

Interrogating the Impact of Intelligence

Pursuing, Protecting, and Promoting an Inclusive Political Transition
Process in South Africa

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Abstract

This paper provides a behind-the-scenes perspective on the role played by the three branches of intelligence services that resorted under the then apartheid government, during the negotiation process that led to South Africa's transition to a democratic state. It provides a comparative insight into how, while some people employed in the Military Intelligence and the Security Branch continued to undermine efforts towards a negotiated settlement and political reform, the National Intelligence Service (NIS) worked within a strategic vision that grasped the imperative for change and was able to guide its political principals accordingly. Owing to this vision, the NIS worked to support a process that encompassed all the relevant power contenders and actors amid difficult circumstances, which often required the distinct capacities and skills of an intelligence services regime. In so doing, it was able to mitigate many of the factors and actors that sought to subvert a negotiated settlement, and played a significant role in protecting the tenuous peace and stability that were essential for smooth and successful transition.

About the Publication

This paper is one of four case study reports on South Africa produced in the course of the collaborative research project ‘Avoiding Conflict Relapse through Inclusive Political Settlements and State-building after Intra-State War’, running from February 2013 to February 2015. This project aims to examine the conditions for inclusive political settlements following protracted armed conflicts, with a specific focus on former armed power contenders turned state actors. It also aims to inform national and international practitioners and policy-makers on effective practices for enhancing participation, representation, and responsiveness in post-war state-building and governance. It is carried out in cooperation with the partner institutions CINEP/PPP (Colombia, Project Coordinators), Berghof Foundation (Germany, Project Research Coordinators), FLACSO (El Salvador), In Transformation Initiative (South Africa), Sudd Institute (South Sudan), Aceh Policy Institute (Aceh/Indonesia), and Friends for Peace (Nepal). The views expressed in this paper are those of the authors and do not necessarily reflect the views and opinions of the Berghof Foundation, CINEP/PPP, or their project partners. To find more publications for this project please visit www.berghof-foundation.com. For further information, please contact the project research coordinator, Dr. Véronique Dudouet, at v.dudouet@berghof-foundation.org.

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List of Acronyms

ANC	African National Congress
APLA	Azanian People’s Liberation Army
AWB	<i>Afrikaner Weerstandsbeweging</i> /Afrikaner Resistance Movement
CODESA	Convention for a Democratic South Africa
DCA	Department of Constitutional Affairs
DIS/NAT	Department for Intelligence and Security (of the ANC)
IFP	Inkatha Freedom Party
MI	Military Intelligence
MKO	Afrikaans abbreviation for the Ministerial Committee on Negotiations
MK	<i>Umkhonto we Sizwe</i> /Spear of the Nation
MPNF	Multi-Party Negotiating Forum
NP	National Party
NEC	National Executive Council
NIA	National Intelligence Agency
NIE	National Intelligence Estimate
NIS	National Intelligence Service
PAC	Pan-Africanist Congress
RPMC	Regional Politico-Military Councils
SACP	South African Communist Party
SADF	South African Defense Force

SAPS	South African Police Services
SASS	South African Secret Service
SB	Security Branch
SSA	State Security Agency
SSC	State Security Council
TRC	Truth and Reconciliation Commission
UDF	United Democratic Front
VF	<i>Volksfront</i>

1 Introduction

Beginning in the late 1980s, various elements within the ranks of the South African government's intelligence structures emerged to play distinct roles in the approach to the political settlement that culminated in the first democratic elections, in 1994. The three main arms of state intelligence at the time were the civilian National Intelligence Service (NIS); Military Intelligence (MI); and the so-called Security Branch (SB) which doubled as the political and security intelligence wing of the South African Police. These intelligence services, and the intelligence wing of the African National Congress (ANC) [the Department for Intelligence and Security – DIS, sometimes also called NAT], supported their respective political principals by facilitating and planning talks, intelligence collection, trend analysis, early warning and many others needs *en route* to 1994. These forms of support and attendant engagement, including its repercussions and results, were shaped by the political realities of the repressive Apartheid regime and the very nature of the intelligence structures, as well as their diverse agendas and capacities. These differences explain the varying influence these intelligence structures exercised over the negotiation of the new political settlement, its codification and materialisation. The continued influence of these intelligence impulses (and their often unintended legacy) subsists in South Africa's ongoing efforts towards state-building.

This paper will examine the variable roles played by each of the intelligence branches, with a particular focus on the NIS,¹ and with specific reference to what can broadly be defined as successes and failures of the intelligence branches – from the stage of informal talks, to a series of formal negotiations and finally, to the constitutionalising of the political settlement in preparation for its presentation to the electorate.²

The evolution of these three branches of intelligence post-1994, will similarly reveal long-range political and governance developments and deficits, that suggest that some of the initial negative impacts of the various intelligence efforts (often disjunctive) on the negotiations to engineer a new political settlement, may have contributed to certain corrosive constraints on long-term state-building. The drivers of this erosion are multiple and lie in the confluence of the intelligence and political conversations that began in covert – often presented as informal and unofficial – talks in the late 1980s, amid the infinite inhibitions impelled by the need for inclusivity and legitimacy. The politicisation of intelligence that evolved alongside the relationships between intelligence structures and their political principals may have introduced unforeseen handicaps to the very core of the political leadership that persist today, such as intelligence inefficiencies, governance backlogs and a failure to deliver on the overriding human security imperatives that were at the heart of the liberation struggle. At the same time, the integration of previously opposing intelligence efforts into a single intelligence structure after the 1994 elections, gave rise to a pervasive paranoia among the members of the various services. Fuelled by political considerations on all sides, this has had a particularly paralysing impact on the very freedom

¹ The distinctive role played by the NIS stood in clear relief to that played by its apartheid era peers. That it made a positive contribution is even acknowledged by the ANC's Barry Gilder, who was in Botswana at the time of the pre-negotiation phase and was responsible for many *Umkhonto we Sizwe* (MK) (Zulu for 'Spear of the Nation' and the armed wing of the ANC) operations that infiltrated MK members back into South Africa. He subsequently became the Deputy Director General of both the South African Secret Service (SASS – foreign intelligence) and National Intelligence Agency (NIA – domestic intelligence) in the post-1994 political dispensation. According to him, "On the statutory side the main player at the time was the apartheid regime's National Intelligence service (NIS), the civilian service with both a domestic and foreign mandate. It gained predominance amongst the apartheid government's services under F.W. de Klerk and played a key role in spearheading the negotiations that finally led to the unbanning of the ANC" (Gilder 2012, 244).

² More details on the main power contenders and phases of the negotiation, codification and materialisation can be found in the other case study reports published alongside this paper: see Graham 2014a and Graham 2014b.

that intelligence paradoxically requires, in order to exercise its mandate in the full democratic spirit envisaged in its constitutive origins.

Given that the very nature of these intelligence efforts and engagements has at times been shrouded in secrecy, this paper aims to deconstruct published accounts alongside information gleaned from the author's own interviews with confidential sources who formerly worked within the various intelligence structures. This paper therefore documents the constructs that underpinned the role and agenda of intelligence in behind-the-scenes talks, by analysing both informal and unwritten narratives, alongside previously published interviews and accounts. It is not the intention of this paper to analyse the already well-documented series of meetings held in London, Dakar, Lusaka, Switzerland, Pollsmoor Prison and elsewhere, between exiled and imprisoned ANC members, business, so-called enlightened Afrikaners, intellectuals, activists and foreign government representatives. Neither will it attempt yet another narrative of the individual efforts and motives that might have catalysed and directed the transition from Apartheid to democratic state. The intent is rather to attempt to provide an insight into the unique intelligence initiatives that, to varying extents, both identified the inevitability of, and enabled, the negotiations; sought to temper the contextual volatility that threatened their success; and then continually strove to protect and propel these talks forward, despite the preponderance of hostile counter forces seeking to achieve the contrary.

