

**COVERT ACTION AS AN OPTION IN NATIONAL SECURITY
POLICY: A COMPARISON BETWEEN THE UNITED STATES OF
AMERICA AND SOUTH AFRICA (1961 – 2003)**

by

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Dedicated to my father and mother, Gert and Classien Jansen van Rensburg, who did not have the opportunities in life that I have had.

Acknowledgement

**To my Creator for the talent;
My parents for the opportunities;
My family for their patience;
My colleagues for their support;
My professor for his guidance;
Myself, for perseverance.**

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INTRODUCTION

1. STUDY OBJECTIVES

The objective of this study is to investigate and analyse covert action as an option in national security policy. To achieve this aim, the study focused on aspects such as changes in the current international security environment; new challenges that exist; and a conceptual framework of covert action as an element of intelligence. An analysis of the conduct of covert action by the United States of America (US) during the Cold War era as well as the post-Cold War era with the specific intention of identifying problem areas; reasons for successes; as well as legislative control measures instituted to regulate the activity, was also done. A similar study reference to the situation in South Africa, with the focus on the pre- and post -1994 eras, is also presented.

The importance of the study is in its clarification of the concept of covert action, not only for policy makers but also for intelligence functionaries. It indicates the measures that should be in place for covert action to be an effective element of national security options; its advantages and disadvantages; the circumstances in which it should be conducted; and the fact that it is still a viable option in the current security milieu.

2. RESEARCH PROBLEM

As indicated above, the nature of covert action and especially negative perceptions within society have led to questioning of the use of covert action as a legitimate option within security policy. However as shown in the analysis of case studies, reality illustrates that governments continue to conduct covert action as part of foreign and/or domestic policy. The question has also arisen whether the crisis in Iraq or the situation in Zimbabwe could have been more properly addressed through the use of effective covert action operations.

The main propositions on which the study were based, are as follows:

- Covert action remains a valuable national security policy tool and provides an additional option within the security environment.
- Control over covert action in South Africa is still inadequate.

- Covert action, as an element of intelligence, remains within the ambit of the responsibility of Intelligence Services.

- Covert action still continues within the modern environment notwithstanding criticism.

3. METHODOLOGY

The study is descriptive and analytical in nature, analysing case studies relevant to the US and the South African environments. A conceptual framework relating to covert action as well as the new challenges/changes in the security environment, international, regional and national, served as the basis for the analysis of the conduct of covert action within the US and in South Africa in the period 1961 - 2003. A comparison was done of the US and South African situations in order to identify commonalities, lessons learned, as well as applications within the new South African dispensation. It was also important to understand the context of the South African security environment in the pre-1994 period in the analysis of covert action operations conducted in this period.

4. SOURCES

Because of the nature of covert action, there is a dearth of applicable primary literature within the field of study. This scarcity is especially noticeable in the South African environment where the traditional closed security society prior to 1994 limited the field of study. In the conduct of this study, the focus was on the use of official documents and government publications as the main point of departure in the analyses of covert action and applicable legislation. It was however not a viable option to conduct the study only through the use of primary sources, as the study field by nature is sensitive and most official documentation is classified and restricted in terms of access.

A critical approach was followed in the analysis of secondary sources such as books, journal articles, periodicals, monographs and newspapers in order to provide a theoretical framework as well as a discussion and analysis of case studies. One of the main challenges experienced in this field of research was the lack of consensus in the utilisation, distinguishing and interpretation of terminology such as covert operations, clandestine operations, clandestine collection and covert action. This resulted in the need to formulate a stipulative definition for the purposes of the research, as will be reflected in the next chapter.

5. CHAPTER STRUCTURE

The following chapter layout was followed in the research of the topic:

- Introduction
- Chapter 1: Covert action and National Security.
- Chapter 2: Covert action in the United States of America (US): a Cold War and post-Cold War perspective.
- Chapter 3: Externally directed covert action in South Africa: 1961 – 1994.
- Chapter 4: Internally directed covert action in South Africa: 1980 – 1994 and subsequent changes.
- Chapter 5: Evaluation.

Chapter one provides a theoretical overview of covert action and addresses aspects such as definitions of covert action; principles and characteristics of covert action; types of covert action; advantages and disadvantages of covert action; the uses of covert action; and a discussion of covert action as component of intelligence. Changes and challenges within the post-Cold War security environment were also addressed, indicating new requirements; manifestation of threats; as well as new approaches in security policy.

Chapter two addresses the conduct of covert action in the US during the Cold War as well as post-Cold War era. Applicable legislation, executive orders and presidential directives were analysed in order to determine governmental control measures, effectiveness and weaknesses within the US system. Changes in approaches during the Cold War and post-Cold War era were identified and case studies such as covert operations against Cuba/Castro, Watergate, the Iran/Contra affair and contemporary actions against Iraq were analysed in order to determine lessons learned and new measures introduced. Ethical aspects from an American perspective were also addressed. The security environment during the Cold War and post-Cold War era were compared to indicate whether changes in the security environment have been reflected within the approaches, legislation and regulations of government.

Chapter three addresses the conduct of covert action in South Africa with an external focus with specific reference to the period 1961 - 1994. An overview of the security environment and government policy (including applicable legislation), as well as the recommendations and findings of commissions of inquiry, was provided as background for the discussion of covert actions and operations within this time frame. Case studies such as the Information Scandal (1978/79); the

Seychelles affair (Mike Hoare); and South African military cross-border activities were analysed and discussed as examples of covert action with a mainly external focus.

Chapter four addresses alleged covert activities directed against South African citizens, thus mainly an internal focus, including ‘Third Force’ activities (the 1980s – 1994), and atrocities conducted by the security forces such as alleged ‘hit squads’ and the Civil Coordination Bureau. These topics were discussed in relation to legitimacy, targets, *modus operandi* and application of principles as applicable to the conduct of covert action. The impact of these activities on current legislation, security mandates and control measures in the South African security environment were also discussed. Shortcomings were identified and recommendations made to address the situation. Historical perspectives as well as the findings of the Truth and Reconciliation Commission were analysed to determine the impact on current perspectives, attitudes and approaches to the conduct of covert action. The current security environment, domestic, regional and international, was analysed to determine the need for the conduct of covert action operations from a South African perspective.

Chapter five is an evaluation and comparison of the findings of chapters one to four in order to determine whether covert action continues to be a valuable national security policy tool and provides an additional option within the security environment; whether control over covert action is still inadequate; whether covert action, as an element of intelligence, continues to remain within the ambit of the responsibility of Intelligence Services; and whether there is still a need for covert action to continue in the modern environment. An evaluation was done to determine the future of covert action, whether it is still a tool against modern threats, within the spirit and principles of democratic values and interests; whether it is ethically viable; and whether South Africa has a need for covert action. The comparison with the US was used especially to identify shortcomings in South African security legislation and control measures.

CHAPTER 1

COVERT ACTION AND NATIONAL SECURITY

[The] last resort [of political ethics] is the endeavour to choose...among several possible actions the one that is least evil...By avoiding a political action because it is unjust, the perfectionist does nothing but exchange blindly one injustice for another which might be even worse than the former. [The perfectionist] shrinks from the lesser evil because he does not want to do evil at all...his personal abstention from evil, which is actually a subtle form of egotism with a good conscience, does not at all affect the existence of evil in the world but only destroys the faculty of discriminating between different evils. The perfectionist thus becomes finally a source of greater evil (Hans Morgenthau: Scientific Man and Power Politics).

1. INTRODUCTION

The end of the Cold War redefined the world as it had been perceived before. The bipolar world that developed after World War II, with well-defined enemies, East against West, capitalism versus communism, ceased to exist. The changes not only influenced First World powers within the developed world, but also the Third World countries and South Africa. The ending of apartheid and the re-introduction of South Africa into the international arena, have led to a realisation of the expectations and responsibilities of a state within the international community. Before 11 September 2001 the existence and need for intelligence services were under pressure from the moment a perception developed that the world was a less dangerous place than it had been a decade or two before. Communism and its allies were no longer a threat and no comparable threat was defined to replace it as reason for existence. This was even more applicable in South Africa where no real threats from any of the neighbouring countries were perceived in the short to medium term. The traditional role of intelligence services was under threat and their existence questionable. The attack on the Twin Towers in the United States of America (US) emphasised the dangers of international terrorism and indicated several weaknesses in the intelligence capability of even the intelligence services in the US. The continuation of the conflict in Iraq, as well as the continuation of indiscriminate terrorist attacks against public targets, such as the attacks on the railway system in 2004 in Spain, question the methods used, as well as the effectiveness of traditional intelligence services. This emphasises the need, even in peacetime, for a well structured, staffed and capable intelligence service to provide accurate intelligence to decision-makers and operational commanders, as well as the need for flexible options to achieve strategic objectives.

This chapter will firstly address and analyse the concept of security in the Cold War and post-Cold War era. This will be achieved through a discussion of the definitions of the term ‘security’; a discussion of the Cold War approach to national security; the post-Cold War approach to security; as well as Third World national security. Contemporary threats to national and international security will also be referred to briefly. Secondly the need for intelligence as well as the challenges in the new millennium will be highlighted and covert action as an option will be discussed. This chapter also aims to provide a conceptual overview of covert action and will address aspects such as definitions of covert action, principles and characteristics of covert action, types of covert action, advantages and disadvantages of covert action, the uses of covert action, and a discussion of covert action as component of intelligence. Changes and challenges within the post-Cold War security environment will also be addressed, indicating new requirements and the reaction to the manifestation of new threats, in addition to a need for new approaches to security policy.

2. AN OVERVIEW OF THE CONCEPT OF SECURITY

The difficulty in defining what security is, is illustrated by the comment ¹⁾ that security “does not lend itself to neat and precise formulation. It deals with a wide variety of risks about whose probabilities we have little knowledge and of contingencies whose nature we can only dimly perceive”. Expectations and requirements in terms of security also change with political developments in the international arena, and perceptions change accordingly. Threats and expectations of the pre-Cold War and Cold War era differ from the requirements of the post-Cold War era and even the nature of the threats experienced in the new millennium. Security, according to Mathur ²⁾, generally “means preservation of liberty, life, property, honour and culture of individuals and an environment of peace and tranquillity in the society...Security implies survival and psychological feeling of freedom from any danger”. Mathur emphasises that the nature of the threat to security “calls for integrated and sustained world-wide action” ³⁾.

2.1. NATURE OF SECURITY

Security has been defined as a state or feeling of safety; freedom from worry about possible loss; something giving assurance; protection against attack from without or subversion from within and precautions to maintain safety ⁴⁾.

Zacarias ⁵⁾ defines security as: “a concept resulting from a complex web of interactions among individuals in different spheres of social life, such as the political, economic, social, military and

environmental. This interaction is mediated by a number of structures, institutions and interests. It is a concept that cannot be defined in the absence of human beings. The essence of security, whether it concerns individuals, communities or states, is the assurance of human beings of their ability to predict and to fulfil their aspirations without incurring the danger of physical damage or sacrificing their core values". This is echoed in the following view, which describes security as "an all-encompassing condition in which individual citizens live in freedom, peace and safety: participate fully in the process of governance; enjoy the protection of fundamental rights; have access to resources and the basic necessities of life; and inhabit an environment which is not detrimental to their health and well-being"⁶⁾.

Zacarias posits that security is in the eye of the beholder: "In fact, security is a concept which depends on the perception of the referent, whether this is an individual, a community or a representative of a state"⁷⁾. According to Buzan⁸⁾, however, the concept of security is a naturally integrative idea. People, states and the international community all provide valuable starting points for enquiry; "none of them in the end provides an ultimate basic category of referent objects for the concept of security". Labelling something then as a security issue implies according to scholars that special measures or at least special mechanisms need to be implemented in order to manage the issue⁹⁾. It is then obvious in a world of weak and strong states that not all states will have similar capacity to pose a threat of deterrence or to promote national interest through projection of force. Alternative options should be investigated that could include strategic alliances and, important for this dissertation, the possibility of the conduct of covert action as a method of promoting and/or protecting national interests.

2.2. THE COLD WAR APPROACH TO SECURITY

Western security studies in the post-World War II era were mainly driven by the concepts that emerged in response to the needs of the Western countries after World War II and the ideological division between East and West. The emphasis was placed on the survival of Western society against the attacks, influences and subversion of a communist onslaught. The concept of security was narrowed down to a situation where state goals and state interest were in many situations the only factors to consider in determining a national strategy. Security was mainly interpreted as or equated to defence, placing the emphasis on the ability of a country to defend itself against a military offensive.

Security was traditionally interpreted as an outward-looking concept, focusing on the protection of the state and society against foreign threats. Power, and then mainly military power, was the driving force during the Cold War era, with further emphasis on own sustainability and self-sufficiency. Armament development (the so-called arms race) and securing petroleum/oil supplies were on many occasions the driving forces in the determination of foreign policy and the identification of strategic partnerships. The approach was that absolute power would ensure absolute security. The outcome, however, was an arms race between the West and Eastern Bloc powers, resulting in a strategic concept such as mutual assured destruction in an attempt to promote a balance of power and the protection of weak states within alliances such as the North Atlantic Treaty Organisation (NATO) and the Warsaw Pact countries.

The traditional approach to security thus mainly focused on the absence of a threat, and then mainly a military threat. This is illustrated in the view expressed by Berkowitz¹⁰⁾ as cited by Mathur, where national security is defined as “the ability of a nation to protect its internal values from external threats”. Threats according to the traditional approaches could originate primarily externally and it was the duty of the state to create a ‘secure state’ for its citizens. Solomon¹¹⁾ states in summary that the study of security in the Cold War era was dominated by concepts such as containment, deterrence, flexible response, massive retaliation, balance of power, mutually assured destruction and an overarching concern with nuclear strategy. It could then also be argued that the conventional approach to security was shaped by the political conditions of the Cold War and under the threat and tension of ideological blocs as well as the possibility of nuclear war, the debate about security focused on states and their military capabilities¹²⁾.

The main problem with the traditional approach to security was that it narrowed the spectrum of threats against the state, as the main focus was on external threats. National security concepts were developed to address external threats; mainly military aggression, and aspects such as socio-political and economic issues were neglected. The external focus resulted in internal issues that could be to the detriment of national security being overlooked. To some extent, this was also the case with external non-military threats. A strong military capability does not always guarantee the support or satisfaction of an individual or of society.

The traditional approach to security has a number of major shortcomings, such as that it generally ignores the underlying reasons for conflict; it fails to take adequate account of the security of the people and the many non-military threats to their security; it contributes to a militarists ethos in civil society; it diverts resources from more productive ends; and it frequently fails to make use of the

various non-violent forms of conflict and resolution¹³⁾. Mathur supports this view by stating that to define national security in terms of physical protection of nation-states from external military threats is not only narrow but also misleading. “Security no longer means only military or physical security but it increasingly includes social and economic security of a safe and healthy environment, security of human development through education, adequate nutrition, health care, clothing and shelter, security of employment and guarantee of human rights and fundamental freedom”¹⁴⁾. Some of these definitions may obviously be too broad. This aspect will be discussed later.

The traditional approach has revealed certain obvious inadequacies that could not address the challenges as required in the post-Cold War era. Military power was no longer a guarantee to security and the external focus on potential dangers was reduced by the demise of the former Soviet Union and its East Bloc allies. Yesterday’s enemies were today’s allies and a refocus on national security as well as the measures to promote international, regional and national policy was required. Security was no longer viewed as only a focus on state needs and interests, but became a realisation of an inclusive process that required the consideration of society and individuals. It was clear that security should investigate multidimensional concepts that include aspects such as AIDS/HIV, poverty, border control, international crime, environmental issues, refugees and inter-state and intra-state conflict. To ensure survival, the emphasis, especially in an African context, should no longer be exclusively on military power as method of survival.

2.3. POST-COLD WAR SECURITY

Changed circumstances in the post-Cold war era have resulted in a revolution in not only strategic and military affairs, but also in the traditional perception of what could be defined as a security issue. The disintegration of the Soviet Union has not only reduced the likelihood of a global war between former adversaries, but has also led to a re-thinking of the concept of security, the forming of strategic partnerships and economic co-operation. Security no longer primarily only focused on military capabilities and deterrence potential, but issues such as political freedom, economic sustainability and environmental disasters have come to the fore, compelling policy-makers and scholars to revise thoughts and perceptions related to strategy and national security.

2.3.1. Influences on Post-Cold War Security

Aspects influencing the re-thinking of security were the origins of the sources of the threat, which Buzan¹⁵⁾ divided into five main sectors, namely political, military, social (societal), economic and

ecological (environmental), emphasising that the referent object of security moved from the state to that of the individual in many of the interpretations ¹⁶⁾. Zacarias ¹⁷⁾, however, criticises the compartmentalisation of the concept of security on the basis that one misses out on the dynamic of interaction between those sectors whose outcomes would define the borders of security.

