intelligence
- High penetration of society by intelligence
- Intelligence serve their own interests
- Limited or no intelligence legislation, oversight or control.
- No public intelligence accountability.

Projection

This scenario reflects a 25% probability towards being within the Vulture state or as the country is currently depicted, within a hybrid regime and is on a balancing point and a 25% probability exists that it could also move towards the Eagle scenario. Albeit, if the scale tips towards the Vulture scenario, South Africa would transgress back to its typology under the apartheid regime which was classified as an authoritarian state with a Political Police Service, as intelligence. Albeit, if the scale tips towards the Vulture scenario, South Africa would transgress back to its typology under the apartheid regime which was classified as an authoritarian state with a Political Police Service, as intelligence. This classification could be depicted as follows:
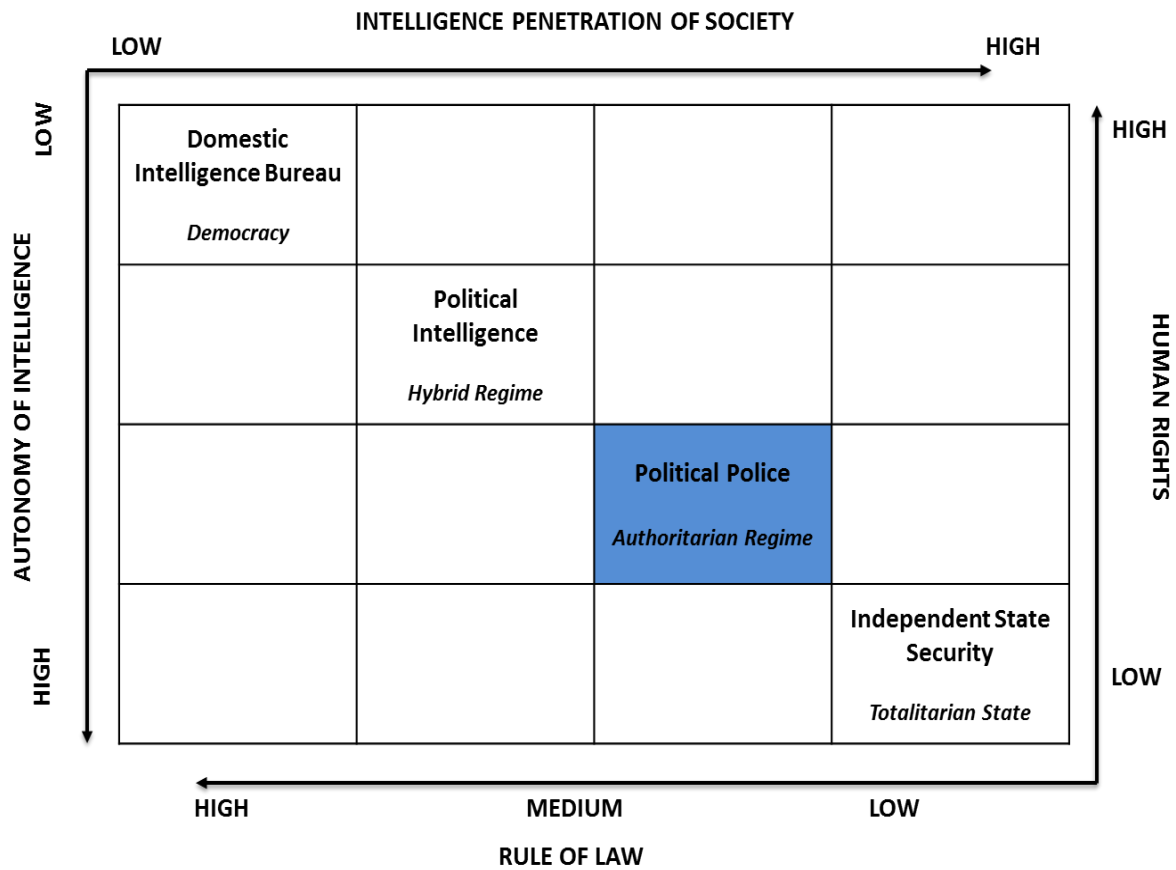
Figure 62: Typology of Political Regime and Intelligence within the Vulture Scenario

(Source: Own construct)