Examining the pre-1994 intelligence landscape will reveal distinct operational and ideological strata that underpinned the strategic differences between the intelligence trinity that would come to define the extent and nature of their contribution to the political settlement, as well as their mutations post-1994.

This paper will work through the various phases of the negotiations that led up to the negotiated settlement, expressly examining the role of the three intelligence branches in facilitating and supporting talks, and including other actors in the negotiation of a political settlement.

2 Phase 1 (1985-1990): The Evolution of the Negotiating Elite – How the NIS ‘Made the State Talk’

Long before the then President F.W. de Klerk announced in February 1990 that the state was unbanning the ANC, Pan-Africanist Congress (PAC), South African Communist Party (SACP) and other liberation movements, as well as releasing their primary public interlocutor Nelson Mandela from prison, the Apartheid government and the ruling NP had been talking to the emergent new elite. Within the intelligence arena, strengths and weaknesses were emerging that would position the NIS to facilitate and then support this discourse while other elements were less encouraging and constituted potential spoilers on the path to political settlement.

2.1 Military Intelligence (MI)

The compounding effects of its failures in southwest Africa and Angola³ left the South African Defence Force (SADF) and the MI both heavily encumbered by doctrine constraints and bristling in the aftermath of its humiliation by the media, despite the regime's best efforts to spin its defeat in Angola as a tactical retreat. With the public shame of the battles in Cuito Cuanavale (Angola) fresh in the collective memory of the military, South Africa in the late 1980s looked to many in the military very much like the last frontier; their views on negotiations were tainted at best and the idea of negotiating with foresworn 'terrorist' enemies and 'communists' would have felt to them very much like the final humiliation. Those elements in MI that did grasp the need for negotiations were adamant that any such talks should be preceded by a campaign to significantly weaken the 'enemy' before engaging, and even then they envisaged alternative negotiation outcomes such as federalist solutions. MI was also inherently militaristic and worked along a strongly hierarchical system of leadership and commands – there was no thinking for oneself and any voices of dissent were curbed. Its bottom line was clear – there would be no transfer of power and an inclusive and equitable political settlement was treated with disdain, as simply surrendering to the enemy (i.e. domestic and international pro-communist forces).

The three intelligence arms also had variable limitations in terms of how much they actually knew about their enemies. MI had significant access⁴ to relatively high-level sources in the ANC and PAC, including the ANC's Regional Politico-Military Councils (RPMC), but it remained restricted by its official mandate to focus on the 'military threat' to South Africa. This undermined its efforts to collect and analyse intelligence that could lead its own command structures, the Minister of Defence, Cabinet or the highly influential State Security Council (SSC), on the need, or even the possibility, of a negotiated settlement.

2.2 Security Branch (SB)

The Security Branch focused its efforts on tactical and operational activities predominantly designed to support the NP's hold on power. However, it had excellent access to the ANC, including premier sources within its top decision-making organ – the National Executive Council (NEC). In an interview in 2009, Vic McPherson, a former undercover policeman at the SB, recounted what President P.W. Botha asked the SB: "Can we do something to the ANC so that [we] know that no matter where they are we can hurt them" [authors own translation] (McPherson 2009).

That they had the necessary intelligence to do this is clear: in a 2009 interview, Colonel Lucas Ras of the SB's so-called 'D Branch', which focused on both left and right-wing activities perceived to be threats to the state, explained that in 1989, he received instructions to infiltrate *Umkhonto we Sizwe* (MK, Zulu for 'Spear of the Nation' and the armed wing of the ANC) and recruit informants. Within six months, he and his team had 14 sources both inside the ANC's exiled leadership in Lusaka (Zambia) and elsewhere, including direct access to all information coming in and out of the ANC's Lusaka communications hub. As a result, the SB had access to all instructions for ANC infiltrations into South Africa before they even

³ The full story of these failures is briefly explained by the following summary and a thorough account can be read by referring to the source: "In Angola in the spring of 1988 the armed forces of apartheid South Africa and the US-backed mercenaries of Jonas Savimbi were defeated by the combined force of the Cuban military, the Angolan army, and the military units of the liberation movements of South Africa and Namibia. This led directly to the independence of Namibia and then to the fall of the apartheid regime in South Africa itself" (Campbell 2013).

⁴ This access would have entailed communication with said sources that would yield information. It would be established by using a range of intelligence tradecraft methods, such as recruiting witting and unwitting sources and infiltrating target structures.

happened (Ras 2009). However, from a strategic intelligence perspective, these sources and the attendant information were largely wasted, since political strategy barely featured on the SB's radar. It made no attempt to influence the political trajectory, and deliberate misinformation was about the full extent of its manoeuvring strategy, alongside a variety of campaigns to discredit individuals in the ANC. It was also replete with rogue elements, such as Craig Williamson,⁵ who were enthusiastically inclined to dubious dirty tricks and constituted a clique that came to typify SBs heavy handedness.⁶

Critically, these two branches of intelligence (MI and SB) and the NIS did not share their information with each other. Despite the existence of a secret formal coordination centre, known as Trewits, information exchange was generally confined to the so-called 'actionable intelligence' – intelligence that could be used to disrupt ANC operations through arrests or by physically obstructing their plans in other ways. According to evidence brought to the post-1994 Truth and Reconciliation Commission (TRC), this included the targeting of anti-apartheid activists for assassination (Sapa 1996).

Political intelligence, which should have been a cardinal element of any envisaged political settlement, was generally only shared on a personal basis between key individuals at the helm. In the main, distrust and competition prevailed with territorial protectionism dominating over prescribed priorities. This most certainly applied to the SB, which had extensive high-level access to the ANC's regional structures, although at least some of its sources were recruited by way of coercion, or during interrogations that sometimes employed a range of violent tactics and even torture. Nevertheless, the SB became pre-occupied with MK, partly because of a departmental mandate which restricted the SB and its management from any concerted effort to investigate the 'enemy's' views on a negotiated settlement. Even if it did access such intelligence during the period under discussion, it was never used in a constructive manner, such as to open a debate within departmental and government circles about an alternative strategy to seek a new political settlement with the ANC and other opposing parties. Ironically, at least some senior officers in the SB used the period between the unbanning of the ANC and the 1994 elections to feather their own nests, for instance, by convincing some of their ANC contacts to ensure that no criminal investigations would be launched into the alleged excesses committed under their watch.⁷

Sandy Africa and Siyabulela Mlombile⁸ provide a damning version of exactly what kind of role the above two structures played:

The leading sections of the apartheid security forces in the implementation of repression during this period were from both the military and the police arms. Within the military, an offshoot of the Special Forces known as the Civil Cooperation Bureau, which had both intelligence and operational capabilities, may be singled out as an example of the military formations that were prominent in the execution of repression both internally and abroad. Within the police, the Security Branch of the South African Police was particularly prominent. Within the Security Branch special units were formed that spearheaded violent repression. (Africa and Mlombile 2001, 1)

⁵ Williamson was a former South African police major, who was exposed as a spy in 1980. He was involved in a series of state-sponsored overseas bombings, burglaries, kidnappings, assassinations and propaganda during the apartheid era, including the high-profile bombing of the ANC's London office in 1982.

⁶ Based on the authors personal experience and interaction with the SAP Security Branch.

⁷ The author was told this in confidentiality by senior members of the former SAP Security Branch.

⁸ Both activists were involved in the transition processes around the South African intelligence services.

2.3 National Intelligence Service (NIS)

2.3.1 The NIS Strategic Vision

The NIS meanwhile, had a more strategic vision that would enable it to share in the political transition more effectively than its counterparts. Importantly, the NIS lacked the executive powers that mandated the operational activities of the MI and the SB – a critical legal impediment that restricted its mandate to an advisory role and forced it to use influence (rather than force, one could argue) to obtain its objectives. Consequentially, or by default, it assumed an almost academic character. However, in the late 1980s, it did not necessarily have the best information at its disposal and its peers in the MI and the SB may well have been better placed in terms of access to the inner workings of the ANC. It did, however, have a long-term outlook and produced strategic intelligence assessments that painted a highly undesirable picture of where the country would be headed if it continued on its 1985 trajectory towards political and economic crisis.