Criticism against the new thinking on security is that it creates such a broad spectrum of security-related issues that it becomes unmanageable. Betts ¹⁸⁾ states that for the purposes of education in international relations, security should be reserved for the body of issues that involves the use of force (either actual or potential), or coercion close to force, to determine political outcomes. He is adamant that those who endorse a usage that includes many other threats to human safety or interests, such as ecological issues and trade policy, “render the term conceptually useless by making it synonymous with the larger rubrics of foreign policy or international relations in general”¹⁹⁾. Weak states will not have the resources, economic or administrative capability to address all the issues, and rather develop from being secure states (owing to a specific focus) to more insecure ones because of all the security-related issues they could not address. Finding the right balance will be important. Mathur ²⁰⁾ states that, “[t]oday we live in a truly multi-centric world in which nations, big and small, need one another’s co-operation and help. Environmental degradation, the North-South inequalities, inter-related problems of population, poverty and health, and the over-arching threat of weapons of mass destruction call for integrated and sustained world-wide action”. As the approach to security broadened, the concept of national security was likewise revised.

2.3.2. Post-Cold War Approaches to National Security

National security, according to Mathur ²¹⁾, involves national survival and the ability of the nation to protect its chosen way of life and to protect and maintain its vital interests. A threat to national security could then be any activity, phenomenon or course of events that could pose a danger to either the survival or the existence of the nation or the welfare of the people of a sovereign nation-state ²²⁾. Factors, according to him, that determine national security are geographic and geo-strategic conditions; human and material resources; the level of industrial and economic development; political conditions; socio-cultural conditions; military power and the types of internal and external threats ²³⁾. The national security problem then turns out to be a systemic security problem in which individuals, states and the system all play a part, and in which economic, societal and environmental factors are as important as political and military ones ²⁴⁾.

National security from a military perspective has been defined as “a concept of guarantee against the violation of the safety of the state, rulers, form of government, institutions and population, including measures for the collection of information on, analysis and evaluation of actual and potential threats, and action in accordance with the powers devolving implicitly or explicitly within the ambit of national defence”²⁵⁾.

Flaherty²⁶⁾ states that in the Australian context the notion of national security is defined as a ‘framework’ concept, overarching in the sense that the notion incorporates ‘national power’. National security²⁷⁾ can then be seen as a mechanism “to balance threats – which normally come from outside the state – and vulnerabilities – which are an internal factor”. A fundamental aspect of national security thinking then, is firstly to identify the elements of national power, and secondly to develop a philosophy which teaches how to use these in terms of the relationship between the elements of national power and national interest; how to choose, apply, mix or balance the elements of national power; or how to choose, apply, mix or balance the individual elements of defence power as an expression of national power²⁸⁾.

National security focuses primarily on states and their threat perceptions, implying that states consider themselves secured if and when they have the ability to defend their national integrity and sovereignty against an aggressor. A classic definition underlying this approach is that of Lipmann as cited by Zacarias: “A nation is secure to the extent to which it is not in danger of having to sacrifice its core values, if it wishes to avoid war, and is able, if challenged to maintain them by victory in such a war”²⁹⁾.

One of the main aspects influencing changed views in relation to the post-Cold War perceptions on national security was the fact that several academics and statesmen came to reject the proposition that morality, the protection of human rights, promotion of democratic principles and support for development and better living standards should be excluded from foreign and national security policy³⁰⁾. These aspects are entrenched in any policy addressing national and international interests in the post-Cold War era and new millennium. Nardin³¹⁾ argues that traditions and historical perspectives will have an impact on how national concerns are formulated and debated in the post-Cold War era and will be reflected in the formulation of a national security policy. Traditions of political realism, Christian morals, human rights, democracy and military professionalism will thus be reflected clearly in the formulation of a national policy. Kegley³²⁾ argues that mounting non-military threats to security raised the possibility that a new national security ethic had to be developed, focusing on international co-operation, even in anarchical circumstances where

collaboration is discouraged, as international collaboration might be more favourable to the self-interest of states, considering the transnational nature of many of the economic and ecological threats to security.

Buzan ³³⁾ also argues that the concept of national security is difficult to define in a universal context, because of the diversity of states as referent objects. “The concept of security can be mapped in a general sense, but it can only be given specific substance in relation to concrete cases”. He emphasises that in the case of strong states, national security can be viewed primarily in terms of external threats, while the origin of threats in the case of weak states could in many cases be from within the state itself. He states that “In weak states, only the physical base of the state may at times “be sufficiently well-defined to identify national security” ³⁴⁾. He ³⁵⁾ emphasises that national security, and thus insecurity reflect a combination of threats and vulnerabilities and how governments perceive these threats and vulnerabilities would determine the formulation of a national security policy. States can opt to reduce their insecurity either by reducing their vulnerability or by preventing or lessening the threat and thus “the national security policy can either focus inward, seeking to reduce the vulnerabilities of the state itself, or outward, seeking to reduce [an] external threat by addressing its sources” ³⁶⁾.

Buzan ³⁷⁾ also emphasises that weak powers, lacking the resources, skill, social-political cohesion and will power, will only be in a position to address a single sector in the short term, where by contrast strong powers have fewer vulnerabilities, thus placing them in a position to extrapolate power outside their own borders. By implication this indicates the difference in potential and choice in covert action as an option between strong and weak states in the conduct of national security. It is therefore necessary to discuss briefly the concept of Third World national security as well. However, the danger also exists that in defining national security too broadly in order to include all aspects that could affect national interests, the real focus and problem areas could be neglected, as governments could focus on addressing soft issues for self-interest and political gain. The challenge in the new millennium will be to find the correct balance and address the key issues that would have the most negative impact on national security. National security issues could be a matter of choice. Buzan states “[t]he difference between normal challenges and threats to national security necessarily occurs on a spectrum of threats that ranges from trivial to routine, through serious but routine, to drastic and unprecedented. Quite where on this spectrum issues begin to legitimate [being] classified as national security problems is a matter of political choice rather than objective fact” ³⁸⁾. It is therefore necessary to discuss the concept of Third World national security briefly as well.

The changes in security since the Cold War era have had an impact on the approaches to international, regional and national security in general as well as on what is perceived as a national security threat. These changes have not only had an impact on the developed world, but in some cases had a severe impact on stability in the Third World, consequently necessitating an analysis of Third World national security.

3. THIRD WORLD NATIONAL SECURITY

Ayoob³⁹⁾ argues that the historically conditioned definition of security in the analysis of the Third World situation has created major intellectual and conceptual problems, as the main characteristics of the concept of security as developed in a Western tradition, its external orientation, its strong links with systematic security and its binding ties with the security of the two major powers during the Cold War era, could not be applied in a Third World context. He states that a definition of security as applicable to Third World countries must meet two criteria: it must go beyond the traditional Western definition of security and overcome the external orientation and military bias contained in the Western definition and it must remain firmly rooted in the political realm while being sensitive to other variables in other realms that could have an impact on state security and political influence⁴⁰⁾. The increasing legitimacy accorded to ethno-nationalism by the international community and the increasing incidence of failed states are, according to Ayoob, the major post-Cold War issues that will threaten the security and integrity of the Third World⁴¹⁾.

Job, Buzan and Thomas attribute the insecurity of Third World states to the concept of “weak states”. According to Buzan⁴²⁾ weak states are normally characterised by high levels of political violence; the over-involvement of state security police in the daily activities of citizens; major political conflict over the main ideological direction for the organisation of the state; lack of a coherent national identity and interest; a lack of a clear and observed hierarchy of political authority and a high degree of state control over the media. The principal distinguishing feature of weak states is their high level of concern with domestic threats to the security of the government. As stated by Job⁴³⁾, the paradox of weak states is that “(the states) are preoccupied with internal rather than external security, and weak states have a guaranteed existence in what is supposedly an anarchic international environment”. Hough⁴⁴⁾ emphasises the fact that the distinction between the different manifestations of national security in ‘strong’ states and ‘weak’ states made by Buzan, lay the foundation for the concept of Third World security and that the security dilemma for the weak state revolves around domestic threats rather than external threats.

Job ⁴⁵⁾ argues that the threat to security in Third World countries comes from forces within the country rather than from a dominant externally orientated security dilemma. Ayoob ⁴⁶⁾ supports the view of Job that “(t)he low level of social cohesion and of state and regime legitimacy is the root cause of domestic insecurity in Third World states”. Ayoob ⁴⁷⁾ identifies the following characteristics as typical of Third World states:

- Lack of internal cohesion in terms of both economic and social disparities and major ethnic and regional fissures.
- Contested legitimacy of state boundaries, state institutions and inter-state conflicts.
- A high level of susceptibility to internal and inter-state conflicts.
- Distorted and dependent development, both economically and socially.
- Marginalisation, notably in respect of the dominant international security and economic concerns.
- A high level of permeability by external actors, whether more developed states, international institutions or transnational corporations.

Job ⁴⁸⁾ identifies four main issues that contributed to the insecurity dilemma in Africa or the Third World in general, namely that within state borders more than one nation/ethnic group contend for power because the control of ‘power’ will assure survival; the regime in power in most of the cases lacks the support of some significant groups of the population, as it represents either a particular ethnic/ideological group or social sector or in many cases a select group of economic or military elite; the state in most of the cases lacks an efficient capacity to provide peace and order for all its members and focuses on the protection of a minority elitist group; and in many cases, such as in Zimbabwe, the main threat to the community originates from the regime in power rather than an external threat that could endanger the existence of the community. It is thus also important to address the contemporary threats to international, regional and national security, as these could influence security perceptions in relation to the perceived threats that exist in a region or country.

Third World security is mainly related to historical issues such as ethnic and ideological differences and border disputes and Third World countries could still be perceived as in a state of flux, still developing as part of the process of state-making. In order to have a broad overview of all the aspects that have an impact on security, contemporary threats in the international, regional and

national arena must also be addressed in order to determine potential solutions in the international, regional and national threat arenas.

4. CONTEMPORARY THREATS TO INTERNATIONAL, REGIONAL AND NATIONAL SECURITY

The current international security environment is mainly characterised by threats of international terrorism; organised crime; weapon proliferation and drug trafficking, while intra-state conflicts and traditional disputes continue to occur. Of concern to the international community and particularly the developed countries is the number of weak states and/or states on the brink of collapse that could have a destabilising influence in sensitive areas.

According to Dewar ⁴⁹⁾ it is clear is that the threat in the twenty-first century is multi-faceted. Countries are confronted with threats such as:

- A new breed of terrorist, more ruthless, better funded, more fanatical and willing to die while executing acts of terrorism.
- Terrorist groups that are internationalised, across borders and motivated mainly by religious fundamentalism.
- Potential inter-state conflict such as the Indo-Pakistani border dispute, the China and Taiwan issue.
- State-sponsored terrorism as conducted by North Korea.
- Crime-driven conflict such as in Northern Ireland and Colombia.
- Existing and emerging nuclear threats such as the developments in North Korea and Pakistan.

It is important to take cognisance of the argument of O'Brien ⁵⁰⁾ that much has been made of the changing security agenda and the emergence of new threats since the end of the Cold War, as most of these threats to national and international security are 'mutations' of existing threats. The changes in the international arena have introduced the notion of 'asymmetric threats' where in this new threat environment "the world is faced with an increase in low-intensity conflicts. These include chemical-biological-radiological-capable actors, including an ever-increasing number of extremist groups" ⁵¹⁾.

Friedman ⁵²⁾ cites globalisation as the international system that has replaced the Cold War system and that has profound strategic and security implications. The state matters more, not less, in the

globalisation system; “messy states” - those too big to fail or too messy to work (Indonesia, Pakistan, Russia and China) - will shape the strategic environment. The weaknesses of states (such as Russia and China) will be the main threat, not their strengths. Thus the incapacity of states to solve domestic or regional issues will influence the national security of other states and be a guiding factor in the determination of threat perceptions and the development of security strategies.

Rapid population growth, AIDS and other diseases, water, food and environmental security issues, landmines, the proliferation of light weapons, crime, illegal drugs, poaching and cattle theft, mass migration, unemployment, insufficient growth, a culture of violence, a culture of civil disobedience, ethnocentric nationalism and instability due to processes of democratisation as a typical list of the new security issues in Africa, confirm the interconnectedness of security and development, as well as an integrated approach in dealing with security issues⁵³).

Although Job⁵⁴) maintains that in the short term security is about political-military threats, he also states that if environmental conditions deteriorate to such an extent that populations cannot support themselves, food supplies become weapons in a conflict and conflicts or insecurity results in large numbers of refugees moving across international borders. He also argues that analysts would have to broaden their substantive scope and theoretical frameworks accordingly⁵⁵). Aspects such as internal conflict, famine and the AIDS pandemic warrant new approaches, as more pressure will be exerted on resources normally earmarked for traditional security issues such as the defence and intelligence services’ budgets.

In conclusion contemporary threats are thus mainly characterised by intra-state wars, international terrorism, international crime, cyber warfare and ideological fundamentalism. New challenges warrant new approaches and from a security perspective, the option of covert action as an alternative to military intervention or as an element of foreign policy needs to be re-investigated, as it could have the potential to manage certain challenges in a changing world, which demands imaginative alternatives to peace and conflict resolution, the saving of human lives and alternatives forced by financial constraints. The role of intelligence and covert action needs to be assessed to determine the potential usefulness of covert action as a solution to some of the internal and external security challenges. It is also of importance from a research perspective to differentiate between covert and clandestine operations.

5. COVERT OPERATIONS *VERSUS* CLANDESTINE OPERATIONS/COLLECTION

One of the challenges in the research domain of covert action is the fact that for many authors, officials and academics, no distinction exists between the terminology, requirements and characteristics of covert operations and those of clandestine operations. That confusion reigned even in the security community in distinguishing between covert and clandestine from the 1970s to the 1990s is evident in the formulation of definitions by the South African intelligence community. The South African Defence Force (SADF) ⁵⁶⁾ in the 1970s used the two words as synonyms, both with concealment and secrecy as the main characteristics and the implication that knowledge and compromise of an operation could lead to embarrassment for the state. This confusion was also reflected in a publication of the South African Coordination Intelligence Committee ⁵⁷⁾, where the only difference in terminology was that ‘clandestine operations’ must be conducted in such a way as to ensure secrecy or concealment and that secrecy need only be maintained for a limited period of time.

Charters ⁵⁸⁾ indicates similar uncertainty in the US, stating that the term ‘covert’, while literally synonymous with ‘clandestine’ or ‘secret’, actually refers to the concept of “plausible deniability”, emphasising that the action itself may be visible and verifiable, but that the links between the sponsor and the events themselves are concealed to the extent that the sponsor can plausibly deny any involvement. The US Department of Defence defined ‘clandestine operations’ as operations sponsored or conducted by governmental departments or agencies in such a way as to assure secrecy or concealment. A clandestine operation differs from a covert operation in that the emphasis is placed on concealment of operation rather than on concealment of identity or sponsor ⁵⁹⁾. ‘Covert operations’ are those operations that are planned and executed to conceal the identity of or permit plausible denial by the sponsor. A covert operation differs from a clandestine operation in that the emphasis is placed on concealment of the identity of the sponsor rather than on concealment of the operation ⁶⁰⁾.

In the 1990s the South African National Intelligence Agency and the South African National Defence Force (SANDF), in an effort to limit the confusion, defined and described covert and clandestine in similar terms from a South African perspective and emphasised the difference between the terms. Covert operations, according to the interpretation of the SANDF ⁶¹⁾, are those operations that are planned and executed in a manner designed to conceal the identity of or to permit plausible denial by the sponsor. They differ from clandestine operations in the sense that emphasis is placed on concealment of identity of the sponsor rather than on concealment of the

operation. Clandestine operations ⁶²⁾ are defined as those activities designed to accomplish intelligence [gathering], [support] counter-intelligence and other similar activities sponsored or conducted by government departments or agencies, in such a way as to assure secrecy or concealment. They differ from covert operations in that emphasis is placed on concealment of the operation rather than on concealing the identity of the sponsor. The distinction between covert and clandestine, according to the Intelligence Dictionary of the National Intelligence Academy ⁶³⁾, is that covert activities are disguised by cover, but are not hidden, while clandestine activities are hidden but not disguised. Thus in clandestine collection both the collector and results are unknown. Covert action is also clandestine but unlike clandestine collection, the emphasis is on action and the results may be visible (such as the arming of rebels, but the sponsor is not identified).

What is evident from the analysis of the definitions is that the main decisive factor in classifying any operation as covert or clandestine in nature, is whether the intention of the sponsor, service or government was to conceal their identity and keep open the option of ‘plausible deniability’ or to conceal the operation for a limited period of time. Clandestine intelligence operations are normally also equated to the use of secret intelligence collection operations, namely espionage. In the analysis of case studies in the research, the approach will be to determine the intention of the government as the driving factor, whether actions and/or operations were covert or clandestine.

6. INTELLIGENCE AND COVERT ACTION

The strategic environment is influenced by external factors such as globalisation, world politics, new emerging threats, such as international terrorism, and emphasis on broader aspects of national security. Globalisation resulted from the liberation of former dictatorships, the enhancement of democratic values, the merger of world economies and the liberation of information technology and the communication freeway. Individuals consequently have access to, or are bombarded with more information on all levels of life than ever before and are in a position to make informed decisions, focus on the democratisation of society or question government policy and approaches to aspects of national security.