***Black Swan* Scenario**

In addition, as all scenarios are usually fairly confined in existing trends and tendencies, this study furthermore thought it well to also address a **fourth** and additional scenario towards possible future transitions for South Africa. In an attempt to think outside the traditional confinements of the box – as somewhat restricted by the above mentioned scenario matrix, the possibility of a ***Black Swan Scenario*** is added in order to also address the unknown – unknowns, as was the case with predicting WWI, the fall of the Berlin Wall and Communism as well as the 9/11 terrorist attacks – to name a few. This approach is in line with the black swan theory that addresses any possible surprises or events that could occur as also mentioned by Taleb (2010) in his book *The Black Swan: The impact of the highly improbable.* This scenario is depicted by this study as follows:
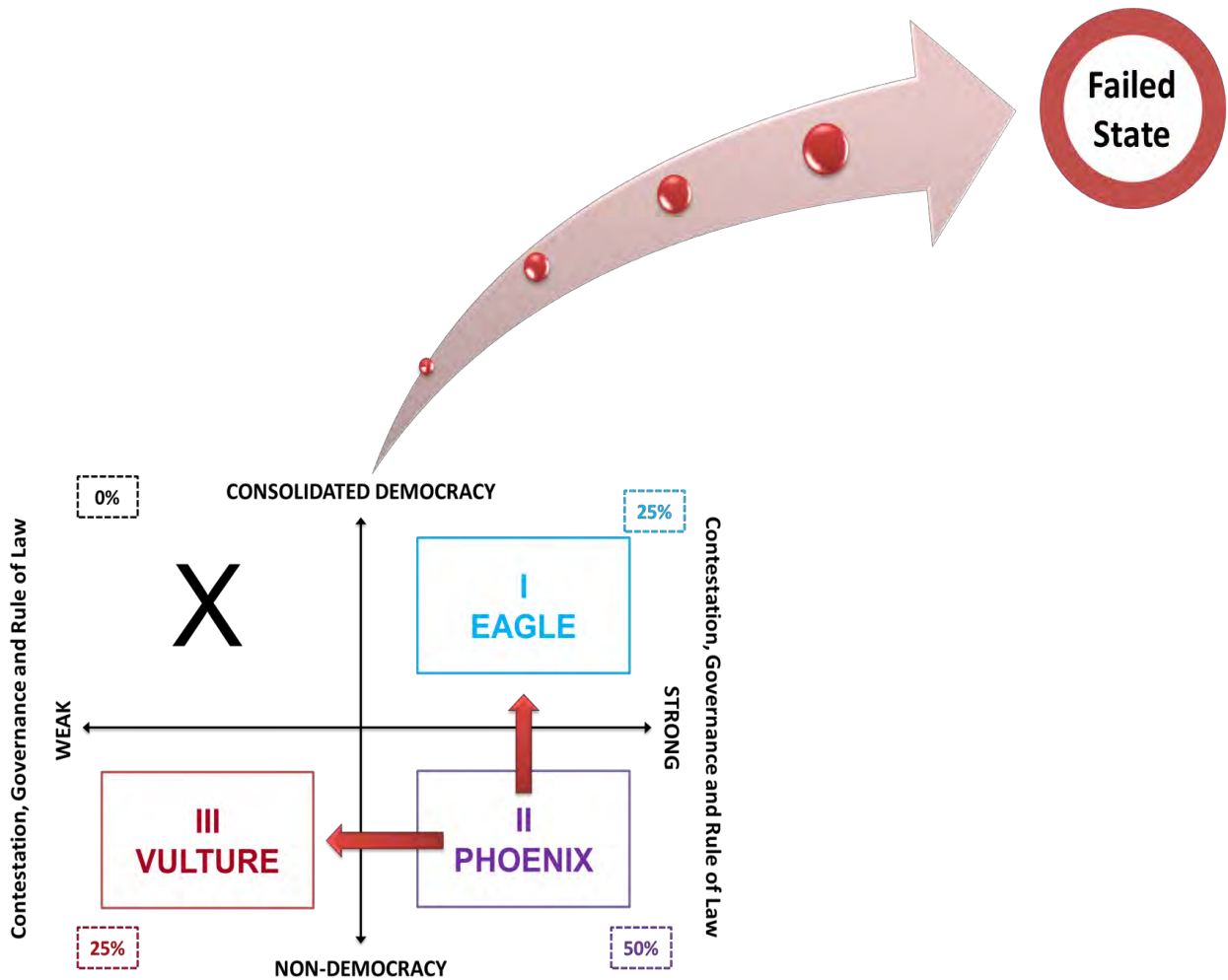
Figure 63: Black Swan Scenario for South Africa

(Source: Own construct)

This scenario could be described as follows:

In this scenario depicting an Arab Spring in South Africa based on increased mobilisation of the masses due to the continued lack of social service delivery, poor accountability and ignorance of the needs of its citizens – the country ends up as a *failed state,* with an intelligence regime similar to that of a totalitarian regime. South Africa in this scenario, literary ends up in a black hole. Within this scenario the political regime and intelligence services are categorised as totally self-serving and unstable.