With Lucas Daniel (Niel) Barnard at the helm, the NIS had an overarching strategic vision that was essentially positive (compared to the MI and SB) and forward-thinking on South Africa's political future, which made it by far the enlightened and empowered exception in the then apartheid intelligence architecture for four main reasons.

First, its vision was rooted in a pragmatic, almost non-political perspective. Key senior officials did not see eye-to-eye with the NP's policies and heavy-handed security approach to the country's problems. Figures such as MHH (Mike) Louw⁹ (who was involved with Barnard in talking to Nelson Mandela while he was in jail and was to succeed Barnard as NIS head in 1992) and Maritz Spaarwater, a senior NIS member previously with MI, were integral to a relatively progressive perspective that could see that South Africa was firmly on track for a political 'train smash'. It also had a large research and analysis capacity, something the intelligence structures lacked. When interviewed by Pdraig O'Malley,¹⁰ Spaarwater in fact said:

I went over to the NIS in 1981 because of what they had started writing then, saying things such as we can never solve our problems by way of security force action, it must be imaginative, political initiatives, without mentioning, of course, the ANC or anyone. But that they had been saying and writing for some time and that's what moved me to move over from MI to the NIS. (Spaarwater 2003)

These slightly more progressive elements used NIS intelligence documents, such as the annual National Intelligence Estimate (NIE), to strengthen Barnard's argument that the imperative for change was gathering momentum.

Second, the NIS had the understanding and cooperation of key elements within the Afrikaner Broederbond,¹¹ of which Barnard himself was a senior member. Among at least some of these influential

⁹ Louw was, for instance, appointed by the new ANC government as Director General of the SASS in 1995, reflecting the party's senior leadership's respect for Louw.

¹⁰ Pdraig O'Malley conducted an extensive range of interviews and research over almost two decades and the results, which include analyses, chronologies, historical documents, and interviews from the apartheid and post-apartheid eras, form part of his archives that are hosted by the Nelson Mandela Centre of Memory at the following website: www.nelsonmandela.org/omalley/index.php/site/q/03lv00017/04lv00344/5lv01435/06lv01441.htm [Last accessed on 10 June 2014].

¹¹ Definitions of the nature of this group vary and for obvious reasons, various parties remain deeply suspicious of the all-white, all-male organisation, but the following broad description provided by O'Malley is explanatory: "The Afrikaner-Broederbond is an extremely exclusive, secret Afrikaner nationalist organisation which, in a symbiotic relationship with the National Party, has played a determining role in the political

Afrikaners, there was an emergent acceptance that political change and some form of negotiated settlement were essential.

Third, the absence of a militaristic psyche meant that the NIS was not bound by a prescribed paradigm. Analysis and independent thought were possible and up to a certain point, even encouraged. This enabled it to develop a more nuanced view of the ANC than its peers, despite the presence of some ultra-conservative elements with police and military backgrounds, in the NIS. Barnard never allowed these elements to have an impact and tended to rely more on the progressive elements in the ranks for intelligence assessments.

Lastly, the relationship between Barnard and President P.W. Botha was the vital conduit through which all the above could manifest in encouraging the state – initially only Botha and a few trusted officials – to formally consider negotiations. Botha initially gave Barnard the go-ahead to talk to Mandela and, later, the ANC. Barnard dates this communication back to 1982. The relationship between the two men gave the NIS the mandate to begin what were a very rudimentary form of negotiations, although they were never referred to as such for fear of a backlash from within the NP and broader state structures – including the Defence Force – if these ‘talks about talks’ were to become known. This, therefore, enabled the intransigent Botha to continue to insist in public and even within the NP caucus, that he would never negotiate with ‘terrorists’.¹²

2.3.2 The Role and Rationale of the NIS

On the strength of this strategic vision and the associated relationships, the NIS began to play an ever more critical role in facilitating unofficial talks, given the rapidly intensifying political and security crisis in 1985. This was, for instance, achieved by ensuring that the required travel documents would be issued by the relevant government departments, and by setting up and securing locations for intermediaries to meet. The NIS’s view of the country was highly negative and revealed an economy on the brink of imploding; generalised instability; and the sheer impossibility of perpetuating the NP’s political vision indefinitely. However, the impact of its view was weakened by two major shortcomings: firstly, it had very few high-level sources within the ANC. This meant that information about the emergent ANC elite (needed for both long-range intelligence and engagement purposes) was limited to information obtained from multiple, but often low- to mid-level sources. Secondly, Barnard was, and would remain, constrained by the very secrecy of the undertaking and he would be unable to consult openly with his own management staff and experts. Hence, while the need for secrecy was vital, given the pervasive opposition to fundamental change – not only within the right wing, but also within the NP (and its support base), the NIS and the security apparatus in general – the dangers of tunnel vision persisted. Never did this manifest more clearly, and make even more critical the interventions of the NIS, than with Botha’s infamous anti-reformist Rubicon Speech¹³ on 15 August 1985, which many believe

development of South Africa. Its aim is the promotion of the Afrikaner’s political, cultural and economic interests”. Available at: www.nelsonmandela.org/omalley/index.php/site/q/03lv02424/04lv02730/05lv03188/06lv03190.htm [Last accessed 10 June 2014].

¹² Address by State President P. W. Botha at the Opening Of The National Party, Natal Congress, Durban, 15 August 1985.

¹³ P.W. Botha’s infamous Rubicon Speech was a sweeping anti-climax. Before it was delivered, the Minister of Foreign Affairs, Pik Botha, had told the world to expect a radical policy shift and many expected this to include an announcement that Nelson Mandela would be released and that apartheid would be abolished. P.W. Botha, however, disappointed observers, and said that he would not submit to hostile pressure and agitation from abroad. The speech is, therefore, most notable for its omissions, as Pik Botha explained to the TRC in 1997: “In August 1985 President P.W. Botha had delivered what has become known as his Rubicon Speech in Durban. The world had been waiting for good news, important announcements on dismantling apartheid and releasing Mr. Nelson Mandela. I myself drafted that part of the speech in which the phrase, ‘today we have crossed the Rubicon’ appeared. President Botha, however, retained the sentence but removed what had preceded it,

pushed the country even closer to economic disaster and illuminated its isolation. With Botha's intransigence verging on hysteria and most of his minions reportedly too afraid of his temper to even consider questioning him, the role of Barnard (due to his close relationship with Botha) and the NIS in keeping reform and talks alive began gathering momentum. The 1986 application of a crippling national state of emergency upped the ante for everyone – arrests, detentions, deaths and a deepening economic crisis all intensified, and people on all sides had either all or nothing to lose. Lieberfeld quotes Barnard's depiction of the NIS recognition of the crossroads:

There was a very deep feeling from 1986 to 1989, that we can still continue, but for how long? Would it be five years, ten years, fifteen years? The basic question was where would we be at the end of those ten, fifteen, or twenty years? Would we be in a situation (...) of the country just disintegrating? To negotiate in such a climate would be much more difficult than to negotiate in a situation of relative capacity economically, security-wise, and so forth. (Lieberfeld 2005)

It should also be noted that the NIS had the advantage of having many of its members stationed overseas under diplomatic cover. Many of these officials returned from their overseas tours more open-minded than their peers in other intelligence structures. In addition, they helped sensitise Barnard and his senior management to fundamental international changes and the potential impact of, for instance, the 'fall of the Iron Curtain' on South African politics – something few other officials could or would do because of their obsession with 'the total onslaught on South Africa'.¹⁴

The NIS position at this point derived from a three-pronged rationale that would continue to motivate its involvement in 'talks about talks'. First, its relative information deficit on the inner workings of the ANC, its policies, and thinking on core future policy issues, meant it needed to get closer to the 'enemy'. It resolved to do this via direct talks, using them as a de facto collection effort.