Covert action, especially in the post-Cold War era, by its nature evokes negative reaction from citizens, organisations, pressure groups and governments because it is perceived as *contra bona mores* and as entailing the underhanded dirty tricks of a government or state security/intelligence organs. It is perceived as against the spirit and being of democratic norms and values. The popular view experiences it as mainly serving some shady doubtful interests and being mostly concerned

with the murder/assassination of innocent people. Authors, as well as the film and television industry, also reinforce the perception, because of the intrigue involved and the market/financial value.

The end of the Cold War and the emphasis on democracy and human rights have placed a question mark over former practices such as covert action and the question is raised whether such practices are still acceptable in the current security environment where there is no clear borderline between who is friend and who is foe. No universally acceptable dogmas such as East *versus* West or capitalism *versus* communism prevail as the dominant threats anymore. The boundaries of clearly defined areas of interest and the profile of allies, where one is either for or against something or where an enemy could be clearly contained within a specific area, have become less distinct. Perceptions exist that new challenges require new strategies, old practices have become obsolete and covert action belongs to the 'cloak and dagger era' of the Cold War period.

6.1. THE FOCUS OF INTELLIGENCE

During the Cold War era, the perceived Soviet threat supported by the ideology of communism shaped the approach to security as well as the conduct, mandates and expectations of intelligence services. The end of the Cold War era resulted in changes in national priorities and also led to prospects of significant reductions in budget allocations to intelligence communities, more specifically in the US ⁶⁴). Intelligence organisations had to redefine their focus and substantiate the reason for their existence.

The nature and focus of post-Cold War intelligence are now more than ever before mainly guided by national interest and foreign policy. The main purpose of intelligence in the US, as indicated by Goodman and Berkowitz ⁶⁵), is to warn the President and the National Security Council of foreign threats to US interests. Paul Wolfowitz, the Deputy Defence Secretary of the US, has argued that it is better for diplomacy rather than military force to deal with a rogue state, "although I think diplomacy, frankly, moves better when it goes armed rather than unarmed" ⁶⁶).

The need for intelligence/security-related services was never really questioned, as according to Pateman ⁶⁷), one reason for becoming involved in establishing and maintaining effective intelligence networks is that it provides the opportunity to develop a unique and independent foreign policy. With the emphasis on own national interest and determining what is best for a country, it is still important to know the intentions of potential opponents and allies. The lack of a clearly defined opponent resulted in a tendency by policymakers to want to know more about

everything, leading to a lack of clear guidelines to the intelligence community on the real priorities and focus areas⁶⁸⁾.

The security threats of the new century are very different from those of the old and it is clear that the threats pose new challenges for which new approaches are required. Globalisation, communication and technology, pressure on resources such as water, energy, minerals, fertile land and food, as well as ethnic, religious and ideological differences, are some of the aspects that should be addressed in security strategies and intelligence foci⁶⁹⁾.

What is, however, evident in the analysis of the changes in the security environment, is that intelligence services will have to be more flexible in their approaches and will have to focus their intelligence effort over the vast spectrum of issues identified as important for national security. Aspects such as mandates, budget allocations, quality of personnel, integration of effort, control measures and alliances will determine success and effectiveness. Weak states will thus have to determine priorities and consider various methods, including the option of covert action as part of foreign policy to address national priorities and interests.

6.2. COVERT ACTION AS ELEMENT OF INTELLIGENCE

Intelligence, in the classical sense, is defined as knowledge obtained through a process of collection, interpretation and collation or as qualified by Kent⁷⁰⁾ as “useful knowledge” or in relation to strategic intelligence “knowledge vital for national survival”⁷¹⁾. The South African White Paper on Intelligence, 1995, describes intelligence as the product resulting from the collection, evaluation, analysis, integration and interpretation of all available information, supportive of the policy- and decision-making process pertaining to national goals of stability, security and development⁷²⁾. Modern intelligence can thus be described as “organised policy-related information”, including secret information and excluding the element of covert action⁷³⁾.

Sims defines intelligence as “information collected, organised or analysed on behalf of actors or decision makers” and states that “the definition of intelligence used here does not embrace covert action, which is properly understood as policy execution, not intelligence”⁷⁴⁾. Thus covert action nevertheless tends to fall under intelligence management simply because it must remain secret to be effective⁷⁵⁾. Intelligence is then mainly about knowledge and secrecy. Theunissen⁷⁶⁾ defines intelligence as a “user-specific form of information and knowledge that is tailor-made for the needs of a specific customer or information-user recipient. It presents the recipient or consumer with

context, problem identification and the identification of opportunity, thereby acting as an instrument in the making of defensible decisions and policy”. Secrecy emphasises the need and measures to protect intelligence-related information and activities from adversaries. Covert action will as a priority mainly share the notion of secrecy with intelligence.

It is especially from a US perspective that covert action by default is associated with the elements of intelligence. Both Godson and Shulsky treat covert action as one of the elements of intelligence ⁷⁷⁾. Shulsky ⁷⁸⁾ argues that to narrow the discipline of intelligence to only knowledge, is too restrictive an approach and that all aspects revolving around the security of the state that are secret in nature should be included. Covert action, according to him, is one of the four elements that encompass the activity of intelligence. The elements are collection, analysis, covert action and counter-intelligence. Covert action differs conceptually from the other elements of intelligence in that “while the others are concerned with seeking and safeguarding knowledge, covert action seeks to influence political events directly. In terms of intensity, covert action can range from persuasion or propaganda to paramilitary action; it has been described as ‘an activity midway between diplomacy and war’ ” ⁷⁹⁾.

Covert action is also regarded as the domain of intelligence services in the United Kingdom (UK), France and Israel ⁸⁰⁾. Shulsky and Godson allude to the following reasons for covert action to be considered as the responsibility and domain of intelligence services: intelligence services have the ability and processes in place to act secretly; historical experiences have shown that having separate organisations involved with covert activities not only resulted in professional rivalry, but also in duplication of effort and mutual interference; and covert action relies heavily on the support of collection, analysis and counter-intelligence to be effective ⁸¹⁾.

Arguments could be advanced that covert action by nature does not fit the profile of ‘pure intelligence’ and that paramilitary units such as special forces could also have the capacity to conduct or be utilised within covert tradecraft, but it could be concluded that covert action’s association with intelligence services developed primarily from a need to be protected and to operate in the realm of covertness and secrecy. Horton ⁸²⁾ states that the negative perceptions of covert action when things went wrong in many cases impinged negatively on the “real work” of the Central Intelligence Agency (CIA), the conduct of intelligence and counter-intelligence.

One of the main arguments for a separate covert action ability is the notion that the centralisation of the collection, analysis and implementation of policy through covert action in one organisation will jeopardise objectivity. Shulsky ⁸³⁾ argues that in reviewing the types of covert action it seems

apparent that some aspects of covert action, such as secret support to a friendly government, seem almost identical to diplomacy, and other covert activities equate to low-intensity conflict. However, secretly influencing the perceptions of others to manipulate them to take action to one's benefit or in one's interest, could be seen as similar to the way that counter-intelligence is regarded as an element of intelligence purely by the responsibility of protecting the secrets of a nation. Kerr⁸⁴⁾, in reaction to an article by Godson on covert action, argues that some of the activities currently categorised as covert action should be dealt with as "normal business of foreign policy".

The question should not be whether covert action should be conducted as part of intelligence or as a separate entity, and whether it will fit better under the control of the South African Department of Foreign Affairs, as the main purpose of covert action is to promote foreign policy as an alternative tool, or whether covert action should resort under the control of the military because of the main emphasis on clandestine, irregular warfare, but whether any government could afford the luxury or danger to enshrine covert action within the responsibility of a single department or service such as the CIA of the US.

6.3. THE CONCEPT OF COVERT ACTION

Covert action or covert activities are a security phrase mainly used by the NATO countries and especially in US literature, studies and official documentation, while the former East Bloc countries have referred to similar activities as 'active measures'. Studies of literature, research papers and articles have also indicated that in many arguments or deliberations covert action is placed on par with covert operations and the terms are often treated as synonyms. Pincher⁸⁵⁾ states, "To Western politicians war is the continuation of politics by other means. To the Politburo ... politics is the continuation of war by other means. These other means, [are] now known in the Soviet jargon as active measures". According to him "active measures have the prime purpose of sapping and destroying the Western will to resist the expansion of the Soviet Union's influence and territorial acquisition"⁸⁶⁾. Carl⁸⁷⁾ describes active measures as Soviet KGB tradecraft jargon for operations involving disinformation, manipulation of front organisations, agent-of-influence operations, forgeries and counterfeiting. Covert action as an activity is concealed in several pseudonym references, all referring to the same intention or aspects of covert operations. Some of these are 'dry affairs', 'wet affairs', 'dirty tricks' and 'black operations'.

- 'Dry Affairs': Soviet euphemism for 'dirty tricks'. Any covert operation not involving murder or assassination, so-called active measures⁸⁸⁾.

- ‘Wet Affairs/Wet Work/Wet Operations’: A Soviet term for assassination and violence ⁸⁹⁾.
- ‘Dirty Tricks’: CIA jargon for covert operations or covert action ⁹⁰⁾.
- ‘Black Operations’: Operations untraceable to the sponsor agency; any operation or project that is untraceable due to misrepresentation or disguise so that the originating party remains unknown ⁹¹⁾.
- ‘Covert Operations’: Operations planned and executed so as to conceal the identity of, or permit plausible denial by the sponsor. Such operations differ from clandestine operations in that emphasis is placed on concealment of the identity of the sponsor rather than on concealment of the operation ⁹²⁾.

Covert action in the US is defined in the Intelligence Authorization Act of 1991 as “an activity or activities of the US government to influence political, economic, or military conditions abroad, where it is intended that the [US] role ...will not be apparent or acknowledged publicly” ⁹³⁾. Carl defines covert action as “ (a) clandestine operation designed to influence foreign governments, events, organisations, or persons in support of United States foreign policy: it may include political, economic, propaganda, or paramilitary activities” ⁹⁴⁾. Godson argues that covert action should not only be confined to governments, and that it should be defined “as an attempt by a government or group to influence events in another state or territory without revealing its own involvement” ⁹⁵⁾. Covert action according to Shulsky differs conceptually from the other elements [collection, analysis and counter intelligence] in that while the others are concerned with safe-guarding knowledge, covert action seeks to influence political events directly and have the common characteristic of anonymity, namely that the role of the government is not readily overtly acknowledged ⁹⁶⁾.

6.4. CHARACTERISTICS AND PURPOSES OF COVERT ACTION

Characteristics and requirements applicable to the conduct of covert action are as follows:

- These actions are directed at foreign adversaries with the purpose to influence or create a required condition. Although mainly directed at foreign countries, history has shown that covert action was also used by certain countries to address internal security issues, an aspect that has mainly contributed to the negative perceptions surrounding covert action.
- Covert action is secret in nature.

- Covert action must remain secret to be effective.
- Covert action should support national security policy and is an integral part of foreign policy.
- Covert action is not only confined to governmental use.
- Covert action is normally conducted within the security/intelligence structures of a government.
- Covert action is one of the elements contained in the broad concept of intelligence.
- Covert action provides an opportunity for plausible deniability.

An essential characteristic of covert action is the notion of covertness with the requirement that the operation is supposedly to be conducted in such a way that the identity of the sponsor is hidden, contrary to the notion of clandestine collection where the emphasis of secrecy is on the operation itself. Hulnick ⁹⁷⁾ argues that covert action may be regarded as a 'third option' between military force and diplomacy, where the use of military force would be excessive and diplomacy would be ineffectual. Godson ⁹⁸⁾ emphasises that this does not imply that covert action should be understood as a last resort alternative, a magic bullet option, to be taken when other options fail.

Covert action, according to Bissell as cited by Godson ⁹⁹⁾, serves three broad purposes – influencing the internal balance of power in a country, influencing the climate of public opinion, or inducing specific action unrelated to the internal balance of power or climate of opinion. Various techniques, overt or covert, individual or in combination, can be used to achieve these objectives.

Covert action as stipulation within this dissertation will be defined as those activities, adhering to the principles of covert operations with the specific purpose of influencing foreign policy and protecting the identity of the sponsor thus providing government with the option of plausible deniability. The focus will be on activities/action and not clandestine collection.

6.5. TECHNIQUES, TYPES AND FIELDS OF COVERT ACTION

Godson ¹⁰⁰⁾ defines the purpose of covert action as the attainment of defined political, military or economic objectives, usually by supporting friendly forces and impeding an adversary's force. He originally identified four types/general categories of secret activities as part of covert action that could be used or denied in order to enhance own objectives or to impede those of an adversary, namely political action, propaganda, paramilitary activity and intelligence assistance. Schultz ¹⁰¹⁾ adds a fifth category, namely the *coup d'état*. This entails involvement and assistance in supporting

a faction within a foreign country that carries out a consciously conceived and swiftly executed seizure of government power by the removal of the current leadership. Godson ¹⁰²⁾ distinguishes between the following categories of covert action/activities but cautions that it is not obvious where each category begins and ends:

- Confidential political advice and counsel to foreign leaders.
- The use of agents of influence as a supplement to overt channels of influence.
- The influencing of organisations such as political parties, organised labour and religious organisations to affect the balance of power or political decisions.
- Covert propaganda to influence opinions or attitudes.
- Assassinations and protection against assassinations.
- *Coups d'état* and protection against *coups d'état*.
- Terrorism and counter-terrorism.
- Support to resistance movements or insurgencies.
- Training and support to foreign intelligence services.

He indicates that the practice of covert action is not limited to the major powers of the world but that it is “a common aspect of tradecraft, practised by many states, great and small, and often by nongovernmental actors such as multinational corporations, trade unions, religious movements, and international criminal cartels” ¹⁰³⁾. What is evident in the analysis of the categories is that covert action focuses on the influencing of events, decisions and actions.

6.6. USES AND ADVANTAGES OF COVERT ACTION

One of the main benefits of covert action is the freedom of action allowed for when acting covertly and in accordance with the notion of secrecy; one of the main advantages of covert action is contained in the principle of plausible deniability. The principle of plausible deniability is clearly illustrated by a directive of the National Security Council of the US, issued in 1948, directing the CIA to conduct covert operations and defining covert action as all activities “which are conducted or sponsored by this Government (US) against hostile foreign states or groups or in support of friendly foreign states or groups but which are so planned and executed that any US Government responsibility for them is not evident to unauthorized persons and that if uncovered the US Government can plausibly disclaim any responsibility for them” ¹⁰⁴⁾. Covert action provides the opportunity to conduct firm silent diplomacy, influencing situations to achieve preferred

circumstances and serving own interests with the minimum of risk. Problematic in the Third World is the exploitation of the notion of secrecy where covert action was internally focused against opponents of the state.

Resorting to covert action as a method of promoting foreign policy or national interests in which a foreign country might be a stakeholder, implies circumventing the risks of extended military operations and associated loss of life and/or condemnation of action as well as avoiding the limitations imposed by diplomatic practices and protocols or the laws of the intended target country. Considering these advantages, covert action will have specific benefits when dealing with threats posed by non-state actors benefiting from the protection afforded by the diplomatic rules of the host country, such as in the case of terrorist organisations and international crime syndicates operating from a host country. Covert action would provide the opportunity to act against the threat, without risking relations with the host country.

Covert action provides the opportunity to reinforce overt influencing activities or to increase prospects of their success. Hulnick ¹⁰⁵⁾ emphasises that to be successful covert action should form part of some larger scheme of foreign policy. Covert action provides the opportunity for a government to become involved in the affairs of a target state where overt commitment could be premature because of the internal situation in the target country or specific interest of the target country. Covert action in this situation provides the option of silent withdrawal or disengagement from the situation when it is evident that a continuation of involvement will not be in the interest of the country. The uses and advantages of covert action will be broadly indicated below, and in more detail in the analysis of case studies in the next chapters.

6.7. RISKS AND DISADVANTAGES OF COVERT ACTION

One of the main disadvantages of covert action is that, owing to relative success in the past, it was overused and misused. According to Hilsman ¹⁰⁶⁾ covert action has been overused as an instrument of foreign policy, resulting in a decline in the reputation of the US. He states that covert action has usually been defined not as completely secret but as plausibly deniable. Hilsman argues that while one act may be plausibly deniable, several hundred are not, and while one act, taken in isolation, might seem worth the cost of slightly tarnishing the national image, the cumulative effect of several hundred blots has been to blacken it entirely, thus corroding one of America's major political assets – a belief abroad in American intentions and integrity ¹⁰⁷⁾.

Hilsman also argues that covert action is something that the US can do without in the post-Cold War era, saving millions of dollars: “Since the vast majority of the intelligence information on which US policy depends comes from analysing the open sources of foreign publications and broadcasts, routine diplomatic reporting, and the activities of newspaper reporters, and only a tiny fraction comes from espionage or covert action, the effect on the amount of information available to policymakers would be minimal”¹⁰⁸). It is clear that in this case Hillsman confuses clandestine collection with covert action, but it is also clear that in principle he questions the need for any activities that are covert in nature.

