

AFRICAN CHRISTIAN DEMOCRATIC PARTY
SUBMISSION TO THE CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 6.4

INTELLIGENCE

The role of the intelligence service in the post-apartheid South Africa has a definite task to ensure that the least possible infringement against civil and democratic principle is committed.

Transparency and accountability are values not contradictory to the function of intelligence, should the community be drawn into the protection of society. The idea of exclusivity and elitism create schisms and hierarchical distances among the various spheres of society, and in the instance of security, the extent of mistrust and hostility towards those in military and intelligence services are exacerbated.

Section 23 of the Constitution reads that:

Every person shall have the right of access to all information held by the state or any of its organs at any level of government in so far as such information is required for the exercise or protection of any of his or her rights.

It is always in the interest of a country that its citizens are well-informed.

Information disseminated to the public about how intelligence services influence and determine patterns in security, will establish among the general population a sense of responsible citizenship.

The population need to believe that the intelligence mechanism in society is contributing to their empowerment, by entrusting them with knowledge to strategically and intelligently provide auxiliary input into the safety and security of their society.

The ACDP believe that although certain secret codes must be maintained, it does not mean that covert abusive strategies are legitimate.

Justice and lawfulness should be the hallmarks of the intelligence operation, and its integrity should be supported on the basis that it subscribes to the rule and honour of law.

It is also imperative that the parameters and scope of intelligence services be spelled out as well as that it adopt a code of accountability as subject to an independent monitoring authority.

The powers afforded to intelligence can in no way exceed the Constitutional rights as elucidated in a bill of rights, and in cases of legitimate evidence against a person or body, prosecution should follow the due process of the law.

It should also be seen as an instrument to facilitate in the process of nation-building, by recognising areas of possible threat that may affect the growth-stability in a developing democracy such as South Africa's. For instance, they may warn against pandemic ills, demographic trends, crime, food shortages etc.

The White Paper on Intelligence (p6, 1994) states that:

"The intermingling and trans-national character of modern-day security issues furthermore indicate that solutions to the problem of insecurity are beyond the direct control of any single country and cannot be rectified by purely military means..."

Although it is the trend to define security in less military terms and more towards an holistic approach involving the political, sound, economic and environmental issues, the sovereignty of a country should at all times be respected.

We should beware of the general morality phenomena whereby national disputes are settled though international military intervention. Whereas such options are necessary in certain cases, there have been instances where invasions have been justified on the grounds to protect the freedom and security of a nation, but has ended up to protecting the interests of the invaders.

If intelligence services have changed, it should work against such selfish interest, and pursue vigorous methods to accelerate better living standards for the citizens of all societies.

The ACDP believe that our military intelligence should at all times maintain an independent character internally as well as at an international level.

AFRICAN CHRISTIAN DEMOCRATIC PARTY

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