Second, the talks were used to exploit differences within enemy ranks. This approach had variable successes, but at times, certainly led to suspicions and paranoia within the ANC. The lingering effects on the ANC's internal cohesion and efficacy in governance terms are discussed below. There were various internal concerns about who was talking to whom, and suspicions that certain individuals may have sold out or been turned have continued to impact.¹⁵ Callinicos (1996) says that "Initially, the regime harboured vain hopes of splitting Mandela off from what they believed to be the Communist dominated ANC in exile". These suspicions were (and to some extent remain) fuelled by parallel divisions that can be largely attributed to practical separation lines – between exiled ANC cadres and those in the country and in prisons. Communication difficulties compounded these issues and broad consultation was simply not possible. Amid the secrecy and intrigue of what became a virtual intelligence operation surrounding the 'talks about talks', distrust on all sides could never have realistically been expected to fully dissipate.

Third, it was necessary to find some common ground if any progress was to be made in pulling the country back from the precipice. NIS scenario exercises made it clear that suppression could not be maintained, irrespective of promises by the SADF and SA Police that internal stability could be sustained. For the NIS and Barnard, the only permanent solution was to be found in a negotiated

namely the release of Nelson Mandela and the government's intention to dismantle apartheid. The effect of the speech on the world, and on many South Africans, was that of a bucket of iced water in the face". Available at: <http://africanhistory.about.com/od/biography/a/BioPWBotha.htm> [Accessed 20 August 2014].

¹⁴ 'Total Onslaught' was the brainchild of P.W. Botha, the Minister of Defence, Magnus Malan and a few other military 'strategists' in the SADF.

¹⁵ Based on discussions between the author and senior ANC officials.

settlement and they felt that no more time could be wasted. Formal negotiations had essentially become a short-term imperative.¹⁶

And so, the NIS began using behind-the-scenes talks to broaden its knowledge, strengthen its hand, and to begin the negotiation process. Amid the declaration of a state of emergency – literally on the same day – and with MI and SB still largely focused on military and dirty trick campaigns designed to weaken and defeat the ANC, the *Broederbond* and the exiled ANC had their first ever face-to-face meeting in New York on 12 August 1986. The *Broederbond*'s Pieter de Lange met with ANC leaders Thabo Mbeki, Mac Maharaj and Seretse Choabe. Waldmeir (1998) claims that this strategy was a means for the NIS to “seduce where they could not conquer”. At this meeting, an emotional Choabe threatened to shoot de Lange, but the event ended in embrace, with de Lange said to have left with an emotional understanding and respect for his counterparts. While various insiders and analysts ascribe this apparently intuitive understanding to engineering and manipulation on either side, the outcome was the beginning of the convergence of a negotiating elite that would cultivate the political playing field *en route* to a peace agreement. This field was subsequently planted, nurtured and inevitably ring-fenced by the NIS, while ‘talks about talks’ between the NP and the ANC flourished in all corners of the globe.

2.3.3 The Expansion of Talks and Risks

The dangers, however, did not dissipate, and it became increasingly important to keep the talks secret. This had a range of effects: it entrenched the inevitable distance between talks and the political centre; it diminished the possibility of broad inclusivity; and, it made the role of the NIS critical if talks were to continue without promoting further violence and conflict. It was literally a matter of life and death on all sides. Waldmeir (1998) writes that the United Democratic Front (UDF – *de facto* the ANC's front within the country) leaders “risked death” if they talked to the ruling NP or its representatives, and that Kobus Jordaan (advisor to the Cooperation and Development Ministry) lost his job when news leaked that he had met the exiled ANC in Lusaka in 1988. Similarly, many believe that anti-negotiations security elements were responsible for the deaths of prominent political figures, such as Matthew Goniwe (Eastern Cape UDF leader) in 1985 (Mail and Guardian 1995). Lieberfeld notes that Fleur de Villiers, who was reportedly instrumental in orchestrating talks (on behalf of British mining house Consolidated Gold, which had a long and profitable history in South Africa) between the ANC and influential Afrikaners (although with a decided British interest), advised that “any productive dialogue between Afrikaner nationalists and the ANC had to be kept secret in order to occur at all, as well as to diminish the incentives for public position-taking that were inimical to trust-building” (Lieberfeld 2005, 108).

Further talks were held between the mining company Anglo American and the ANC in Zambia, followed by August 1987 talks between an even larger group of so-called ‘Afrikaner dissidents’ in Dakar. Feedback to the NIS on the contents of these gatherings was constant and the NIS was happy to allow (and encourage) these talks to proceed, and to optimise access gained in the process. It gradually consolidated its information picture and affirmed its realistic assessment that negotiations were inevitable. The extent to which it engineered this process manifests neatly in its 1987 ‘recruitment’ of Willie Esterhuysen, then philosophy Professor at Stellenbosch University (who also taught Botha's daughter), to ‘report’ on the ANC by acting as a conduit for ongoing low-risk talks while enabling Botha

¹⁶ Based on personal discussions with Dr. Barnard.

to continue maintaining that he would never talk to terrorists (ironically Botha had dissuaded Esterhuysen from meeting with the ANC a few years previously). This led to the first of what was to be a dozen or so talks between Esterhuysen, Thabo Mbeki, Jacob Zuma, Aziz Pahad and many other players in London, from 1987 to May 1990.¹⁷ Esterhuysen was open with Mbeki that he was working at the behest of NIS. Mbeki reportedly welcomed this as an avenue of communication.¹⁸

The de Villiers assisted talks facilitated by Consolidated Goldfields were similarly secret and used as debriefing mechanisms by all parties. Again, the ANC claims to have welcomed the talks while being fully aware that they were efforts to elicit information, this time by the British. Lieberfeld records Aziz Pahad as saying:

We were aware that Michael [Young]¹⁹ would have been discussing this [meeting] with British intelligence. (...) It couldn't be otherwise. But for us there was no problem... It helped us to then get an understanding within the then-British government that we are not all these 'mad Russian agents' interested in armed seizure of power; we were serious about transformation. (Lieberfeld 2005, 109)

Supplementing the flurry of talks with the ANC in exile via various parties in May 1988, Barnard had his first meeting with Nelson Mandela in Pollsmoor Prison. In an interview, Barnard claims that this was on the direct instruction of P.W. Botha and the advice of the NIS itself:

The important point is that Mr. Botha, a few weeks before that, during a discussion, told me, 'Dr. Barnard, we want you to (...) meet Mr. Mandela now. There will be a team (...) Try to find out what you have been advocating for some time. Is it possible to find a peaceful settlement with the ANC, with this man Mandela? Try to find out what are his views on communism (...) and then try to find out if [sic] Mr. Mandela and the ANC interested in a peaceful settlement. For we also have deep suspicions about what they would be interested in'. (Barnard 1995)

Mandela himself had come to accept the need for negotiation but had also rejected out of hand a conditional release that would require him to denounce violence as a political tool. He sought to counter efforts to divide the ANC via talks, as concerns were proliferate that he may have been turned against the organisation and been cooperating with the NIS and NP a little too much. Mac Maharaj encapsulates the underlying need for the intermediary role of the NIS well when he describes the standoff that was likely to persist between the central power contenders at the time. Following Botha's 1985 announcement that he was ready to release Mandela from prison if he "unconditionally rejected violence as a political instrument", Mandela conveyed to a public rally, via a message read by his daughter Zindzi: "Only free men can negotiate. Prisoners cannot enter into contracts. I cannot and will not give an undertaking at a time when I and you, the people, are not free" (Maharaj 2008, 17). Mandela also wrote a letter to the government, rejecting the conditions for his release: "I also wished to send a message to the government that while I rejected its offer because of the conditions attached to it, I nevertheless thought negotiation, not war, was the path to a solution" (Mandela 1995, 509). According to Barnard, the next years were an extended preparatory period in which they prepared Mandela for life beyond prison, including attempts to rebuild relations with his wife. Minister of Justice Kobie Coetsee was also critically involved in this process which entailed moving Mandela from Pollsmoor Prison to Victor Verster Prison:²⁰

¹⁷ Esterhuysen goes into great detail about his own role in his book "Endgame: Secret Talks and the End of Apartheid" (2012).