The ‘dirty tricks’ associated with covert action are a contentious issue which, even for intelligence operatives working in the security environment, creates unnecessary moral dilemmas. Horton¹⁰⁹) states, “One reason why many CIA operations officers dislike covert action is that they feel the chances for the CIA to be misused are never greater than when it is told to carry out a covert action”, and quotes a former CIA director who said “God help the CIA when it’s involved in covert action”.

The danger exists that leaders (presidents) could choose covert action as a substitute for well thought-out policy, and as a half-measure when they are unwilling to make a decision to commit security forces to obtain an end-result or to force an issue. Covert action could enable a head of state and security advisors to feel that something is being done, even when it is not enough to achieve real results. Kerr¹¹⁰), as previously stated, argues that some of the activity now categorised as covert action should be handled as the normal business of foreign policy and not interpreted as covert action. Godson¹¹¹) supports the notion that covert action can result from a lack of capacity to formulate clear policies on foreign interests; thus covert action is misused as a quick save for poor government policy to address national interests, a short-term solution as opposed to the lack of long-term insight in foreign relations. In the absence of openness, opportunity is created to contravene basic humanitarian principles and to abuse basic human rights.

The danger exists that there is a high degree of probability that covert action can become that what it is not, namely an alternative to foreign policy. Another risk is that agents could lose control over covert activities and that these could escalate into real threats. Furthermore governments could start to believe their own disinformation and develop strategies accordingly. Possibly the most obvious risk of covert action is the potential embarrassment of, or prospects of retaliation against perpetrators of covert action in the case of compromise or its disclosure.

One of the main principles directing covert action in the US during the Cold War period was the principle of “plausible deniability”, but the principle unfortunately also led to the cover-up of poor decisions and controversial activities. The point of departure was to protect the president, top leaders and government officials against any implications resulting from an operation. However, when some activities under the auspices of covert action, such as assassination attempts, attempts to influence democratic elections and support to corrupt dictatorships, came to light during the late 1960s and 1970s, critics of the intelligence community were concerned that concealing these links, prohibited accountability and encouraged CIA functionaries to assume that they could do what they wanted, independently of US norms, values and overt foreign policy ¹¹²⁾.

The compartmentalisation required for security reasons as argued to motivate the inclusion of covert action as part of intelligence, also poses operational risks where intelligence agencies conduct covert operations without proper coordination, leading to the compromising of operations, agents and resources. Horton ¹¹³⁾ emphasised the “peril inherent in having the same agency that carries out the covert political action be the one to judge its effect”. One of the most powerful control measures of covert action in the US is the democratic political dispensation; the institution of representative government; elected legislators; and control measures such as enacting legislation and amendments. The process only fails when those responsible for reviewing and approving covert action avoid responsibility and accountability ¹¹⁴⁾. The disadvantages could be overcome with adequate control and oversight.

The main issues in reconciling covert action, public deniability and democracy and thus controlling the disadvantages, are whether officials are held accountable for their decisions – if not for actions, then for general policy; whether the limited group of officials who oversee covert action is representative of the general public; whether stagnation and elitism are prevented through rotation of officials; and whether the processes ensure accountability and reviewing before authorisation ¹¹⁵⁾.

7. CONCLUSION

The post-Cold War era with its particular challenges has introduced a new role for covert action and identified new parameters for what will be acceptable in the conduct of covert operations. Although sensitive by nature, covert action could be an effective tool in foreign policy and provide more options to government than it would have had without it. Covert action could be the answer in providing the option to the developed world to promote changes to the benefit of the international, regional and national community in countries without being overtly involved. New challenges need

new approaches and covert action could provide an adequate solution/option to address sensitive issues with the minimum danger of escalating into full-scale conflict.

An analysis and discussion of the definition of covert action, principles and characteristics, types and fields of covert action, advantages and disadvantages, the principles of secrecy and transparency, responsibilities and mandates and control measures have pertinently identified the need for, uses and risks of the conduct of covert action in a modern era as applicable to intelligence agencies. Notwithstanding all the risks and implications involved, it is apparent that covert action still has a purpose to serve as a tool of foreign policy as well as an instrument in national security. New threats, such as international terrorism, crime and drug trafficking, did not render covert action obsolete; new challenges, norms and values require new methods and the changing of the old.

An analysis in the next chapters of the history, current situation and future expectations regarding covert action in the US and South Africa will provide the requirements, needs and principles that should be in place to ensure the effective use of covert action as a tool of statecraft. Chapter two will focus on the history and development of covert action in the US.

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CHAPTER 2

COVERT ACTION IN THE UNITED STATES OF AMERICA: A COLD WAR AND POST-COLD WAR PERSPECTIVE

They run the risks; they bear the tensions; they serve in silence. They cannot be fully thanked in public, but I want them to know that their job is vital and that the American people, and their President, are profoundly grateful for what they do. (Ronald Reagan: 4 December 1981)

1. INTRODUCTION

During the Cold War era, the world was divided into the so-called East and West Bloc countries, each with its clearly defined enemy, opponent and conglomeration of allies. Treaties and pacts, for example the NATO and Warsaw Pact Countries, were formed to support and guard national interests and international alliances. A few pariah states such as Israel and South Africa existed, forming their own alliances and guarding their own safety. Intelligence services and defence capabilities were strengthened through partnerships against clearly defined opponents. It was an era of acceptable spy-*versus*-spy approaches and governments had no qualms about spending large amounts of the gross national product on security-related issues. As Shulsky ¹⁾ states, the safeguarding of the national interests and security of a state in an uncertain and dangerous world requires special measures, such as secrecy, to protect a government's actions, assets and intentions from foreign competitors and adversaries. From a Western perspective, one of the main protagonists of covert action during the Cold War era was the US. Any research on the control measures, uses and risks of covert action should be measured against the covert action and operations undertaken by the intelligence services of the US, as this will provide a sound base for an analysis of covert action in general.

This chapter addresses the conduct of covert action by the US during the Cold War as well as in the post-Cold War era. Applicable legislation, executive orders and presidential directives were analysed in order to determine governmental control measures, requirements, effectiveness and weaknesses within the US system. Changes in approaches during the Cold War and post-Cold War era are identified and the impact of covert operations is analysed in a number of case studies in order to determine lessons learned and new measures introduced. Ethical aspects from an US perspective are also addressed. The security environments during the Cold War and post-Cold War era are compared to assess whether changes in the security environment have been reflected in the approaches to covert action, related legislation and regulations as applied by the US government. It

is also important to determine what motivates the US to undertake covert action and how well the country has been served in the achievement of strategic objectives by conducting covert action.

2. THE EARLY COLD WAR ERA (1947 – 1970)

The early Cold War era from 1947 to the 1970s could be described as a decisive period in the development of covert action in the US, as several covert operations, mainly directed at countering the expansionism and influence of communism, were successfully conducted and some dramatic failures, such as covert actions directed at the Cuban government, occurred that influenced the national and international perceptions of the role, the need and effectiveness of covert action as conducted by the US intelligence community. Del Pero ²⁾ argued that the conditions created by the Cold War and the polarisation of international politics stimulated the development of covert operations and that the particular nature of the post-war conflict between the US and the Soviet Union legitimised the use of unorthodox diplomatic and military practices such as espionage and covert operations.

2.1. THE INTERNATIONAL SECURITY ENVIRONMENT DURING THE COLD WAR PERIOD

Godson ³⁾ argues that the level and/or intensity of covert action conducted by the US correlates directly with the level of perceived threats against the nation. From the Second World War (WW II) until the late 1960s, covert action came to be viewed as a useful instrument in the US policy of containment. Godson states that “(t)op policymakers in the executive branch and Congress came to view CA not as a last resort – between doing nothing and ‘sending in the Marines’ – but as something for more routine use in policy implementation” ⁴⁾. This is mainly supported by the view of Berkowitz ⁵⁾ that for “(a)ll of the fifty years of the Cold War, national security was a relatively straightforward, even routine process...Everyone understood where the threat lay, and everyone understood the strategy the United States had adopted to counter it: containment. US leaders assumed that the most important factor shaping global affairs was the threat of Soviet expansion. They believed that the Soviet Union was driven to expand its control over the world for both historical and ideological reasons, and that the only solution was a strategy that combined military, political and economic measures”.

Considering the perceived threat of world communism, it then comes as no surprise that the National Security Council (NSC) in the US authorised covert action programmes to contain the spread of communism in the non-communist world. These programmes included the support of governments threatened by communist takeovers; strengthening non-communist political and

military forces; countering Soviet propaganda; weakening communist regimes by supporting resistance movements inside their territory; and weakening the loyalty of the targeted country's citizens through directed propaganda by means of radio broadcasts, leaflets and Western literature ⁶⁾.

However, what is clear is that during the Cold War era the major intelligence services of the Western Bloc countries, the Central Intelligence Agency (CIA) of the US, the Secret Intelligence Service of the UK, the Mossad of Israel, the BND of Western Germany and the DGSE of France, were involved in covert action of some kind from destabilisation of governments to plots to assassinate leaders and intelligence support and training to dissident groups. The major intelligence services of the East Bloc countries, the KGB of the Soviet Union, the Polish and Rumanian intelligence services, the Stasi of East Germany and the DGI of Cuba, were also involved in covert action or as referred to, active measures of some kind. History as depicted in books, news reports, films and TV programmes, has shown that all the countries have had their share of success and failure in the covert action domain. Unfortunately, successful covert operations, unless the government releases official information, remain largely unknown, while failures make the headlines in news reports and literature.

The advantages of using covert action during the Cold War era included that it required less time to convince allies to support US policy; allowed officials to avoid having to explain the policy to the general public; and required less review by Congress. These were the main cornerstones for the conduct of covert action in the US during the early Cold War era. Casey, a former head of the CIA, called covert action the 'cornerstone' of a proactive US policy to line up governments in the developing world to support US policies and interests ⁷⁾.

Isenberg ⁸⁾ argued that an examination of US covert action since WW II (Cold War period) indicated that both the scope and scale of covert operations were enormous. Paramilitary operations as the most extreme form of covert operations have resulted in countless deaths and destruction. Covert action became the 'instrument of choice' for policymakers who assumed that a Cold War state of affairs was inevitable. According to him, the success of US covert operations has been exaggerated and some operations, such as those against Castro, were outright fiascos. More important is the fact that operations such as those in Greece and Iran, which were claimed as successes, left a legacy of anti-Americanism that continues to impede US foreign diplomacy. According to Isenberg debates on the legitimacy of covert operations have fostered considerable domestic divisiveness in the US ⁹⁾.

2.2. THE EARLY YEARS: THE TRUMAN, EISENHOWER, KENNEDY AND JOHNSON PRESIDENCIES

When the US intelligence community was established after WW II, most of the intelligence functionaries did not want the responsibility of covert action. The CIA thought covert action would actually get in the way of espionage; the State Department did not want itself involved in covert action, as that might reflect negatively on the country's public diplomatic activities; and military leaders argued that the armed services were ill-suited to carry out covert action ¹⁰⁾.

President Truman did not want covert operations to be impeded by cumbersome budget procedures and the CIA was exempt from many budget constraints. The CIA already had a network of undercover agents operating abroad, while the National Security Act of 1947, which established the CIA, authorised its head, the Director of Central Intelligence (DCI), "to perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct" ¹¹⁾. Thus, the CIA was mandated as the institution responsible for covert action and has since then been associated closely with covert action in the US. Pressure was also exerted at the end of WW II and in the early years of the Cold War to find a 'middle option', as relying on diplomatic pressure against an uncooperative power such as the Soviet Union seemed ineffective and military action too risky. Covert action seemed to be the answer, as especially after the war the Soviet Union began its own covert operations, such as the *coup d'état* that overthrew the democratic government of Czechoslovakia and covert support to communist parties across the world. The solution was to develop a similar capability to counter the threat ¹²⁾.

The CIA's early use of its new mandate regarding covert action displeased officials at the Departments of State and Defense. Especially the Department of State believed that the role was too important to be left to the CIA alone and was concerned that the military might create a rival covert action capability.

In 1948 a new NSC directive, NSC 10/2, was mandated, which directed the CIA to conduct 'covert' rather than mere 'psychological' operations, and defining covert activities as all activities "which are conducted or sponsored by this Government against hostile foreign states or groups or in support of friendly foreign states or groups but which are also so planned and executed that any US Government responsibility for them is not evident to unauthorised persons and that if uncovered the US Government can plausibly disclaim any responsibility for them" ¹³⁾. Activities listed as included

in the concept of covert action were propaganda; economic warfare; preventative direct action, including sabotage, demolition and evacuation measures; subversion against hostile states, including assistance to underground resistance movements, guerrillas and refugee liberation groups; and support of indigenous anti-communist elements in threatened countries of the free world. The restriction was that such operations should not include armed conflict by recognised forces, espionage, counter-espionage, and cover and deception military operations ¹⁴⁾.

Truman also established the Office of Policy Coordination in the CIA to assume responsibility for and manage covert action. As the Truman administration ended, the CIA was near its peak of independence and authority related to covert action. Eisenhower, through the issuing of a series of NSC directives, narrowed the scope of the CIA's mandate. NSC 5412/1 ¹⁵⁾ promulgated in 1954, reaffirmed the CIA's responsibility for conducting covert action abroad. The DCI was made responsible for coordination with the State and Defense Departments to ensure that covert actions were planned and conducted in a manner consistent with US foreign and military policies; and an Operations Coordinating Board was introduced to coordinate support for covert operations, inclusive of covert action, among the State, Defence and the CIA. NSC 5412/2 ¹⁶⁾, issued in 1955, appointed the Planning Coordination Group, the 'Special Group', as the executive body to review and approve covert action initiated by the CIA.

The initial success of covert action during the Cold War era ensured support from US officials who were initially sceptical about the uses of covert action. The Cold War was well under way and the US public supported covert action as a measure to counter the communist threat. Isenberg ¹⁷⁾ is of the opinion that the success of covert action in the first one and a half decades of the Cold War gave the CIA a 'can do' reputation and that president after president turned to the CIA precisely because of its perceived ability to accomplish tasks and projects successfully. Even the occasional negative exposure of such actions did not lead to public or congressional repudiation.

After the Bay of Pigs failure in 1961, Kennedy enlarged the role of the Special Group in the directing and control of covert operations of the CIA and included the Attorney General as member of the group. Johnson changed the name of the Special Group to the 303 Committee, but did not alter its composition, functions or responsibilities. The Special Group and 303 Committee approved 163 covert operations during the Kennedy administration and 142 during the Johnson administration ¹⁸⁾.

The Watergate scandal, where mainly former members of the CIA, with the knowledge of Nixon, in the 1970s conducted secret illegal break-ins and political espionage against internal political opponents, exposed the seriousness of and need for adequate oversight and control measures as it became evident that presidents “carried to extremes a compulsion towards presidential power”¹⁹⁾ and forced the US Congress to reassess the balances of power invested in the presidency. Watergate was one of these illegal break-ins where seven men illegally entered the offices of the Democratic National Committee. Nixon’s efforts to manipulate the CIA to prevent the Department of Justice from investigating the break-ins, led to his resignation from the Presidential Office in 1974²⁰⁾. The Bay of Pigs will be discussed as a specific case study in the Cold War era and will be used to illustrate fundamental flaws in the control and application of covert action principles by the CIA.

2.3. CASE STUDY: THE BAY OF PIGS

Covert action undertaken by the US during the early Cold War era included efforts to influence the outcome of elections in Western European countries; to assist in the overthrow of ‘leftist’ governments such as the 1953 overthrow of Mohammed Mossadegh in Iran and the 1954 overthrow of Jacobo Arbenz in Guatemala; the 1963 attempt to assassinate Castro in Cuba; the 1963 overthrow of Juan Bosch in the Dominican Republic; the 1964 defeat of rebel forces loyal to Patrice Lumumba in the Congo; the 1965 propaganda campaign to overthrow the government in Indonesia; and in 1967 the provision of aid to overthrow George Papandreou and install George Papadopoulos as leader in Greece²¹⁾. Although the emphasis was on the assistance of dissident groups and rebel forces, the direct involvement of the US in many of the cases was evident in the successes as well as failures of covert actions.

The most renowned covert action operation of this period was the Bay of Pigs invasion in Cuba in 1961 under the presidency of John Kennedy, while the covert action operations in Chile over the period 1963 – 1973 were described as a model for operations. Several covert operations were undertaken against Castro, to such an extent that the Director of the CIA in 1976 requested the Inspector-General to compile a document Report on Plots to Kill Castro²²⁾. The plots included such ridiculous operations as “making his beard fall out”, “poisoned cigars”, and the use of “an explosive seashell”. Castro’s resilience is demonstrated in his ability to survive the onslaught of the most advanced covert action organisation in the Western world.