Projection

The key regime features explained by this study which include culture and ultimately issues such as nation-building within the notions of state-building and stateness – could be proven a reality if it is not addressed by the political regime. Issues of concern is the current dominance

by President Zuma and his clan, that could lead to similar ethnic based violence that is notably part of South Africa's history or scars of the past. The possible split within the ANC, as dominant political party, could fuel this scenario and lead to instability and public disorder. These issues could even fuel civil war and lead to anarchy. Even so, in classifying the South Africa political regime and its intelligence the Black Swan Scenario could be graphically depicted as follows:
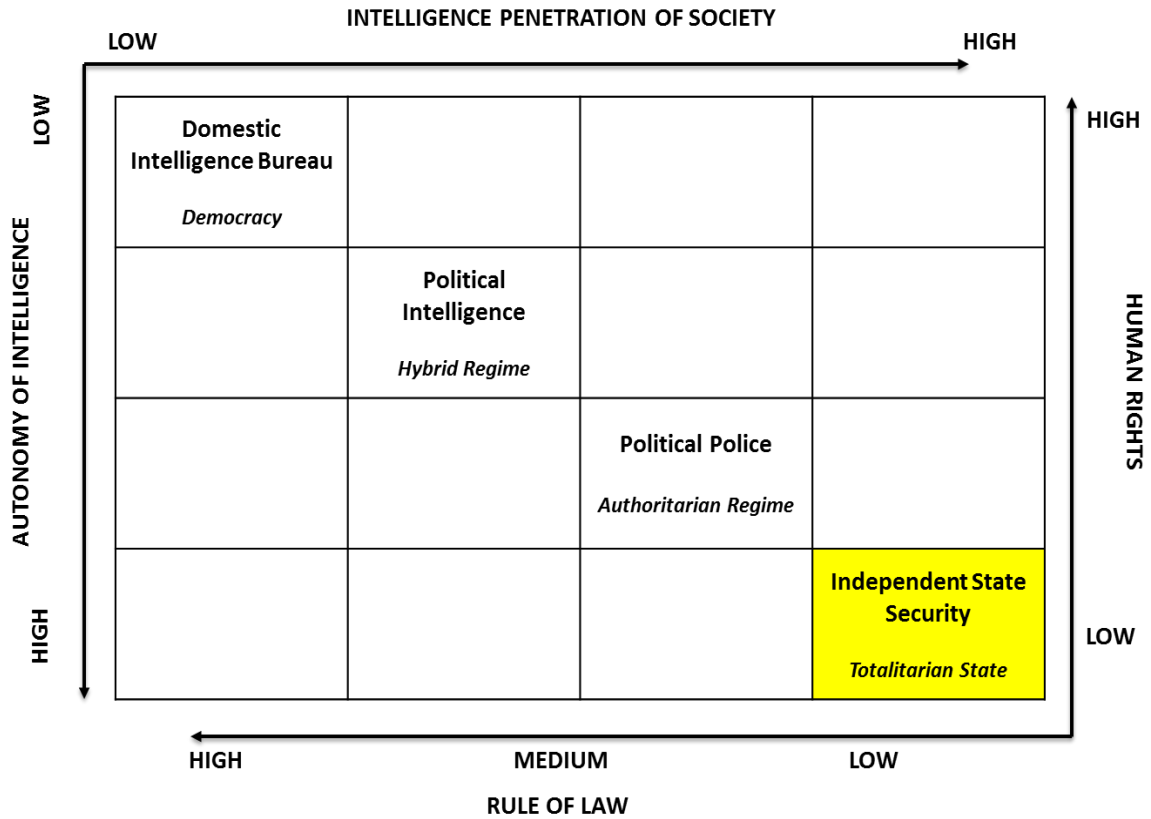

Figure 64: Typology of Political Regime and Intelligence within the Black Swan Scenario
(Source: Own construct)

6.7.3   Final Conclusion

Lastly, this study aims to postulate a model for democratic regime change which incorporates the purpose, role and function of intelligence within the political regime. This model could serve as guidance for the political regime and intelligence within South Africa in assisting the country to get back on track towards the goal of democratic consolidation. Within this model, all the elements as explored, explained, discussed and examined within this study pertaining to stateness, effective governance, legislation, accountability, oversight, control, effective bureaucracy, professionalism and responsibilities – are attempted to be addressed. This model addresses the role of the policy-maker in making policies focused on the key regime features of economy, politics and culture – to the benefit of all to be able to live the good life. The purpose of intelligence is also addressed within the context of its three tier definition of organisation, process and/or product. The ultimate role of an intelligence service is to provide strategic