¹⁸ Ibid.

¹⁹ Consolidated Gold Public Relations Director and Strategic Advisor.

²⁰ Callinicos (1996) notes that "While still nominally a prisoner of the South African state, and ignoring the initial objections of the ANC leadership, Mandela held a total of 47 meetings with a secret committee set up by Coetsee on the instructions of State President P.W. Botha".

Why? So that he can live in a normal house, so that he can gradually prepare himself for life after prison (...) so we were busy creating a kind of atmosphere where Mr. Mandela could stay and live in at least as normal a surrounding as possible. (Barnard 1995)

It was also the period in which the NIS, specifically Barnard, prepared Botha psychologically for the inevitable meeting with Mandela, stroking Botha's ego as part of efforts to persuade him:

It was a difficult period. But then in the end, the meeting had to take place (...) I remember (...) telling him that the time is absolutely right to meet Mr. Mandela, as quickly as possible. If not, we are going to slip, perhaps, one of the most important opportunities in our history (...) Many people tried to influence him, of course, at the time (...) My views with Mr. Botha were the following, 'Mr. President, if you meet him and it becomes the basis, the foundation for future development in our country, history will always acknowledge you as the man who started this due process. If it's the beginning of going forward, it would always say that you have taken each and every step, and so in my concerned opinion there is only a win-win situation' ... (Barnard 1995)

The NIS both dressed and ferried Mandela to this meeting which entrenched the possibilities of settlement in an atmosphere Barnard seemed convinced was tinged with mutual respect. Again, the process remained highly secret and Botha did not even tell his own cabinet. Barnard says he remembers discussing this with Botha many times and that Botha asked him:

When should I inform even the state security council, and when should I inform cabinet about these secret negotiations which are taking place? And that he replied: 'Well, Mr. President, if you inform the state security council, and if you inform cabinet, you can be sure that you have some members in your cabinet who [will talk]'. So there was very deliberate attempt, not only from our side, but very strongly supported by Mr. Mandela, himself, 'Let's try to solve the main critical difficult issues, at least get a framework within which to take the process forward'. (Barnard 1995)

While the NIS clearly played a central role in facilitating the path to formal talks in this period, core problems remained since negotiations had been initiated, but political decision-makers had been left behind and there was little consensus on what was to be the final objective. Even within the *Broederbond* there were divisions, and only the executive was consulted. At the same time, MI had long felt displaced by NIS due to its special relationship with Botha and intelligence cooperation looked less likely than ever. With the NP change in leadership in 1989 (partly owing to Botha's deteriorating health), to the conservative F.W. de Klerk, many on the political right were optimistic and viewed him as a leader that could offer a new vision, given his extensive Afrikaner credentials in terms of church membership, language, culture and all things nationalistic (such as 'white rule'). Clearly indicating how very close to his chest Botha had kept talks, de Klerk, on being informed by Minister Coetsee that negotiations with Mandela were progressing apace, was both unhappy and surprised. He was also in a difficult position as he would not have full NP support for negotiations and he would face virulent opposition from the right wing that could endanger his own political future. In an interview, de Klerk downplays the impact, but he also clearly captures how clandestine the negotiation narrative had been to that point:

I was not part of the behind the scenes discussions, and I was not briefed about it in the beginning of that process. When I became leader of the party, but not president, on the 2nd of February '89, I was immediately fully briefed by Mr. Kobie Coetsee, who was minister of justice, and from there onwards, I was fully part of the whole process. I knew about the meeting which he would have with P.W. Botha just before Botha's retirement. It had my approval, and from the beginning in my pre-planning, for my presidency, his release, coupled with

the release of the other prisoners, was very high on the agenda. One of the first things I did after the election in September 1989, was to release a high profile group of former Robben Island prisoners. (de Klerk 1995)

The next notable thing he did was to announce on 2 February 1990 that the ANC and all other organisations that had previously been banned would henceforth be allowed to operate legally. Nine days later, he ordered Mandela's release and negotiations came out of the shadows.

3 Phase 2 (1990 to the 1994 Elections): Protecting the Promise of a Political Settlement

With the country now firmly *en route* to formal negotiations, various parties were scurrying to catch up on political developments, not least the new President F.W. de Klerk. Here, the NIS continued to play a role by (along with others, such as Coetsee) providing him with briefings, including on Mandela:

The picture they painted to me was a positive picture of a man with integrity, of an impressive person, of a highly intelligent person. In that sense, it raised in me the expectations that I would be dealing with a leader of stature. (de Klerk 1995)

The NIS would continue to play this kind of role for some time. Nonetheless, political decision-makers were still emerging from the vacuum of secrecy that had prevailed to date and it would take time for them to clarify both their own and opposing negotiating positions. There was an attendant lack of consensus across various spheres of government, and certainly within the Afrikaners body politic, in the approach to the first formal meeting between the ANC and the government which began on 2 May 1990 at Groote Schuur in Cape Town, and lasted for three days.²¹ Similar vacuums subsisted in the ANC camp, with Gilder noting:

In simple terms, we were confused. Some of the events unfolding around us were public. Others we knew nothing about. Briefings from Lusaka were general and confusing. In fact, communications with Lusaka were intermittent. Their attention was obviously elsewhere. (Gilder 2002, 202)

Intelligence insiders say this lack of consensus played a significant role in creating, at the very least, an enabling environment for the continued activities of rogue elements within all branches of intelligence, with an unknown number of special task groups and committees established in a fairly haphazard manner, under the auspices of MI and the SB. These elements functioned with relative impunity, supported by strong levels of plausible deniability as many did not have formal authorisation via the usual channels. That these elements played a core role in fuelling the waves of violence that swept across the country from 1990 to 1994, repeatedly threatening to undermine progress with a negotiated settlement, is certain. That other elements, including the NIS, tried to identify, monitor, control and contain them in the interests of a peaceful transition, is also clear.

While the NIS could not sustain a dominant role in handling negotiations that were now an open process – as this may have compromised their own security – it played a strongly supportive role in terms of information and facilitation throughout the three main rounds of peace talks (and ongoing

²¹ This meeting was preceded by what Gilder (2012) says were the last two meetings between the NIS and the ANC in February and March 1990, in Berne and Geneva.

behind the scenes dialogue) from CODESA I²² and CODESA II, to the Multi-Party Negotiating Forum (MPNF) of 1993 that most immediately preceded the 1994 elections.²³

In 1992, Mike Louw took over the reins at NIS, when Barnard, as well as a small group of intelligence officials, were moved to the Department of Constitutional Affairs (DCA). This was partly done as a result of the fact that after the unbanning of the ANC and other organisations, the focus had shifted from secret intelligence to political advice, and especially since Barnard believed he could play a more constructive role as a part of the DCA. But this also helped the NIS since it now had a ‘new client’ (Barnard), who could ensure that national decision-makers, including President de Klerk, continued to be supplied with the intelligence and views of the NIS.