Eisenhower approved a plan to undermine the Castro government, A Program of Covert Action against the Castro Regime²³⁾, in March 1960. The plan called for the creation of exiled political and

paramilitary groups and anti-Castro radio broadcasts. In April 1961 the plan culminated in the Kennedy administration's worst foreign policy disaster, the Bay of Pigs invasion. The purpose of the plan as approved by Eisenhower was "to bring about the replacement of the Castro regime with one more devoted to the true interests of the Cuban people and more acceptable to the US in such a manner as to avoid any appearance of US intervention"²⁴⁾.

Schlesinger²⁵⁾ states that by November 1960 the CIA operation had taken on a life of its own. The agents in the field were shaping it to meet their own needs and even the Cubans in exile were turning from the idea of guerrilla operations to the idea of an amphibious invasion, believing that they would have all the support they needed. The 'Special Group', indecisive about the political direction of the new Kennedy administration, did not formally approve the new scheme or even subject it to adequate scrutiny to verify the feasibility and to ensure quality control. It encouraged the CIA to press on with its planning and training of exiled Cubans in Guatemala²⁶⁾. One of the real mistakes was that the Special Group did not consider the impact of the changed operation, from a revolutionary uprising to an amphibious landing, from an option of plausible deniability, to the unavoidable open option of US support if the operation should have had any chance of success.

Isenberg²⁷⁾ and Ranelagh²⁸⁾ call the Bay of Pigs the most overt operation the CIA has ever conducted. It lacked the coordinated interagency review of covert action and far from a covert operation, supported by a popular uprising against Castro, resulted in a mostly open, planned major amphibious invasion with no alternative plan, and whether a success or failure, US involvement would be evident. The real impact of the operation was withheld from the President. By deliberately allowing Kennedy to overlook central weaknesses of the invasion plan, Dulles [Chief of the CIA] sought to steer him into a project he deeply mistrusted, but the CIA nevertheless wished him to carry out. Schlesinger stated that by "mid-March the President was confronted, in effect, with a now-or-never choice"²⁹⁾. The President suggested some changes "mostly intended to reduce the noise level" and authorised the CIA to continue with the assumption that the invasion would occur. The President reserved the right to call the operation off as late as 24 hours before D-day. Schlesinger³⁰⁾ argues that Kennedy's decision to continue with the operation was influenced by his belief in Dulles. He was convinced that the operation would be a success; that US interests would be protected; and that the operation would advance democracy in the region. Added to this were the fact that he was only 77 days in office and did not know the level of competency of his advisors; the fact that most of the senior advisors were in support of the operation; and lastly his enormous confidence in his own luck.

D-day, 17 April, was embarked on with air strikes that should have ensured air supremacy, but failed. Castro's forces were put on the alert and surprise as key element for the success of the operation failed. The amphibious forces met with heavy resistance and a logistical support vessel carrying all the ammunition sank. Four B-26s were shot down and Castro's security police arrested nearly 200 000 people to quell the chance of any revolt or support to the invasion forces. Krushchev denounced the invasion and pledged full support to Castro. By the next day, when it was evident that the operation was doomed to be a failure, several rescue actions were considered and internally pressure was mounting against the US government. By 20 April, everything was over and Kennedy was confronted with the reality of the failure of the operation ³¹⁾.

Schlesinger ³²⁾ states that Kennedy had to face the challenges of quelling US pressure for violent retaliation against Castro; reassuring the democratic world about the prudence of the US government, as especially the European community was disillusioned by the invasion; and dissuading the communists from regarding restraint as evidence of weakness because it was feared that if the US committed any US forces to the invasion, the Soviet Union might use it as a pretext to move against West Berlin. Kennedy also made it clear that the role, control and function of the CIA would be investigated.

The Taylor Committee ³³⁾ was instituted to investigate the fiasco but it focused mainly on administrative matters rather than the operational aspects of the action. The primary recommendation was the improvement of control over covert operations. Kennedy also learned "never to rely on experts" ³³⁾ and reorganised his administration. Dulles was held primarily responsible for the failure and "requested" to resign, which he did seven months later.

Ranelagh ³⁴⁾ argues that a serious oversight by the security forces was that Kennedy had a much more limited understanding of military operations and the level of commitment needed to guarantee success than Eisenhower had. He also stated that it was Kennedy's choice to move away from a covert operation to a more military orientated operation and that he dismantled the control measures instituted by Eisenhower and took control of the operation himself, placing the blame for the failure of the operation squarely in the lap of the President.

Intelligence failure was given as one of the reasons for the failure of the operation, but one of the main reasons was that the CIA underestimated Castro as opponent. His command structures were better organised than expected; patrols provided early warning; his air force reacted with speed and vigour; the security police eliminated any possibility of sabotage or rebellion behind enemy lines;

his soldiers stayed loyal and fought hard; and Castro never panicked. His performance, according to Schlesinger³⁵⁾, was impressive.

Failures such as the Bay of Pigs illustrated the impact of the lack of coordination between the CIA, the National Security Agency (NSA) and the Defense Intelligence Agency (DIA); lack of oversight; and the danger of limiting information supplied to the President to enable him to make correct decisions. Because of poor planning and oversight, plausible denial was never an option in terms of the Bay of Pigs. Hulnick³⁶⁾ states that in the Bay of Pigs operation, the Director of Operations lied to the Director of the CIA, the Joint Chiefs and the White House about the problems involved, and disaster resulted. The direct result of this was the establishment of committees to ensure oversight and control of the intelligence community in general and covert action in particular. A true intelligence picture; clear political objectives; rules of engagement; and an understanding of the opponent were also identified as important lessons learned. The danger of confusing clandestine paramilitary operations, where the originator of the operation could in some cases be identified or known shortly after or during the execution of the operation, with covert action, which is supposed to conceal the involvement of the originator and/or sponsor even after the operation, is evident. The nature of the operation, whether clandestine or covert, must be clearly understood by all parties involved, where covert action requires a condition of continuous secrecy and concealment in order to protect the sponsor state as the political implications in compromised covert action could have a direct impact on national security, foreign policy and national interests.

3. THE LATER COLD WAR PERIOD

The significance of the later Cold War era lies in the efforts during this period to clarify the mandates, responsibility, control and oversight of covert operations and the changes that were introduced mainly because of failed covert operations that had an impact on the image and foreign policy of the US. Del Pero³⁷⁾ argued that despite the evolution and revisions of US strategies and military doctrines, the role of covert operations³⁸⁾ rarely changed, and was considered essential to the success of US foreign policy, citing Johnson who stated that: “from the Truman to the Reagan Administrations, this option has often been a favourite of presidents and their advisers in the pursuit of foreign policy objectives”³⁹⁾.

3.1. THE NIXON, FORD, CARTER AND REAGAN PRESIDENCIES

The Nixon, Ford, Carter and Reagan eras served as the transition between the Cold War and post-Cold War era. Commissions and committees appointed in the 1970s to investigate the mandate and role of the intelligence community and alleged irregularities its members were involved in, were the Rockefeller Commission, the Church Committee, the Pike Committee and the Murphy Commission⁴⁰⁾.

The Nixon period was tarnished by the Watergate scandal and this forced the US government to review control measures relating to the intelligence community. Cline⁴¹⁾ states that although covert action was the most controversial CIA activity, the Watergate scandal was the real national crisis and created general hostility in US society against anything secret in nature. Ranelagh⁴²⁾ states that Watergate and the consequent congressional investigations were symptoms of a number of trends significant for the period. The reaction to Watergate was symptomatic of the distrust of the US government generated by Vietnam. It forced Americans to question the purity of their political system. Colby⁴³⁾, Director of the CIA, summarised the impact as follows: “In a time of growing distrust of government, [the CIA] found itself regarded as an exemplar of the repugnant clandestine methods and secret manipulations that were seen as characteristic of the Johnson and Nixon administrations.” The view of the CIA as a group of ‘honourable men’, expressed earlier by Richard Helms, would no longer prevail and after the 1970s, the Americans were hesitant to accept political explanations for activities at face value and questioned the legality of and need for action⁴⁴⁾.

Ford introduced several measures to rectify control and to address negative perceptions regarding the intelligence services. Reagan initiated programmes to strengthen the international strategic posture and credibility of the US by rebuilding and revitalising the national intelligence system and refining the control and oversight measures implemented by Ford.

3.1.1. Mandate for Covert Action

Ford⁴⁵⁾, in a special address to the Congress of the US on 18 February 1976, stated that the Executive Order [11905]⁴⁶⁾, which he would issue on that day would establish government-wide direction for the intelligence agencies and place responsibility and accountability on individuals and not institutions. He believed that it would eliminate “abuses and questionable activities” on the part of the intelligence services. He also emphasised that he would support legislation making it a crime to assassinate or conspire to assassinate a foreign official in peacetime. Ford stressed the fact that

good congressional oversight was essential so that the Congress and the American people could be assured that the foreign intelligence service, the CIA, adhered to the law in all its activities. Congress should centralised oversight over the CIA, as the consolidation of Congressional oversight in one committee would facilitate secrecy and especially support the efforts of the Administration to keep Congress fully informed of the CIA's activities. Ford's actions and emphasis on the control of the intelligence community could be perceived as a form of assurance to US citizens after the Watergate scandal and the stepping down of Nixon as president.

According to the Executive Order⁴⁷⁾ "special activities" that are in support of national foreign policy objectives mean activities, other than the collection and production of intelligence and related support functions, designed to further official US programmes and policies abroad which are planned and executed so that the role of the US government is not apparent or publicly acknowledged. Covert action is thus referred to in the Executive Order as 'Special activities'. The Executive Order in Section 4 (b)(5) mandated the CIA to "(c)arry out such other special activities in support of national foreign policy objectives as may be directed by the President or the National Security Council and which are within the limits of applicable law". An important exclusion is reflected in section 4 clause 5: the "Prohibition of Assassination", which states that "No employee of the United States Government shall engage in or conspire to engage in, political assassination"⁴⁸⁾.

Executive Order 12036 issued on 24 January 1978 by President Carter⁴⁹⁾, as well as Reagan's Executive Order 12333 on United States Intelligence Activities⁵⁰⁾ issued on 4 December 1981, provided similar vague definitions of special activities and the only significant change in the directive of Reagan was the addition of a passage stating that such special activities "are not intended to influence United States political processes, public opinion, policies, or media ...". Reagan's Executive Order was a refinement of the Order issued by Ford and in terms of the responsibility for special activities in Section 1.8(e) explicitly stated that "No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report of the President to the Congress under the War Powers Resolution (87 Stat.855) may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective" and also excluded activities such as human experimentation and placed a prohibition on assassination and indirect participation in such activities.

3.1.2. Control and Oversight of Covert Action

Control and oversight measures instituted by Ford ⁵¹⁾ to regulate special/covert operations included the NSC being charged with the responsibility to review continuing special intelligence operations on a semi-annual basis and the appointment of the DCI who in accordance with the National Security Act of 1947 would be responsible for ensuring the appropriate implementation of special operations in support of national foreign policy objectives. An Intelligence Oversight Board was also established with the specific responsibility to report in a timely manner to the Attorney General and the President any activities that raise serious questions about legality. A similar responsibility was instituted for the Inspector-General and General Counsel in the intelligence community and the heads of intelligence agencies and departments, while the President's Foreign Intelligence Advisory Board remained intact as an additional non-partisan body to advise the President on the effectiveness of foreign intelligence efforts.

Reagan re-established the Intelligence Oversight Board and confirmed the role of the Board in Executive Order 12334, stating that the Board had to inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the US, Executive Orders, or Presidential directives and reaffirmed this directive during his second term in Executive Order 12537, of 28 October 1985 ⁵²⁾.

Certainly one of the most important features of these oversight bodies is that they are composed of private citizens from outside the government and thus broaden the perspective needed for public participation and responsible intelligence activities. This was reiterated in Executive Order 123311 ⁵³⁾ of Reagan, which states that the private citizens will be appointed by the President from trustworthy and distinguished citizens outside the government who are qualified on the basis of their achievements, relevant experience and independence of thought. The Iran-Contra debacle will be discussed as case study to indicate the implications of not adhering to the control measures as prescribed in legislation as well as the impact of personal agendas on foreign and domestic policy.

3.2. CASE STUDY: THE IRAN-CONTRA DEBACLE

Covert action as conducted by the CIA was not scaled down after the Bay of Pigs or the Watergate scandal. Blum ⁵⁴⁾, in an evaluation of the legacy of Reagan, concluded that the eight years of the Reagan administration saw an unparalleled growth in CIA covert operations and US intervention abroad with alleged projects in South Africa, Fiji, Grenada, Libya, Surinam, Seychelles, El

Salvador, Lebanon, the Dominican Republic, Mauritius, Chad, Afghanistan, Ethiopia, Cambodia, Angola, Argentina, Nicaragua and Honduras.

The most notable covert operation of this period, owing to its failure and implications, was the Iran-Contra debacle of 1985/86. In late 1985 the DCI (Casey) and other CIA and NSC officials developed a plan to trade weapons for US hostages held by Iranian-backed terrorists in Lebanon. President Reagan and his advisors decided not to tell Congress, as it was too sensitive. Critics, however, claimed that the information was purposefully withheld as the officials knew that Congress and the American public would object to what it really was, namely paying ransom to Iran. A Beirut newspaper, with the expected results, compromised the operation. Congress instituted hearings and determined that the NSC staff planned to use the receipts of the Iranian arms sale to purchase weapons for the Contras in Nicaragua. The subsequent investigation continued for approximately seven years. After the Joint Committee on Security finished its hearings, the House Permanent Select Committee on Intelligence attempted to draft new legislation that would prevent future government administrations from hiding covert operations from Congress, but the President did not sanction the legislation⁵⁵⁾.

4. THE POST-COLD WAR ERA

The spillover effects of the later Cold War impacted on the post-Cold War era and laid the foundation for the continuation of covert action and the regulatory framework in the post-Cold War era. Changes in the strategic security environment and the domination of the US as world power pushed the boundaries and created new challenges for the uses of covert action in the new millennium.

4.1. THE POST-COLD WAR II INTERNATIONAL SECURITY ENVIRONMENT

Berkowitz⁵⁶⁾ identifies three main factors that changed the perceptions and paradigm of what is expected and understood regarding the concept of intelligence after the Cold War. These are the changes that have taken place in the subject matter that intelligence must cover; the changes that are under way in both information technology and the way people use information; and the recent trends in US domestic politics and US attitudes to intelligence. From a covert action perspective, the last aspect is especially important, as the intelligence community does not operate in a vacuum and depends on political support for funding. The influence of public opinion cannot be underestimated, as public opinion is critical in determining which types of intelligence operations are acceptable and which are not.

US officials and foreign policy specialists have attempted to postulate a new theory explaining global affairs in the post-Cold War era and identified new categories of actors and issues that would replace the Soviet Union as the primary threat to the US and which should then be the main focus of the intelligence community and foreign policy. These are ethnic conflict, religious conflict, economic conflict, geopolitics (state-making) and non-governmental organisations/non-state actors such as terrorist groups and international criminal organisations⁵⁷⁾.

The problem for policymakers and intelligence functionaries in the US is not only that the potential threats are different or greater in number, but also that the nature of the threat environment has changed fundamentally and that the strategies to combat the threat should be adapted to address the new challenges. It is currently easier for groups other than national governments to organise themselves effectively and threaten sovereign states directly. Globalisation and modern information systems, according to Friedman⁵⁸⁾, empower adversaries to act more forcefully because of limited fear of detection and vast opportunities for ill-intended action.

Power vacuums in the 1990s have provided dissident groups in developing countries with opportunities to challenge the *status quo* and have provided smaller states with opportunities to force state-making on minority groups, which in some cases resulted in ethnic cleansing, for example in Czechoslovakia. Advanced military technology is more widely available and rogue states have engaged in the proliferation of weapons of mass destruction, which has resulted in an imbalance of power in some regions. The challenge for policymakers and the intelligence community will be to identify who, when and how to monitor and address potential threats and what to use for this purpose. The answers to these questions are important, as they will determine the type of intelligence resources as well as the way in which the intelligence community is supposed to operate and whether covert action is an option. The paradigm of the past, namely that the intelligence community could operate in isolation, with minimal oversight, and that the politicians and public would accept whatever it did in good faith, is no longer valid. Since the end of the Cold War popular support for spending on national security has declined and new priorities have developed, forcing the intelligence community to stretch smaller budgets to achieve objectives. Failure cannot be afforded and public opinion regarding intelligence failures could result in a change in government. What is evident is that a new security environment will require a new approach in combating threats, and that covert action could be an option, as will be assessed in the discussion of the post-Cold War era.

4.2. COVERT ACTION IN THE POST-COLD WAR ERA

Berkowitz⁵⁹⁾ states that until the Iran-Contra debacle, no one had ever presumed that the President could delay notifying Congress because a covert action was too sensitive. The result was that a forty-eight hour limit on deferring notification was introduced in the Intelligence Authorisation Bill for FY 1991⁶⁰⁾. The Bush administration vetoed the bill and Congress settled for an informal assurance in which the President promised to notify Congress of covert actions in advance in all but the most sensitive cases, where Congress would be informed not later than forty-eight hours after the operation⁶¹⁾. Treverton⁶²⁾ in reaction to the veto warns that if the US continues to have a clandestine service [and ability], presidents will be tempted to resort to covert action as a middle resort, and not as a last.