intelligence that could assist the policy-maker in making policies (both foreign and domestic) that would ultimately ensure more democratic practices. This study postulates a strategic intelligence democratisation process model for this purpose, as follows:
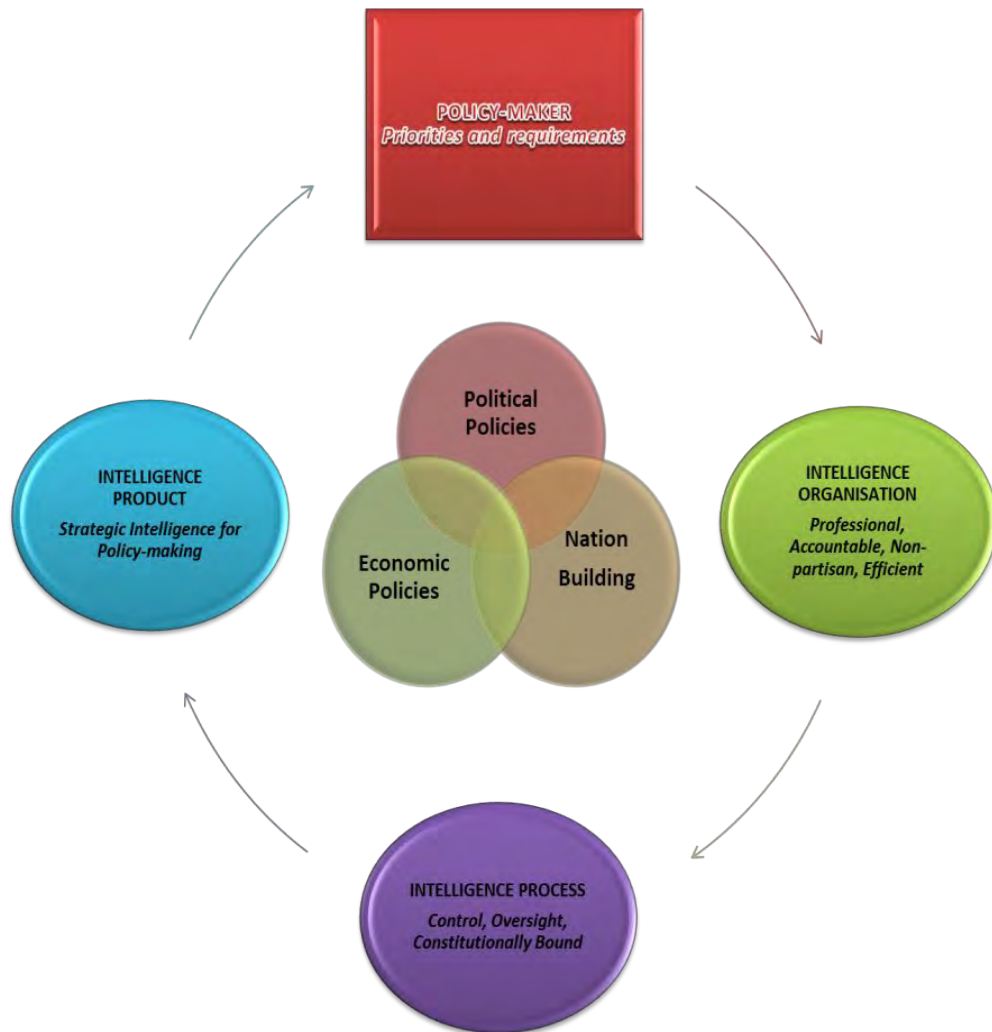
Figure 65: Strategic Intelligence Democratisation Model
(Source: Own construct)

All the same, the waves and reverse waves of democratisation remain a focal point for both observers and academics alike as South Africa is regarded as a model within Africa. To this extent it could be argued that South Africa is currently in the third reverse wave and caught in a hybrid regime with an intelligence police structure bearing both democratic and non-democratic characteristics. It tends to move away from its initial role of safeguarding the constitution and providing strategic intelligence to the policy-maker and rather towards a mere security service with the responsibility of identifying threats and potential threats against national security.

CHAPTER 6: STUDY OVERVIEW AND FINAL CONCLUSIONS

In conclusion, the final contribution of this study lies within the broad spectrum of political science although it is derived from within the sub-field of intelligence studies. Future studies pertaining to democratisation and intelligence may be able to draw from this, both to contribute to the understanding thereof, as well as to support the enhancement of more democratic practices. Intelligence in South Africa remains a vital function within the state – although it is a reflection thereof, and could assist the political regime in addressing the missing dimensions of democracy and stateness.

Finally as supported by this study, the mandate of the South African intelligence, as was initially legislated in the National Strategic Intelligence Act (39 of 1994) – before the several amendment Acts thereafter, was to provide the Government with intelligence on domestic, foreign threats or potential threats to national stability, the constitutional order, and the safety and wellbeing of its people. This should be the ultimate focus of the intelligence regime in South Africa – through more democratic practices that could ultimately assist in ensuring *the good life for all*.

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For individual societies and global community
State ring rot is not a prelude to utopia but to disaster.
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