Retaining its by now extensive access to intelligence from the ANC, NIS also believed that, partly to ensure its own continued relevance, it would have to protect negotiations from malicious and malevolent forces on all fronts, and uphold the moral and principled framework that would lead to a peaceful transformation. This meant that it now needed to monitor threats (including those of a physical security nature) across all fronts, and pay attention to any elements that might in any way undermine a successful outcome. Its focus, and its perceived enemy and targets, were no longer constituted solely by the emergent elite represented by the ANC and its allies. Contrarily, it now saw itself as the protector of all parties that supported a peaceful political process. In practical terms, this meant that if its intelligence alerted it to a rogue MK unit planning an action that could subvert talks, it would inform the ANC in order to mitigate such threats. It effectively put itself at the service of constituent elements of what would be the unity government post-1994.²⁴

This required the NIS to adapt its capacity to enable it to monitor a range of areas and matters more traditionally regarded as security issues. It developed a whole new structure and source network dedicated to monitoring the potential threat emanating from far right-wing groups such as the *Afrikaner Weerstandsbeweging* (AWB, Afrikaner Resistance Movement) of Eugene Terreblanche and General Constant Viljoen’s *Volksfront* (VF, Peoples Front). Similarly, threats on the left included the continuation of violence perpetrated by the armed wing of the often reluctantly negotiating PAC, as exemplified by the St. James’ Church massacre in July 1993.²⁵ Additionally, rogue elements within political and security structures were arming especially Zulu men, and fomenting violence in efforts to destabilise the political environment. This coincided with the establishment of Inkhata as a national political party, the Inkhata Freedom Party (IFP), and an escalation in conflict and civil war in Kwazulu/Natal and elsewhere in the country, as witnessed by the July 1992 Boipatong incident that left 45 dead.²⁶

²² The CODESA I talks began on 20 December 1991 at the World Trade Centre in Kempton Park. Nineteen groups were represented, including: South African government; National Party; African National Congress; Inkatha Freedom Party (IFP leader Mangosuthu Buthelezi did not personally participate, as his demands for additional delegations of the KwaZulu Bantustan and the Zulu king Goodwill Zwelithini were declined. The IFP was, therefore, represented by Frank Mdlalose); Democratic Party; South African Communist Party; South African Indian Congress; Coloured Labour Party; Indian National People’s Party; Solidarity Party; Leaders of the ‘independent’ Bantustans of Transkei, Ciskei, Bophuthatswana and Venda. The right-wing white Conservative Party and the left-wing Pan Africanist Congress boycotted CODESA. Available at: www.docstoc.com/docs/27928284/Convention-for-a-Democratic-South-Africa [Accessed 12 June 2014].

²³ During this time, the leadership of NIS also had to start thinking of another issue – its own future. Many informal discussions took place before the transitional government structures were put in place and this helped to define the future role and mandate, particularly of the civilian intelligence structures in a post-apartheid South Africa. It included parliamentary oversight and specific legislation to guide intelligence structures. To a degree, the same was true for military intelligence and the police.

²⁴ Numerous interviews the author had with former senior NIS members.

²⁵ The Saint James’ Church massacre entailed an attack on the St. James’ Church in Cape Town on 25 July 1993, by four cadres of the Azanian People’s Liberation Army (APLA). Eleven members of the congregation were killed and 58 wounded. In 1998, the attackers were granted amnesty by the TRC.

²⁶ Mandela accused de Klerk’s government of complicity in the attack and withdrew the ANC from the negotiations, leading to the end of CODESA II. Available at: www.yworld.co.za/day_in_history/?search-year=13&search-month=12&search-day=20 [Accessed 13 June 2014].

The threats to the talks were multiple and varied, and the NIS found itself rapidly shifting gears to keep up with the changing risk environment. It was both protecting the political process and advising key participants to the talks. In this regard, officials from NIS gave regular briefings – sometimes on a weekly basis – to the MKO (Afrikaans abbreviation for the Ministerial Committee on Negotiations). This committee consisted of a core group of government Ministers, as well as senior officials, in the talks on behalf of the NP. This elite group included prominent figures such as Roelf Meyer, Leon Wessels and Barend du Plessis, and it played a pivotal role throughout negotiations. The MKO enabled the NIS to inform and influence the negotiation process long after the ANC and other parties had been unbanned.

This role became particularly critical following the collapse of CODESA II and the development of the behind-the-scenes interface between the ANC's Cyril Ramaphosa and the NP's Roelf Meyer leading to the Record of Understanding signed on 26 September 1992, which saw both sides make significant compromises.²⁷ By now, the NIS advisory role was largely political and worked in effective synergy with an intelligence-minded political leadership. However, this role did not extend deeply into the material aspects of codifying constitutionalism as the Multi-Party Negotiating Forum (MPNF), which gathered for the first time on 1 April 1993. It included a host of non-partisan experts such as lawyers and academics, who split into a range of working groups on technical aspects of the Constitution and the elections.²⁸ While the MPNF initially included the white right (in the form of the Conservative Party and the Afrikaner Volksunie), the PAC, the KwaZulu homeland government and delegations of 'traditional leaders', the majority of consensus on main issues was first reached between the ANC and NP, making it difficult for other parties to really affect (or subvert) the outcome.

Other support from the NIS in the process derived from the continued influence of Niel Barnard, even after his departure from the NIS in 1992 to the Department of Constitutional Development – with Spaarwater at his side. They formed a small and somewhat elite intelligence unit that continued to channel advice²⁹ and intelligence, while entrenching the vision of a protective intelligence capacity that ring-fenced negotiations. During this period, the SB agreed to share intelligence from its 'political sources' with the NIS, in order to ensure that the SSC and MKO got the fullest possible picture – a development that opened NIS' eyes to the high-level access of the ANC and SACP that the SB had had for so many years before, but one that ironically also strengthened the legitimacy of the NIS in political circles because of the quality of intelligence and advice it was now able to provide to those involved in negotiations.

While the NIS had numerous successes in this protective capacity, failures were inevitable, and a number of significant tragedies threatened to derail the talks, underscoring the ongoing influence of the

²⁷ Callinicos (1996) summarises the pivotal aspects of these compromises as follows: "In order to secure a summit with Mandela that would agree the basis for carrying on with the negotiations, de Klerk had to make a symbolically crucial concession concerning the release of political prisoners. For Ramaphosa, that 'without a doubt was the turning point of the whole negotiating process.' The ANC subsequently made its own major concession when Joe Slovo, chairperson of the SACP, persuaded it to accept the principle of 'sunset clauses', i.e. temporary departures from strict democratic principles such as a transitional coalition government that would help to overcome white fears of majority rule". Available at: pubs.socialistreviewindex.org.uk/isj70/safrica.htm [Accessed 9 June 2014].

²⁸ O'Malley captures the enormity of the task achieved: "From March to November 1993, in nine months (strange, is it not?), a negotiated Constitution for the Transition was 'conceived' and 'born'. In addition, 4 other Draft Bills providing for both Transition structures for the period of preparation for the elections (the Transitional Executive Council, the Independent Electoral Commission and the Independent Media Commission) and a permanent body to control broadcasting (the Independent Broadcasting Authority) were agreed upon. Also, a new Electoral Act to govern the elections for the Constitutional Assembly was agreed to. This is truly remarkable for a country which, 3 years earlier, had been on the brink of civil war and economic collapse". Available at: www.nelsonmandela.org/omalley/index.php/site/q/03lv02039/04lv02046/05lv02097/06lv02099.htm. [Accessed 13 June 2014].

²⁹ Dr. Barnard would often refer to "strategic political advice", i.e. intelligence assessments that had been transformed into actionable political guidelines.

so-called ‘Third Force’³⁰ elements that the NIS was not always able to predict or prevent. In other cases, such as the Bisho massacre,³¹ the ANC simply did not always take the advice it was given. Callinicos’ comments on the rolling mass actions campaigns that marked periods between the talks suggest that the ANC also regarded Bisho as a failure:

For Mandela and Ramaphosa, however, the Mass Action Campaign was only a brief detour from the negotiating table, a means of showing the regime how strong the ANC’s hand was, and a way of allowing their increasingly angry and impatient supporters to let off a bit of steam. The ‘Leipzig Option’ – the strategy supported by some ANC and SACP leaders of using mass demonstrations to bring down de Klerk – was discredited after one of its main proponents, Ronnie Kasrils, was widely believed to have rashly led marchers into a massacre by soldiers of the Ciskei Bantustan at Bisho in September 1992. (Callinicos 1996)

For the NIS, other fault lines emerged within its own ranks since not everyone within the service was happy with the unfolding negotiations. A small number of individuals with affiliations to right-wing elements leaked information in an effort to prevent negotiations from succeeding. A clear indicator of this simmering discontent emerged prior to 1994, when hundreds of NIS staff accepted an across the board offer of retrenchment packages³² and left the intelligence community, rather than to serve the new ANC government.