Clinton as well as George Bush (junior) continued to maintain similar approaches to covert action in the post-Cold War era as those introduced by Ford, Reagan and Bush (sr) and the essence of Reagan's Executive Orders was also adopted in the Orders of George Bush (senior) and Clinton⁶³⁾.

Covert action continued in the 1990s and new millennium, the most prominent being operations in Iraq (Operation Dessert Storm as well as the current deployment) with the objective to eliminate Saddam Hussein as a threat to the US and its allies. Lack of success was evident in the need for US intervention operations in 2003/04 in Iraq to dispose of Hussein. The initial operational failures as experienced in Iraq, according to Berkowitz, could be related to a "poor strategic concept", "geopolitical simple-mindedness" and the fact that the concept of deniability of US involvement in the operation would never have made sense, as the US was the main driver in the offensive⁶⁴⁾. One cannot but assume that the US has continued and still continues with covert actions in those areas identified as of strategic importance to US interests and that more information on these activities, because of the secrecy involved, will only be available if disclosed as failures or when information is released by the government as regulated in legislation.

An important control measure as emphasised in the 1990s in the approval of intelligence activities is embedded in the responsibility of the President to approve the Intelligence Authorisation Act for a particular fiscal year. Bush, for example, with a few comments, approved the Intelligence Authorisation Act for Fiscal Year 1990⁶⁵⁾ but disapproved the mandating of the Intelligence Authorisation Act for Fiscal Year 1991, mainly because of a discrepancy with the concept of covert action, stating that he could not accept the broad language that was added to the definition of covert action, as the vagueness could seriously impair the effective conduct of US foreign relations; and

pointing out that “(i)t remains Administration policy that our intelligence services will not ask third parties to carry out activities that they are themselves forbidden to undertake under Executive Order 12333 on US intelligence activities”⁶⁶⁾. The act was then referred back to Congress to amend the problem areas before re-submission for the approval of funds for the following financial year.

The significance of the Intelligence Authorisation Acts is that they mandate the expenditure of all the intelligence services programmes, developments, projects and activities for a particular financial year; promulgate changes to the National Security Intelligence Act of 1947 and other security/intelligence-related laws; as well as identify specific strategic reports that the intelligence community must submit to Congress⁶⁷⁾. Proper control, direction and requirements for the intelligence community are thus promulgated in legislation and limit opportunities for misinterpretations that could result in embarrassments for the US government.

5. THE FUTURE OF COVERT ACTION IN THE UNITED STATES

The Commission on the Roles and Capabilities of the United States Intelligence Community was appointed through the Intelligence Authorisation Act, FY 1995 to review the efficacy and appropriateness of the activities of the US intelligence community in the post-Cold War global environment and to make such recommendations as the Commission considered advisable⁶⁸⁾. The Commission concluded that the US needed to maintain a strong intelligence capability, as the intelligence community had made, and continued to make, vital contributions to the nation’s security, informing its diplomacy and bolstering its defences⁶⁹⁾. It was emphasised that a capability to conduct covert action should be maintained to provide the President with an option short of military action when diplomacy alone cannot achieve government objectives. The capability must be used only where essential to accomplishing important and identifiable foreign policy objectives and only where a compelling reason exists why US involvement cannot be disclosed⁷⁰⁾. The Commission further recommended that the responsibility for paramilitary covert action should remain with the CIA. Supporters of the notion of a continued covert action capability cited actions against potential targets such as the need to disrupt the activities of terrorist groups; hamper the efforts of rogue states to develop weapons of mass destruction; or prevent narcotic traffickers from manufacturing drugs for shipment to the US⁷¹⁾.

Berkowitz⁷²⁾ supports the findings of the Commission, stating that the use of and need for covert operations are a result of policymakers’ need for so-called ‘quiet’ and ‘middle’ options to counter dangerous adversaries. Governments need options that are more powerful than diplomacy but less

aggressive than the use of military force to deal with the changes and challenges of the international environment. Such choices are today even more in demand than ever before, where negotiations and constructive peace engagements are preferable over military conflict and war.

The continued importance of covert action is emphasised by the argument that covert action in the information age has an equally important role to play as during the Cold War era, since information warfare would be the preferred option to attack the US. Adversaries could find it easier, less expensive and less risky to attack information systems in the US than to carry out acts of sabotage, assassination and hijacking. *Ipsa facto* if the US decided to make use of information warfare, much of it will be covert, as it will be most effective when the target does not know the identity of the attacker. The appeal of covert action will actually increase, not only because of its potential in information warfare, but also because of the need for flexibility in dealing with an environment composed of multiple threats from a bewildering array of sources ⁷³⁾.

Freedman ⁷⁴⁾ advocates that in its strategic approach, the international community could distinguish between two options, namely rule enforcement or stability support. Stability support requires the consent of the parties involved, while rule enforcement focuses on ensuring that all states adhere to and behave according to the requirements of a stable, civilised and just international society. The decision for the US as to where and how covert action should be used in support of national and foreign security policy should thus be directed by strategic intentions. The main consideration for the US in continuing to carry out covert action is vested in two legitimate reasons; firstly when open knowledge of US responsibility would make an operation unfeasible, and secondly to avoid retaliation or control escalation. The latter could be placed in better perspective if evaluated as an option against the current threat of international terrorist retaliation against US interests worldwide. Berkowitz ⁷⁵⁾ emphasises that the goal of averting retaliation is an important point to consider when deciding whether or not to carry out a covert action, and if covertness will not avert the option of retaliation, much of the rationale for covertness disappears.

If covert action is to be effective in the US domain, national consensus and policy should be based on considerations such as what capabilities military forces and intelligence services needed to develop and to use covert action effectively; whether the abilities can be developed without exposing the US to an increased threat of retaliation; and what laws, expertise and institutions are necessary to oversee and regulate covert action. Hulnick ⁷⁶⁾ identifies the following rules that should be kept in mind in the future utilisation of covert action:

- Covert action makes no sense and is not likely to be successful unless it is a part of some larger scheme of foreign policy;
- covert action must be “doable”; and
- a covert operation must be one that, if revealed, would be judged to be sensible by the US public. Otherwise, an outcry of protest would almost certainly result.

To illustrate the complexity of the matter the complaint of Bozeman ⁷⁷⁾ could be taken into consideration, that especially in operations such as covert action where secrecy is the *sine qua non* of success, the requirement of secrecy is questioned by the US public. He emphasises the importance of the principle that for covert action to be effective it should be possible to loosen the hold of law and to tighten the rules assuring confidentiality, thus arguing that it should be more hidden from the public or not submitted to public scrutiny. This is a perception that is difficult to defend in a democratic dispensation and a country with a history known for the misuse of covert action

Horton ⁷⁸⁾ emphasises that covert action should be used as a last resort and warns that the abuse of the intelligence services by political leaders who grasp at spy-novel tactics for pulling political chestnuts out of the fire, shows a misunderstanding not only of covert action but of the essence of international politics and such cases serve to illustrate deceitful or incompetent politics rather than ‘another intelligence failure’. Treverton ⁷⁹⁾, as guideline in the option of choosing covert action, states that policymakers should ask themselves a careful series of “ what if? ” questions. The most obvious “ what if? ” is “ What if – or more likely, when – it becomes public? ” as it is easy to state that covert action will remain secret, but difficult to maintain.

The challenge for US policy makers is reflected in the concerns of Del Pero ⁸⁰⁾ that the initial successes of covert activities, combined with the frustrating slowness of diplomacy, converted covert action into a sort of panacea capable of resolving extremely complicated issues; that covert actions were undertaken without properly weighing their risks and advantages; that the executive loses sight of the actual goal of its policies, the containment of the Soviet Union; that the executive loses sight of the importance of maintaining formal channels of authorisation and communication; and that little attention was paid to the long-term effects of covert operations.

6. CONCLUSION

The analysis of the historical development of covert action in the US, the control and oversight measures, as well as the need analysis for the conduct of covert action, illustrated that there is a sustained requirement for a covert action capability as option for the US government. The necessary legislation and oversight measures were enacted to ensure that even in an open democracy, covert action could be conducted if the need arose in terms of the protection and promotion of national interests.

An analysis of the conduct of covert action in the US indicated that all the presidents, in one way or another, played a role in streamlining the responsibilities, mandates, control and oversight of covert action. The Bay of Pigs focused the attention of the American public on the external activities of the CIA regarding covert action, but Watergate was a revelation of the danger of uncontrolled utilisation of covert action. The significance of the role of Gerald Ford in laying the foundation to clarify mandates, control and oversight cannot be underestimated, as it provided the guidelines and requirements for the conduct of covert action in the future. It is also evident from the analysis that there are several lessons to learn and measures that could be applied in the South African environment that are worth taking cognisance of.

The next chapter will provide a historical overview of the development and the perceived need for covert action in South Africa from 1961 to 1994. This chapter will also analyse the security threats as perceived by government during this period; the reasons for a strategy to counter the ‘total onslaught’; applicable security legislation and structures; as well as covert operations with an external focus, conducted during this period.

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CHAPTER 3

EXTERNALLY DIRECTED COVERT ACTION IN SOUTH AFRICA: 1961 - 1994

“We in South Africa have a war going on. Those who have not realised it are foolish”.
(Frank Chikane, General Secretary of the South African Council of Churches)

1. INTRODUCTION

Before 1992 South Africa was often accused of ‘dirty tricks’ and underhand operations in the advancement of foreign and internal policy, as well as in combating ‘Soviet-supported threats’ in Southern Africa. Although politicians and government officials in the security community will normally deny involvement in covert action or related operations, it will be evident that covert action in South Africa was mainly in support of a strategy to combat a perceived ‘total onslaught’ against the country. South Africa is one of the countries that owing to government policies and perceived threats, whether real or imagined, went through several phases in the use of covert action. In some cases this was aimed at legitimate targets, but in world opinion, in many instances it transcended the limit of what acceptable covert action and legitimate targets are. It is especially actions such as assassinations and the targeting of South African citizens that created an international and national furore.

This chapter addresses the conduct of covert action over the period 1961 - 1994 in South Africa and will focus mainly on an overview of the security environment and government policy, strategy and legislation, which will provide a background for the discussion of mainly externally directed covert action and operations within this time frame. Case studies such as the Information Scandal (1978/79); military-related action in neighbouring countries; and the Seychelles affair will be analysed and discussed as examples of covert action conducted during this period.

2. SOUTH AFRICAN SECURITY PERCEPTIONS: 1961 – 1992

In order to gain insight into the measures and activities implemented as part of national security strategy in South Africa from 1960 to the beginning of the 1990s, it is important to have a clear understanding of the threat perception and fear psychosis existing in the white South African community during the period under discussion. Perceptions that developed through historical experience and a striving for the survival of a white, mainly Afrikaans-speaking minority in Southern Africa, contributed to commitment in the performance of tasks and unquestioning loyalty

to political leaders and superiors. This level of commitment and loyalty became evident during court cases of members of the South African security community, such as the case against Eugene de Kock, former member of the South African Police (SAP) Security Branch and former commander of the SAP Vlakplaas Unit and dr Wouter Basson, a former member of the South African Defence Force (SADF) and the South African National Defence Force (SANDF).

2.1. THE SOUTH AFRICAN GOVERNMENT'S THREAT PERCEPTION OF THE SECURITY SITUATION IN SOUTH AFRICA

Even as early as 1966 the intelligence community assessed the threat against South Africa as multi-dimensional in nature and identified the need for the government to develop an integrated strategy to combat the threat with all means at its disposal ¹⁾. Hough states that a characteristic of the threat as perceived by the South African government was its multi-dimensional nature. Various official statements and publications indicated continuous confirmation of, and emphasis on the total/multi-dimensional onslaught against South Africa and the need for a total/multi-dimensional strategy to combat the threat ²⁾.

Kruger, then deputy Minister of Police in South Africa, stated in 1973 that the political environment in Southern Africa was characterised by two main features: an African ideology that fuelled white-black racial conflict and an international power struggle to gain control of Southern Africa. Kruger also emphasised that effective security action in the mid-1960s for all practical purposes neutralised any internal terrorist security threat and that the focus of the 'terrorist organisations' had shifted towards internal destabilisation and external organisation, mobilisation, boycotts, sanctions and isolation. As limited success was achieved, the onslaught in the early 1970s changed to a more aggressive violent approach and the internal and external threats were coordinated into a multidimensional approach targeting the power bases of the state. The South African counter-strategy, according to Kruger, focused not only on military readiness to combat a physical onslaught, but also on political independence based on separate political development for the nations of South Africa and socio-economic development to ensure justice and humanity for all ³⁾.

The Official Yearbooks of South Africa during the period 1974 – 1990 reflected a similar threat against South Africa each year, emphasising the strategic importance of South Africa; South Africa as integral part of the East-West conflict; Soviet expansionism; and an increase in subversive and terrorist activities ⁴⁾. Similar threat perceptions were reflected in the findings of commissions of inquiry, such as the Steyn Commission's ⁵⁾ report on the SADF and the SAP, as well as that of the Rabie Commission ⁶⁾.

The projection of the security threat to South Africa in the 1980s, as identified by the security/intelligence community and as reflected in the Steyn Commission's report ⁷⁾ and that of the Rabie Commission ⁸⁾, revolved mainly around the following aspects:

- An escalation in the Soviet threat of expansionism in Southern Africa.
- Access to South Africa's strategic minerals, nuclear technology and control of the sea route around the Cape.
- Pressure from the Western community to accelerate internal reforms in order to create a favourable internal and international climate and to establish an internationally acceptable democratic government in South Africa.
- An escalation in international sanctions and boycotts against South Africa.
- Pressure from the African community (Organisation for African Unity) and the frontline states to introduce a majority government in South Africa, with the emphasis on Africa for the Africans.
- An escalation of the terrorist and communist onslaught from neighbouring countries and continued provision for terrorist organisations of safe heavens, training facilities and operational intelligence.
- An expected escalation in internal terrorist attacks, the promotion of communism, internal pressure for political reform, and an increase in the level of violence and civil disobedience.

The intensity of the expected threat manifestation is emphasised in the Steyn Commission's report that cites McClure's view that from a threat perspective the period 1980 - 1985 would be the most dangerous and critical of the century for South Africa ⁹⁾. Newspapers stated that there were unmistakable signs that South Africa was sliding into a state of revolutionary war ¹⁰⁾.

The Government created the perception that South Africa was involved in a campaign of survival and that to counter such a total, multidimensional onslaught effectively, a total multidimensional strategy needed to be developed, using all the elements available to government. The perception that developed among the white minority community in South Africa was that a well-orchestrated campaign, mainly initiated and supported by foreign governments that used the black 'terrorists' for their own interests, was being waged in all spheres of South African society and that drastic measures, such as the announcement of a state of emergency, were needed to counter such threats.

Zulu in his analysis of ‘Third Force’ operations in South Africa stated that the origins of the concept of covert operations lie in the perception of the South African government that resistance to the system of government and its policies formed part of a ‘total onslaught’, a bid by international communism to take over the country and its resources, and that organisations such as the African National Congress (ANC) and the Pan African Congress (PAC) were mere tools of communism and thus fronts for the total onslaught ¹¹⁾.

Abnormal situations require abnormal counter-measures and the security community, as part of the national strategy, were tasked to combat such threats with all measures available to them. This attitude was confirmed in a policy document approved in 1989 by the South African cabinet, stating that threats against South Africa would be acted against when and where ever needed, whether in retaliation or as a pre-emptive security measure ¹²⁾. It is against this background of survival that a national strategy was formulated and actions by the security community, including the intelligence services, were undertaken. The need for, and the nature of the covert actions and operations undertaken have to be analysed against this background.

2.2. NATIONAL SECURITY STRATEGY

The national security strategy as applicable to the period under discussion focused mainly on the concept of a total strategy to address the perceived total threat. The state, according to Louw ¹³⁾, in the formulation of its strategy should focus on three areas: the protection of its values; the welfare of the state; and national security. Louw emphasises that “(u)nder modern conditions of international uncertainty, a State has to fall back in the last analysis, even if it has allies, on its own resources to ensure that its territorial, political and moral integrity is maintained. The major instrument through which this can be achieved is an effective national security policy providing for clearly-defined and coordinated roles for all the participants in its formulation and implementation” ¹⁴⁾.

Vorster, then president of South Africa, said during the opening of Parliament in December 1978 that the total onslaught against South Africa had reached such a level of sophistication and was of such an extent that the government was forced to develop a counter-strategy that included unconventional methods to combat the threat and that the government had approved secret funds for this purpose ¹⁵⁾.

Steyn, chairman of the Commission of Inquiry into Reporting of Security Matters regarding the South African Defence Force and the South African Police Force ¹⁶⁾, emphasised that a South African strategy aimed at countering the onslaught, which should guarantee survival, must focus on the *arma et leges et benevolentia*, the security component, the legal framework and goodwill/support of the community of a state. Rabie, chairman of the Commission of Inquiry into Security Legislation ¹⁷⁾ concluded that security legislation alone would not be a guarantee for safety and stability, but that any solution and strategy should be developed to address the causes of violence and instability rather than focusing only on addressing the consequences or implications of actions. Legislation should focus on addressing the causes of actions, not the consequences, and the solution should be on socio-economic and political changes.

In an effort to counter the onslaught against the country the South African government instituted measures aimed at curtailing the conflict potential and creating an environment conducive to evolutionary rather than revolutionary change. A national security strategy aimed at the improvement of the living conditions of all South Africans was formulated. Implementation was envisaged as a coordinated economic, political, social and military effort in support of the political development of all the nations in South Africa and as counter-measure against the total, multidimensional onslaught against South Africa. The approach was that a strategy of total onslaught could only be countered with a total strategy. The State Security Council (SSC) was established to manage the national security strategy. The main elements responsible for the implementation of the strategy were the SAP, the SADF and the intelligence community, supported by other state departments when required.

3. MAIN COMPONENTS AND THE LEGAL AND REGULATORY FRAMEWORK OF THE NATIONAL SECURITY SYSTEM IN SOUTH AFRICA

The security establishment in South Africa over the period 1961 to 1994 included the Department of Defence; the various intelligence services, namely the National Intelligence Service (formerly known as the Bureau of State Security - BOSS), Military Intelligence, the intelligence staffs of the Army (GS2), Air Force (AS2), Navy (NS2 and Surgeon General (MS2); and the special forces of the SADF and the Security Police. The Departments of Foreign Affairs and Information, especially in the 1960s and 1970s, also played an important role as exponent of South Africa's security policy.

The legal and regulatory frameworks developed out of legislation as well as recommendations of commissions of inquiry, security symposiums and special investigations. National order and security in South Africa from the 1960s to the late 1980s were regulated by several acts ¹⁸⁾. For the

purpose of this study, the focus will be on legislation that had a direct impact on the conduct of intelligence and special operations. Intelligence activities since 1972 were regulated by the Security Intelligence and State Security Act ¹⁹⁾. The purpose of the Act was to define the functions and duties of the Bureau of State Security (BOSS), to establish a SSC, and to define its functions. The functions and duties of BOSS were described as:

- to collect, evaluate, correlate and interpret national security intelligence;
- to collect and evaluate departmental intelligence at the request of a department;
- to prepare a national intelligence estimate relating to any threat to the security of the Republic;
- to formulate, for approval by the SSC, a policy relating to national security intelligence and to co-ordinate the flow of security intelligence between departments; and
- to make recommendations to the SSC on intelligence priorities.

The Act also mandated the SADF's Military Intelligence and the SAP to conduct intelligence and 'covert' collection under specific circumstances, such as war and investigation of offences related to the security of the Republic. The SADF was also mandated to carry out its counter-intelligence function. What was clearly stipulated in the Act was that all information that might be of value to national security, even in unevaluated form, was to be forwarded to BOSS.

Gen HJ van den Berg was appointed as head of the newly established BOSS and that he had a wider mandate than was reflected in the Act is evident in a statement of D'Oliveira that Van den Bergh was not only head of BOSS and security adviser to Vorster, but "(w)hat few people realised at the time was that Van den Berg's major function would be the creation of contacts in Africa and the establishment of lines of communication between Pretoria and African capitals - lines of communication which would have surprised most South Africans and flabbergasted more than one Black African leader"²⁰⁾.

The SSC was also enacted by the Security Intelligence and State Security Council Act with the purpose of advising the government on aspects of national policy and strategy; measures to implement the policy and strategy; to formulate a counter-strategy and policy to address security threats and to determine intelligence priorities. Members of the council were the Prime Minister, the Minister of Defence, the Minister of Foreign Affairs, the Minister of Justice, the Minister of Police, Ministers and heads of departments as co-opted by the Prime Minister, the head of BOSS, the Chief

of the SADF, the Secretaries-General of the Departments of Foreign Affairs and Justice, and the Commissioner of the SAP ²¹⁾.

What is evident in the analysis of the Security Intelligence and State Security Council Act ²²⁾ are the obvious gaps in defining key concepts such as what intelligence, counter-intelligence, covert collection, foreign intelligence, departmental intelligence and covert action are, as well as clear limitations on what is not allowed and/or restricted in terms of the Act. Mandates are broadly defined and no reference is made to the conduct of covert action or covert operations. 'Covert' (clandestine) collection, however, as mentioned above, is restricted to certain conditions. One could thus conclude that by implication, if not excluded or specifically included, actions could be interpreted and defined according to requirements. Such actions should, however, have been approved and coordinated by the SSC.

The disclosure of any security-related information, actions and operations was prohibited in terms of the Official Secrets Act as repealed by the Protection of Information Act ²³⁾ to any person, agency or department not mandated to receive such information and severe fines were imposed to deter persons, agents and officials from revealing any security-related information.

The role of the SADF was stipulated in the Defence Act ²⁴⁾ as service in defence of the Republic; service in the prevention or suppression of terrorism; service in prevention or suppression of internal disorder in the Republic; service in the preservation of life, health or property; and service in the maintenance of essential services, including the maintenance of law and order; and the prevention of crime in co-operation with the SAP. Provision was also made for using the SADF in the Republic to undertake those police functions mentioned in section 5 of the Police Act ²⁵⁾. No specific reference was made to utilisation and/or deployment for special operations, clandestine operations or covert action.

Secrecy in terms of military-related information, actions and operations was ensured through the Defence Act ²⁶⁾, prohibiting the disclosure of any defence-related information that was confidential and secret in nature, without the permission of the Minister of Defence. Any information relating to the defence of the Republic was deemed to be secret or confidential in nature by the Act, thus in principle restricting the disclosure of any information relating to defence activities and operations. Restrictions were also placed on any information that was intended to prejudice or embarrass the government in its foreign relations or to alarm or depress members of the public.

The tasks and responsibilities of the SAP were indicated in the Police Act²⁷⁾ as the maintenance of internal security, the maintenance of law and order, investigation of crime or alleged crime and the prevention of crime. State officials in general were also protected by the Indemnity Act of 1977²⁸⁾, which negated public accountability if the official had acted *bona fide* during the execution of an operation. Similar provision was provided for Defence personnel in the Defence Act²⁹⁾. The Second Police Amendment Act of 1980³⁰⁾ made it an offence to publish any information on “any action” of the police, defence force or railways police for the “prevention or combating of terroristic activities”.

What is evident is that sufficient legislation was in place to curtail access to information and to create an environment in which security services and operators could conduct their tasks without fear of unrestricted oversight, interference, limitations or accountability for *bona fide* actions. Oversight was limited to a selected few within the security establishment and mainly exercised in the workgroups of the State Security Council. This was a situation that could be exploited for personal interest, personal agendas and to operate outside the ambit of the law.

4. NATIONAL SECURITY AND INTELLIGENCE-RELATED INQUIRIES AND INVESTIGATIONS

Several government commissions were instituted from 1961 to investigate or conduct inquiries into the tasks, responsibilities and mandates of the intelligence and security community in South Africa or to investigate the impact of certain aspects, such as the role of the media in the effectiveness of the security community³¹⁾. For the purpose of this chapter, the impact of the Potgieter Commission and the Erasmus Commission will be discussed, while other relevant inquiries, such as the Steyn and Rabie Commissions, are referred to briefly.

4.1. THE POTGIETER COMMISSION: 1970

The Potgieter Commission of 1970 set the scene for the institutionalisation of the South African security community during the 1970s and 1980s. Differences of opinion in respect of responsibilities and mandates of the intelligence services, a lack of co-operation between the BOSS under the leadership of Gen Van den Berg and the Department of Defence, as well as negative perceptions that developed around BOSS, compelled Vorster, then the Prime Minister of South Africa, to appoint a commission, the Potgieter Commission, to investigate the security community of South Africa. The Commission’s mandate was to inquire into and submit recommendations as well as a report on whether the state departments concerned functioned properly and acted in a

coordinated manner; whether activities or leadership of the security organisations had a negative impact or harmful effects on the State or its citizens; whether the current security structure and organs of the state addressed the security requirements of government; whether and to what extent current legislation concerning BOSS should be amended; and whether the release of the Commission's report to the public would not, in the opinion of the Commission, be in conflict with the security of the State ³²⁾.

The Commission made several recommendations on the restructuring and mandates of the South African intelligence community and the inception of the SSC. The recommendations culminated in the enactment of the Security Intelligence and State Security Council Act of 1972. With reference to the importance of intelligence to the security of the State the Potgieter Commission formulated the primary functions of intelligence as follows ³³⁾:

- To determine the threat or potential threat to the security of the State and, in this connection, to identify the enemy or potential enemy, as well as the sphere in which the threat exists, such as the political, military, economic or social sphere.
- To determine the vulnerabilities and capabilities of the identified enemy or potential enemy.
- To enable the authorities who have to decide how the threat or potential threat is to be prevented or combated to formulate a policy for the prevention or combating of the threat and, where operational action against the threat is necessary, enable the authorities to whom operational action is assigned by law to carry out those functions.

Potgieter also argues that the preservation of the security of the state is a cardinal or fundamental responsibility of any government and is preserved by means of intelligence and operations ³⁴⁾. He identified not only the SADF and the SAP as responsible entities in the combating and/or prevention of a threat, but also stated that the prevention or combating of a different kind of threat could be done through other organs of State such as the Department of Foreign Affairs (political) and the Department of Commerce (economic). Requirements for effective counter-operations, according to him, are quality as well as accurate and timely intelligence for proper planning and decision-making ³⁵⁾.

The Commission emphasised that South Africa had numerous enemies who were seeking to overthrow the existing order and that the spheres in which the enemy was active were the military, political, economic, social, educational, psychological, subversive, terrorism, sabotage and

espionage. The commission also acknowledged the need for “covert operations” (as they termed it) such as clandestine collection to combat the threats against South Africa³⁶⁾.

4.2. THE ERASMUS COMMISSION: 1978

The Erasmus Commission was appointed in November 1978 to investigate alleged irregularities in the Department of Information. The findings of the commission as well as the activities conducted will be discussed as one of the case studies of covert operations and actions by South Africa.

4.3. THE RABIE COMMISSION: 1979

The Rabie Commission was appointed on 29 August 1979 to investigate, report and make recommendations on the necessity, adequacy, fairness and efficiency pertaining to internal security legislation in South Africa. One of the findings of the Commission was that there was too much duplication in security-related legislation and that legislation needed to be consolidated to ensure proper application and control³⁷⁾. The Commission also emphasised that the most important criticism against the security legislation was the fact that the relevant minister, the State President, Attorney General and police officers, had extended powers to act against persons in order to protect the security of the state, but that limited provision was made to protect the rights and interests of the individual³⁸⁾.

4.4. THE STEYN COMMISSIONS: 1979 AND 1980

The President appointed a commission of inquiry (the Steyn Commission) into media reports on security issues related to the SADF and the SAP on 14 December 1979. The Commission was tasked to report on the balance between the interests of the media as public reporter and the protection of the interests of the state as regulated in the Defence Act and the Police Act. The Commission argued that effective security legislation served as an important tool in the execution of an effective national security policy and for the protection of a country’s citizens, even if it restricted certain civil rights, as the legal principle *salus reipublicae suprema lex* serves as international enactment³⁹⁾.

The Steyn Commission of Inquiry into the role of the mass media in South Africa was appointed in June 1980 to investigate and report on aspects related to the press and whether the press served the interest of the South African community. Although the Commission focused mainly on aspects

relating to the press, several topics of interest that reflected the perception of the threats against South Africa and the need for a proper counter-strategy were also addressed. One of the recommendations proposed in the Steyn Commission's Report on the Mass Media, as released in 1982 and interpreted by the media ⁴⁰⁾ was to recognise the need for a 'Dirty Tricks Department' subject to strict auditing. The Commission concluded that "(i)n our view the present total psychological onslaught conducted by enemies of the Republic is almost overwhelming in volume, virulence and expertise and the counter-strategy of the RSA is totally inadequate". Of importance to illustrate the power of the state was the statement "it can therefore be said that the Security preservation and welfare of the State, and consequently also the protection thereof, is the 'Highest Law', which is accorded precedence when weighed against other rights and interests" ⁴¹⁾.

5. COVERT STRUCTURES AND THE NATURE OF COVERT OPERATIONS

What is evident in the analysis of research papers, legislation and policy papers in the period 1960 – 1994 is that no clear distinction could be made in terms of security operations that represent covert operations or clandestine collection. In the analysis of research material, it became evident that in many instances confusion exists in distinguishing between clandestine and covert operations. It also became evident that in many cases operations originating as clandestine projects, where the sponsor is directly or indirectly implicated, but the what, when, how and where protected, changed into covert action, where the emphasis was on the protection of the sponsor. This was mainly to protect South African government involvement because of a change in the regional or international political environment. Examples of changed environments that called for new approaches were support to the Mozambique National Resistance (RENAMO) and the National Union for the Total Liberation of Angola (UNITA) when continuous support to organisations such as UNITA and RENAMO was denied by the government because of internal or external political changes.

Schutte, although criticising the definition of covert operations as too narrow as it only referred to secret destabilising operations undertaken by the security establishment, stated that covert operations in South Africa had been identified as structures intimidating activists; conducting disinformation campaigns; carrying out assassinations; and as forming part of the repressive history of South Africa ⁴²⁾.

In the analysis of the research material it became evident that covert operations by the South African security services and some civilian departments were mainly conducted from the following perspectives:

- to influence the international arena in order to gain support for the policy of ‘separate development’;
- to promote South African interests internationally;
- to limit the effectiveness of international boycotts and sanctions;
- to increase South Africa’s influence as a regional power;
- to counter the threat of international communism and communist expansionism in Southern Africa;
- to counter the terrorist threat against South Africa;
- to create internal stability; and
- to ensure the survival of the government by strengthening the power bases of the state in the political, economic, military and social spheres, and to create an environment conducive to evolutionary development.

The main government departments involved in covert activities were the Department of Defence (its Military Intelligence Division); the Police (the Security Branch and special units); the National Intelligence Service (formerly known as BOSS); the Department of Information (until disbanded); and the SSC (especially its Strategic Communication [Stratcom] Section).

The focus of covert action could also be clustered according to the priority allocated by government to certain aspects of the national strategy. The initial emphasis after independence in 1961 was to promote the political stance of the Republic through the Department of Foreign Affairs and the Department of Information while the post-1980 focus was mainly on political survival. In 1976 the Soweto unrest situation and the involvement of the SADF in Angola, shifted the emphasis to action directed against insurgent movements and to increase UNITA’s chances to obtain victory during an election. The escalation of the internal threat, as well as attacks from the ANC and the PAC from neighbouring countries, not only resulted in states of emergency being declared in 1985 and 1986, but also shifted the focus to action internally in South Africa and aggressive covert operations such as elimination operations against targets in foreign and neighbouring countries. The reality of the effect of international sanctions and boycotts on the South African economy also compelled the government to engage in actions such as the ‘illegal’ import of a strategic oil reserve, to ensure the economic survival of South Africa. The ‘illegal’ import of oil became known after the scuttling of the Salem in 1980 off the coast of Senegal, where documentation revealed that oil that was intended for delivery in Italy, had been off-loaded in South Africa⁴³).

As the threat perception shifted, so the priorities of the responsible department shifted, and from 1978 the Department of Defence, through its Military Intelligence Division and the Security Branch of the SAP, played the dominant roles in conducting covert operations, and several branches of these departments, such as the Civil Coordination Bureau, the Vlakplaas Unit of the SAP and front organisations such as Honey Badger Security (SAP) and ARAQ (SADF) played important roles in these activities⁴⁴⁾.

What is evident is that the SADF and especially the Military Intelligence Division of the Department of Defence, played a major role in the conduct of covert operations in Southern Africa, especially in terms of logistical support, training, propaganda and intelligence. Operations were launched against all the neighbouring countries. Defence Force involvement was evident in cross-border attacks into Mozambique, Lesotho, Zimbabwe and Angola as the South African government acknowledged these attacks as part of preventative strategy or as retaliation for terrorist attacks from the particular country. What was not so obvious were the covert destabilisation operations conducted in some of these countries by the South African security community, actions such as parcel bombs, car bombs and attacks on insurgent safe houses and offices. These were also supplemented through covert actions directed at supporting the South African government's national strategy and foreign policy, where the establishment of front organisations to promote South African interests, in neighbouring and Western countries, played an important role.

As became evident in amnesty applications, the trial of Eugene de Kock and the findings of the Truth and Reconciliation Commission (TRC), the security/specialised units of the SAP were quite often involved in assassinations of political/security threat opponents, such as the killing of Ruth First, by a parcel bomb in 1982, and the killing of the family of the ANC activist Marius Schoon in 1984⁴⁵⁾. A more detailed analysis of the internal destabilisation of political opponents and the targeting of South African citizens for covert operations will be provided in the next chapter, which will address the circumstances that led to the changes in the mandates and legislation of the security community.