Similar tensions abounded in the MI and the SB, and these were reflected in the broader reality with tensions not only from, but also among, right-wing groups – a further complication that flared up in March 1994, when Viljoen led hundreds of Volksfront militia to protect the Bantustan figurehead, Lucas Mangope, from a popular coup. Despite Viljoen’s urging that they desist, AWB militants also advanced into Bophuthatswana, sparking the public killing of AWB members. Soon after this incident, Viljoen left the Volksfront and registered the Freedom Front as a political party to represent conservative Afrikaner interests. Some believe that this decision to finally take part in the 1994 elections prevented a violent uprising by Afrikaners and while it certainly enabled broader inclusivity on the surface, deep chasms were to remain. Demonstrating how critical the need to protect talks was at this point, General Tienie Groenewald (former chief director of Military Intelligence, MI) said that MI believed there were severe threats emanating from the military at the beginning of 1994:

It was determined by military intelligence that in the first instance the commandos would support gen. Viljoen en masse and stayed loyal to him. And then in the permanent force the most important units and a great percentage of its members would not have been prepared to take up arms against their own people. There were certain citizen force units, in particular the English speaking elements that would have supported the government. If we then talk about a conventional confrontation it was for certain that the government would not have been capable to suppress such an upheaval. But this was not the way we had planned to go about it. We had the capability to do such operations. We were capable to create total chaos in this country if needed to. Did we have the capability? Yes. If the accord was not signed, the US ambassador at that stage had given us the go-ahead to resort to violence. He in fact did put pressure on the government as well as the ANC to sign

³⁰ The ‘Third Force’ was a term used during the late 1980s and early 1990s to refer to a clandestine force believed to be responsible for a surge in violence in KwaZulu-Natal, and townships around and south of the Witwatersrand, and a range of other activities designed to undermine reform.

³¹ The Bisho massacre occurred on 7 September 1992 in Bisho, in the nominally independent homeland of Ciskei in South Africa. Twenty-eight ANC supporters and one soldier were shot dead by the Ciskei Defence Force during a protest march, when they attempted to enter Bisho to demand the reincorporation of Ciskei into South Africa. The ANC was warned against the action and proceeded nonetheless.

³² These were financially appealing severance packages that were offered to staff as an inducement to leave service voluntarily.

that accord. If that accord³³ was not signed, yes, I believe that the election would not have happened. (Groenewald 1996)

Colonel Lucas Ras (former SB official) explains the SB position on right wing groups such as the AWB around the same period:

My personal evaluation at the time was that they were not really very effective and not well organised. When they committed a terrorist attack we were in a position to gather sufficient information to catch them within several days and in some instances within hours. We were always referring to the right wingers as the 'brandy and coke squads'. Soon after they planted a bomb the culprits would gather with their buddies in a pub boasting about their deeds. Another case was the Boer Crisis Action. A total different kettle of fish from the other right wing organisations. These people were well organised, it was very difficult to infiltrate into their ranks and the security branch virtually had no intelligence on their activities during my time of service. Very much in stark contrast of the rest of the right wing organisations. (Ras 2009)

The existence of divisions within the right wing remained a glaring reminder that not everyone felt included in the political settlement. Many of these disaffected ideals resonated in the passage of the various intelligence structures after 1994.

4 Phase 3 (Post-1994): Politics Perverting Policy – The Shifting Embodiments of Elite Paranoia and the Entrenchment of Exclusion

In the final phase of the period under review in this paper, the political transition was effected: the political settlement was codified in the constitution and formally delivered unto the masses in the 1994 elections. However, the period immediately preceding the elections saw a stark intensification of efforts to spoil and subvert the process, which was then well underway, with the murder of South African Communist Party (SACP) leader, Chris Hani,³⁴ compounding multiple pressures on negotiations.

Reflecting the transitional political state, the disposition and response of intelligence towards the new political settlement reveals a staggered metamorphosis and interesting correlations with the mutations of the South African political equilibrium. The transfiguration of the intelligence contribution to South Africa's peaceful transition clearly rested in the main with the NIS, and this in large part made it far easier for the NIS to then integrate with the ANC's own intelligence structures, as well as serve the new elite after the first democratic elections. Easing this integration was the fact that clear intelligence goals had already been set under the bold leadership of ANC intelligence figures, such as Mo Shaik. Its lack of executive powers had also left it with substantially less blood on its hands than the other

³³ "On 14 September 1991, The National Peace Accord was signed by representatives of twenty-seven political organisations and national and homeland governments. They pledged themselves to greater tolerance towards each other. The police were reminded of their duty to protect the people of South Africa irrespective of race, religion, political affiliation and gender". Available at: www.sahistory.org.za/article/negotiations-toward-new-south-africa-grade-12. [Accessed 10 June 2014].

³⁴ Callinicos (1996) quotes Patti Waldmeir's argument that "the assassination and the reaction had the effect of permanently tilting the balance in the ANC's favour and allowing them to extract the concession that elections would be held on April 27 [1994]". Available at: www.pubs.socialistreviewindex.org.uk/isj70/safrica.htm. [Accessed 13 June 2014].

intelligence arms, and this similarly facilitated an easier integration. Added to this, the NIS leadership had been working closely with the political leadership of the ANC for years, by the time the merger of statutory and former non-statutory intelligence services dawned – it was thus highly informed and sensitised to the political nuances, and the early years of integration appeared, on the face of it, to work.

Below the surface, however, distrust and suspicion persisted and the merger was, if not reluctant, certainly not the route that many would have chosen. Gilder explains that:

Although we were creating a new service, we had no choice but to do so on the foundation of the apartheid statutory service – its infrastructure, its systems, its processes and procedures, its presence abroad and – to large measure – its personnel (...). We had to accept those from the old service who had elected to stay on to build the new services. Many of their colleagues had chosen to leave, unwilling, so we were told, to serve a 'black government'. But the suspicion and distrust was rife (on both sides) and lasted long into the lives of the new services and continues to this day. (Gilder 2012, 249)

Gilder (2012) also notes a secondary undertone to the distrust that has persisted to this day. With unknown quantities of records either destroyed or removed by the NIS prior to amalgamation, manifold questions remain unanswered. Not least of these are suspicions about ANC and other liberation movement figures, who may have been on the NIS books as informants. This has frequently emerged as a matter of substantial political contention in post-1994 South Africa, with allegations of being an apartheid spy frequently used as a political tool. Gilder points out the compounding dilemmas as well. The very nature of the intelligence world divides sources into witting and unwitting, while agent handlers have been known to entirely fabricate sources in order to claim financial reward, to add weight to the validity of information or to simply make them look good (Gilder 2012). In other words, many of the names that appear on these alleged registers of sources may never have known they were there, or may never have been sources at all. The end result is the same. Distrust and suspicion was fuelled both between the old and new elite and among and throughout their conjoined ranks. Clearly, this severely affected the ability of staff to work together with the level of trust that is vital in any intelligence service, and it has never fully dissipated.

A parallel undertow on intelligence cohesion has resulted in the increasing politicisation of intelligence. Born out of the new political settlement and accustomed on all sides to participating in that process, the foreign and domestic arms of the current civilian intelligence structures – the State Security Agency (SSA) in its most recent manifestation – have experienced extensive political pressure and interference over the last two decades. Gilder (2012) extensively describes how the ravages of the Mbeki-Zuma divide have split successive leaderships installed to steer intelligence. The inevitable cost has accrued to the very people the political settlement sought to serve, and the Constitution and human security that intelligence set out to uphold and nurture, have been dealt severe blows under its watch. The lines between politics and intelligence have converged and the independent advisory role of intelligence is all but gone.

In May 2014, President Zuma appointed an almost unknown individual as the Minister of State Security. David Mahlobo became the head of an intelligence community that is rife with factionalism and mutual suspicion. As noted in a Mail & Guardian newspaper article:

Foreign spymasters reportedly joke about the cost savings achieved by being able to dismantle counterintelligence operations in South Africa, intelligence insiders tell stories about serious potential threats

going un-investigated, and the politically connected mutter about their fears of being targeted. (Pillay and de Wet 2014)

Other intelligence structures have fared worse. Insiders say that Military Intelligence (now Defence Intelligence) is essentially non-existent, citing the disastrous recent excursion of the South African National Defence Force (SANDF) directly into fire, in the Central African Republic (CAR).³⁵ This severely constrains the future participation of South Africa's forces in peacekeeping operations on the Continent, while it renders the country vulnerable on multiple external fronts.

The South African Police Services (SAPS) have similarly failed to find their intelligence niche in the realm of criminal intelligence, with repeated efforts to establish specialist intelligence capacities coming to nought. In 2006, when it became clear that allegations that then Commissioner of Police, Jackie Selebi, had been involved in organised crime syndicates needed to be taken seriously, former president Thabo Mbeki confidently announced to the citizenry, "I have the greatest confidence in National Commissioner Selebi",³⁶ underlining the ironic failure of intelligence to protect even its own structures from being contaminated by criminal networks, as even the Head of State became tainted by the reputational fallout.

The cumulative impacts on the South African reality are visible on the streets and in the headlines: intensified service delivery protests; unparalleled organised crime that is ravaging communities with the proceeds of drugs, violence and human trafficking, doing little to counter rising unemployment; and wave after wave of increasingly violent labour unrest. While still lauded for its peaceful transition and its reconciliatory zeal, the codification and ensuing commodification of the political settlement have simply not issued the dividends it promised its people. In this regard, national intelligence structures have failed to remind the state that the integrity of the inclusivity of the political settlement it achieved in 1994 relies on the materialisation of not only the illusion of state-building, but the actualisation of this state-building as real benefits and services for the lives of the masses.

5 Conclusion

One of the central assumptions that the overarching project that this paper is part of seeks to address, is the extent to which inclusive negotiations will inevitably lead to inclusive state-building outcomes. The South African political process was nominally inclusive but the voices of the population themselves, at the time ostensibly represented by the various political parties to negotiations and often channelled via the strategic assessments of civilian intelligence, have dissipated in the political protectionism that has seen intelligence flounder and fade. Intelligence is no silver bullet, but that it has a role to play in protecting inclusive political settlements is clear. This could take on different forms, i.e. traditional reporting on domestic or foreign threats, but also warning the government when it fails to meet legitimate expectations, thus contributing to a climate that might be conducive to protest and violence. It can, however, only do this at the behest and with the encouragement of the state.

³⁵ Thirteen SANDF soldiers were killed in March 2013, while trying to prevent rebels from overthrowing a recognised if unpopular and corrupt government in CAR.

³⁶ As quoted in: www.dailymaverick.co.za/article/2013-10-07-jackie-selebi-parole-where-the-truth-lies/#.U5_cOfmSyoM [Accessed 17 June 2014].

For a truly enduring political settlement and for inclusive state-building outcomes to prevail in South Africa, the political and moral deficit that inclusivity sought to redress must be revisited. The vast socio-economic inequity that was an embedded driver of the struggle on which the settlement was based has persisted and deepened. Even in the heady optimism that prevailed two years after 1994, voices on the left were noting the effect of one of the core potential spoilers of this globally vaunted political settlement: “In 1990 42 percent of the population lived in poverty. In 1991 South Africa had a Gini coefficient, which measures the extent of income inequality, of 0.68, the highest in a group of 36 developing countries. That same year the poorest 40 percent of households earned 4 percent of national income, while the richest 10 percent received more than half” (Callinicos 1996). In 2013, the OECD noted that South Africa’s Gini co-efficient, at around 0.70, is among the highest in the world:

Income differences appear to be even starker within South Africa than at the global level, as the world income inequality Gini, pooling all incomes across all countries, was estimated at 0.62 in 2008 (...). Although advances in areas such as electrification and access to education have increased equality of opportunities (...), no progress towards income equality has been made since the end of apartheid. In the 2010 Income and Expenditure Survey, the income ratio between the top and bottom deciles was around 20, far above the level of 5 in the United States, one of the most unequal countries in the OECD (...). As a consequence of South Africa’s legacy of discrimination, ethnicity accounts for a large part of income inequality. The within-race inequality component is also substantial, however, and has increased tremendously. The Gini coefficient for Africans has increased from 0.55 to 0.62 between 1993 and 2008, and from 0.42 to 0.50 for Whites at 0.6” (OECD 2013, 18).

In essence then, the massive socio-economic threat emanating from the failure to address broad human security, a priority codified in the intelligence mandates of legislation that signalled the materialisation of the political settlement in 1994, remains at best, largely unchanged.

Intelligence may have helped avoid conflict in the first two phases of the process towards political transition, but the intervening years have seen the steady encroachment of a deepening relationship between politics and intelligence – one that overrides its essential independence. As a result, it has done little to guide the state towards a trajectory that seeks to avoid further conflict and this will inevitably accrue if the human security imperatives at the heart of the intelligence mandate are not addressed.³⁷ Africa and Mlombile pre-echoed this caution in 2001, when they described the integration of the intelligence services in still positive terms:

Change is almost never easy; redirecting intelligence services from a repressive agenda to one upholding a new democratic dispensation is a mine-field. But the rewards are great. South Africa can now look back with pride on its achievement: the creation of an intelligence apparatus that is founded on democratic principles. We need to be ever vigilant, however; the nature of intelligence is such that the balance between secrecy and democracy will always be a fine one to strike. (Africa and Mlombile 2001, 10)

³⁷ Human security, i.e. the well-being of a state’s people, is inextricably linked to the political and economic stability and security of that state. During 1994, the late Pakistani economist Dr. Mahbub ul Haq came up with a definitive concept that changed the traditional thinking on national security in the post-cold war era. Dr. Mahbub, then working for the United Nations Development Program, theorised that national security could not be divorced from human security because if a population is under threat even from socio-economic factors, this naturally leads to instability on the national security front (see more in Njoka 2012). This implies that intelligence can no longer solely concentrate on acquiring secrets from other governments – it must also monitor and understand domestic and international trends that might impact on the country’s population and help governments form informed opinions on such developments. In order to be able to execute such responsibilities, intelligence must deal with vast amounts of open source information (in addition to secret information) and the challenge becomes the ability to correctly interpret or analyse information.

Parallel needs to balance secrecy, democracy and politics compound this very delicate equilibrium, leaving the political settlement, even after 20 years of political freedom, precarious, with the boundaries no longer the neatly defined moral and principled extremes of apartheid era power contention.

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Interviews

Former DG of SASS

Former DG of NIA

Former Chief of Staff: Military Intelligence

Numerous former senior officials of NIS, SAP, and Military Intelligence

Former members of DIS (ANC)

Two former Directors-General (DGs) of NIS

Two former NP ministers who were closely involved in the negotiations

Former Head of Station of MI6 in South Africa (UK Foreign Intelligence Service)

(Note: Some interviews and discussions date back to the mid- to late-1990s. However, interviews for this paper were primarily conducted between April and September 2014.)