De Kock⁴⁶⁾, as one of the operatives in the covert structures, stated that the covert tools of the government resided in the Civil Co-operation Bureau (CCB); Directorate Covert Collection (DCC) of Military Intelligence (MI); Stratcom (Strategic Communications), a branch of the SSC; Trewits, an anti-terrorist workgroup of the SAP and according to De Kock an organisation that effectively replaced Stratcom; and Section C of the Security Branch of the SAP. The CCB described its mission as “killing, infiltration, bribery, destruction and compromising [people]”⁴⁷⁾, and the task of

the DCC was not only covert (clandestine) collection but also the discrediting and compromising of ANC leaders. Stratcom, according to De Kock⁴⁸⁾, conducted mainly covert propaganda projects emanating from the SSC but run by different departments (the SAP, the SADF and the Department of Foreign Affairs). The SADF submission to the TRC⁴⁹⁾ on SADF involvement in the internal security situation in South Africa indicated that several types of guidelines, directives and strategies were formulated by the SSC, approved by cabinet and sent to the departments for implementation. One such instruction, namely “Guidelines for Future Secret and Covert Actions and Special Operations (June 1990)”⁵⁰⁾, confirm without doubt the involvement of the South African security community in covert action with the approval of government. These documents provided the framework for the implementation of security action. It was submitted to the TRC that “(i)n order to achieve the aims of Stratcom, it [was] often necessary to exercise positive influence in such a way that the involvement of the State is not apparent. It entails making use of individuals and/or organisations which have no obvious ties with the State and act according to agreed-upon programmes and guidelines emanating from approved strategies”⁵¹⁾.

The Harms Commission confirmed the notion that the South African security forces were involved in covert action, as one of these findings supports the key principle of covert action, that of plausible deniability, namely that “(i)t is not uncommon for employees and officers of the State to commit offences in the course of their services without some-one else being responsible for such acts”⁵²⁾.

6. CASE STUDIES

In an effort to illustrate the involvement and the level and nature of covert action as conducted by the South African government, the case studies will include the involvement of the Department of Information, the Department of Defence and the National Intelligence Service (NIS) in covert operations.

6.1. COVERT OPERATIONS CONDUCTED BY THE DEPARTMENT OF INFORMATION

During 1978 the Erasmus Commission was mandated to investigate alleged irregularities in the Department of Information. The commission revealed among others the involvement of the Department of Information in covert type actions such as the subsidising of The Citizen newspaper to the extent of R34 million in South Africa; the transfer of \$10 million to a bank account in Switzerland in 1974 to purchase the Washington Star in the US; the purchasing of estates with

secret funds inside and outside South Africa, and the development and financing of front organisations in and outside South Africa. Lack of control and coordination in the Department; the gross misuse and exploitation of the requirements related to secrecy; and the use of secret funds to conceal misuse and irregularities were also revealed. One of the main findings of the Erasmus Commission was that legislation that restricted the audit of secret funds by the Auditor-General, had to be revoked and revised to ensure proper control⁵³).

Grundy⁵⁴) argues that the disclosures stemming from the Information Scandal from 1974 – 1978 revealed much about Vorster's style, an organisational and administrative situation that according to him was slack and reflected poor control. The scandal itself was the result of a careless administrative and decision-making style marked by departmental autonomy and inter-departmental rivalry.

Rhoodie, the Secretary of Information from 1972 – 1978, himself believed he was involved in a covert propaganda war, and admitted that the Department of Information was involved in numerous secret operations that involved millions of rand, but said that these were directed at promoting the interests of South Africa⁵⁵). He argued that Vorster in May 1978 acknowledged the existence of a fund intended to counter what he described as a worldwide psychological and propaganda onslaught against South Africa⁵⁶). The main vehicle to achieve these objectives was through the conduct of covert actions.

Vorster's decision to launch a secretly financed information offensive to assist South Africa in countering the growing isolation, and to reach and influence policy-makers and decision-takers in the Western world, Africa, Latin America and the Middle East, was reached simply because conventional efforts, through diplomatic channels, were thwarted. International pressure originated not only from traditional opponents but even 'friendly' European states⁵⁷). Rhoodie stated that in 1973 a number of secret projects costing about R800 000 had already been undertaken and by 1974 more than 180 projects that cost over R75 million during 1974 – 1979 had been proposed. These projects were part of a five-year programme aimed at influencing people in key positions and included projects such as the creation of 'independent research organisations', publishing firms and news agencies, and the payment of journalists and politicians to promote the interests of South Africa. Rhoodie also emphasised the need for deniability, stating that "(i)n the obscure field of psychological and propaganda warfare hypocrisy is king. No government worth its salt will admit to it. No government worth its salt is not a participant, one way or another"⁵⁸).

Since the late 1970s the Department of Defence started playing a leading role in the conduct of clandestine collection and covert operations in Southern Africa as the neighbouring countries such as Mozambique and Angola gained independence from Portugal and the Rhodesian pro-South African government of Ian Smith was replaced by the Zanu-PF government of Mugabe after Zimbabwe conducted its first democratic election. In order to protect national interests the South African government through its military machinery became involved in covert operations in Southern Africa. The question however arises whether the South African government knew about and/or approved all of the covert operations. Operatives stated that they conducted operations with at least the sanction of some of the cabinet ministers, while government denied any knowledge of operations or such approval.

6.2. MILITARY COVERT OPERATIONS IN SOUTHERN AFRICA

Military covert operations in Southern Africa were, as indicated originally, mainly conducted by the MI Division of the SADF, while the Special Forces were mostly involved in clandestine collection and if required, covert operations as well. The Harmse Commission ⁵⁹⁾ revealed in 1990 that the CCB had been created within the ambit of the Special Forces of the SADF in order to conduct covert operations in Southern Africa. The CCB consisted mainly of ex-policemen operating secretly and was allegedly involved in anything from murder to bribery, extortion and intimidation ⁶⁰⁾. De Klerk, then State President of South Africa, appointed the Goldstone Commission in 1991 to investigate state-sponsored public violence and intimidation, as well as the Steyn Commission (1993) to investigate alleged illegal actions of the covert collection branch of the SADF's MI Division ⁶¹⁾. The detail and impact of the investigations will be discussed in the next chapter, as these contributed directly to the development and mandate of the intelligence community in the dispensation since 1994.

Sass ⁶²⁾ argues that the SADF, mainly its MI Division, conducted psychological warfare and propaganda operations. These operations went under a variety of names, such as civil affairs, and were aimed at influencing own forces, the general public or the enemy and its supporters. Extensive use of front companies was made and "(s)ome of the operations, such as Operation Katzan in the Eastern Cape and Transkei, went beyond the traditional definition of this type of military operation" ⁶³⁾. The operations were controlled and directed from a high level, often without the knowledge of the larger Command Staff of the Department of Defence. Rules of military security, the 'need-to-know' principle and a hedge of political secrecy to such an extent protected the actions that these actions would come as a major surprise to the vast majority of permanent and part-time soldiers as

well as some political leaders. The level of the SADF's involvement in politics in the Botha era since 1978 was of such a nature that an analyst states that "(i)n his (Botha's) move from defence minister to prime minister, Botha had taken the military men with him into key positions of military power. In effect, there had been a constitutional military *coup d'etat*"⁶⁴).

In a Southern African context it was especially RENAMO that benefited from logistical and intelligence support as well as training assistance, while support to UNITA covered the full spectrum of logistical support, training, intelligence, humanitarian aid, provision of advisors and even operational support by South African forces. The independence of Zimbabwe in 1980 also compelled the South African government to change its strategy from constructive engagement to preservation of South African interests, as Zimbabwe became a springboard for terrorist attacks in South Africa. Johnson⁶⁵), in an attack on the South African government stated that the 'alleged destabilisation' manifested itself through direct military action such as sabotage, clandestine support for banditry, assassinations, espionage, economic sabotage, propaganda and disinformation, and that mainly members of the former Rhodesian security forces were used in the destabilising actions. As was evident in submissions to the TRC, actions in Zimbabwe were mainly directed against the insurgent movements and not the Zimbabwean government.

The perception of the role that the military played in South African politics is reflected by Owen, in a comment on the lack of reaction of the government after the exposure of the Gorongosa documents which indicted continued SADF support to RENAMO. Owen stated that "(t)he deep trust which binds President Botha to General Viljoen and the Minister of Defence, Magnus Malan, can fairly be compared with the relationship that bound Mr John Vorster with General Hendrik van den Berg ... Military Intelligence has assumed under President Botha the same behind the scenes influence on policy, and has therefore acquired something of the same sinister reputation that BOSS had under Vorster"⁶⁶).

Although the South African covert operations in the neighbouring countries could be justified by the argument that it contributed to safety in South Africa, those actions did not contribute to the stability in the targeted countries, as it resulted in the intensification of civil wars and the destruction of infrastructure and the local economy. These indirectly contributed to the influx of illegal immigrants from these countries into South Africa after 1994 in an effort to obtain work opportunities as well as to flee from the conflict and destabilisation in the neighbouring countries. In hindsight the question could be asked whether these covert operations were worthwhile or not.

6.2.1. Case Study: Mozambique

Davies⁶⁷⁾, in an analysis of alleged SADF covert action in Mozambique, states that the conflict in Mozambique between the FRELIMO government and RENAMO was in fact an “undeclared, low-intensity, covert war waged by the South African Defence Force through surrogate forces” and that the operations of the SADF in Mozambique formed the pilot project and model for similar operations in the rest of Southern Africa and also influenced the decision to employ vigilante squads against democratic organisations in South Africa.

The nature and level of covert support changed with the changes in requirements from the political arena. The Nkomati Accord of 1984, for example, from a South African perspective changed military support to covert action, as the Accord prohibited South African support to RENAMO and similarly restricted FRELIMO support to the ANC. Johnson, in order to illustrate the covert support of the SADF to RENAMO, quotes from alleged documents, the so-called Gorongosa diaries, referring to a statement of the Chief of Staff Military Intelligence, Lt Gen P W van der Westhuizen, that “(w)e, the military, will continue to give them [MNR] support without the consent of our politicians in a massive way so they can win the war”⁶⁸⁾. The support of RENAMO after the signing of the Nkomati Accord was confirmed by Mortimer in the SADF’s submission to the TRC stating that contact was maintained with the RENAMO leadership in order to influence them to take part in the peace process in Mozambique⁶⁹⁾.

Support to RENAMO was coordinated by the Directorate Special Tasks, a directorate under command of the Chief of Staff Intelligence of the SADF. The covert support included, as indicated, among others logistical support; medical supplies; training at secret bases in South Africa; strategic leadership; propaganda radio broadcasts that were transmitted from South Africa under the name of ‘Radio Free Africa’; and elements of the South African special forces that launched attacks from the sea on selective targets; as well as targeting ‘safe houses’ of the insurgent movements in Maputo⁷⁰⁾. Davis in an analysis of the support rendered by the ‘frontline states’ to the insurgent groups stated that three of the five independent states sharing borders with South Africa faced internal resistance movements backed by South African funds, training and arms. The purpose of the South African government was to keep the incumbent government off balance, dependent on South Africa to stop the conflict, and even more dependent on South Africa’s economic resources for survival. Davies alleged that RENAMO’s successes were a result of South African support that even continued after the signing of the Nkomati Accord⁷¹⁾. Ferdi Barnard, a member of the CCB, in his testimony to the TRC, testified that David Webster, a social anthropologist at Witwatersrand University, was killed

in May 1989 because of his sustained efforts to expose the SADF's ongoing support to RENAMO⁷²⁾.

An important aspect, as highlighted by an analyst in relation to the Nkomati Accord, that definitely contributed to the failure of political initiatives in Mozambique, was that the SADF did not support the Accord, which was forced on to the SADF by the politicians; that military personnel did not trust Pik Botha, the South African Minister of Foreign Affairs; and that Botha was not briefed by the military on issues relating to RENAMO that could have an impact on South Africa's foreign policy, a clear conflict between military and political interests.⁷³⁾

The consequences of South African operations in Mozambique were evident in its contribution to the years of political instability in the pre-1994 period, where the destruction of both infrastructure and the general socio-economic situation in the country, were exacerbated by the continued conflict between RENAMO and the Mozambican government.

6.3. CASE STUDY: *COUP D'ÉTAT* ATTEMPT IN THE SEYCHELLES

The Seychelles was identified in the 1970s as of strategic importance to South Africa. As an ally, it would be a constructive influence in the Organisation of African Unity (OAU), provide landing rights for South African Airways in the Seychelles; and trade links and a route for oil from the Middle East⁷⁴⁾. Stiff adds the advantages of special trade links, a share in the development of the oil field off Platte Island, one of the Seychelles islands, and also the option of a firm base from which to destabilise Tanzania, the main host country of the ANC. Problematic was the fact that in 1977 Albert Rene toppled the existing Seychelles government of President James Mancham and introduced a pro-Soviet government⁷⁵⁾. According to Stiff the reasons for support of the operation were less complicated for the SADF as the Seychelles was not a strategic priority but Hoare, a contracted mercenary leader, appeared with his proposals and "(i)t was an anti-communist coup going begging... it seemed a shame to waste it. So they [the military] did not [waste the opportunity to support the proposed coup]"⁷⁶⁾.

A *coup d'état*, after several initial difficulties in the planning and authorisation phases, was initiated and arranged under the command of Hoare⁷⁷⁾. According to Labuschagne⁷⁸⁾ infighting between NIS, MI and the Security Branch of the SAP resulted in the project being handed over to MI. Stiff⁷⁹⁾ argues that the NIS was the main driver behind the operation and that MI was to make arms, ammunition and equipment available. Hoare stated in his court evidence that he was instructed to

keep the involvement of South Africans to the minimum, and preferably use people with foreign passports. The operation, known as Operation Anvil, was from its inception poorly organised; poor operational concepts were applied; lack of operational security was evident; and no clear principal (department) was appointed to direct the operation, resulting in a circle of blame for the abortive attempt⁸⁰.

The mercenaries with their weapons concealed in their luggage arrived at the Seychelles Airport of Mahe. Fruit, forbidden in Seychelles, was discovered in some of the luggage of the mercenaries, resulting in a more thorough search of the luggage and the compromising of the operation. The mercenaries took control of the airport but could not proceed further. An Air India aircraft was hijacked and the main body of the mercenaries returned to South Africa. One of the members who stayed behind on Seychelles and was imprisoned was Martin Dolincheck, the National Intelligence Agency (NIA) representative in the operation. The South African government, the NIA and MI denied any involvement in the operation⁸¹.

The mercenaries were charged in South Africa and found guilty of aircraft hijacking. Those arrested in the Seychelles were convicted of high treason and some were sentenced to death. Rene pardoned the mercenaries in 1983 and allowed them to return to South Africa. In testimony to the TRC in 1997, former Minister of Foreign Affairs, Pik Botha, confirmed that between \$3 million and \$6 million was paid for their release, also confirming that the NIS and/or the SADF were involved⁸². The involvement of the NIS in the abortive *coup d'état* attempt in the Seychelles in 1981 was also confirmed by a NIS operative involved in the collection of information that was used in the attempt⁸³. The TRC after investigating evidence provided in amnesty applications, in its findings stated that “(t)he Commission finds that the attempt to overthrow the Seychelles government was an operation undertaken by senior operatives of the NIS and the Department of Military Intelligence with the collusion of elements within the SADF”⁸⁴.

7. CONCLUSION

From the analysis of legislation, commission inquiries, media reports and case studies, it can be concluded that the South African security community and some civilian departments, for example the Department of Information, in most cases with the sanction of government, were involved in covert action. In many cases the involvement of the South African government, although not formally admitted, was either compromised or suspected. Covert action was necessitated by a need for survival, and it was perceived as one of the options to counter threats to survival. The notion of

a ‘total onslaught’ was not only promoted by politicians, but was also reflected in findings of commissions and inquiries; the nature of news reports and statements from high-profile individuals; as well as from a religious perspective. The problem was that no clear guidelines, mandates or instructions were issued, resulting in a situation where the limits of what was acceptable were expanded with each operation. Success resulted in a series of actions, with one service seeing whether it could outperform the others.

The implications of clear mandates and the conduct of covert operations in South Africa with mainly an internal focus, will be discussed in the next chapter, which will address alleged ‘Third Force activities’ as conducted inside South Africa and against South African citizens (the 1980s – 1994), as well as current legislation and mandates regulating the security community in South Africa. It is important to analyse these activities as perceptions created by them have a direct impact on current legislation, security mandates and control measures in the South African security environment.

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CHAPTER 4

INTERNALLY DIRECTED COVERT ACTION IN SOUTH AFRICA: 1980 – 1994 AND SUBSEQUENT CHANGES

“One of our greatest challenges remains changing public perception about the role of intelligence in our democracy...the success of the Intelligence Services in fulfilling its role of national security depends on the confidence it can infuse in the public. It is only then that each citizen of this country can play a role in the protection of our country”. (Lindiwe Sisulu, Minister of Intelligence, South Africa, 19 August 2002)

1. INTRODUCTION

The approach and attitude of the post-apartheid South African government were mainly guided by the perceptions and experiences inculcated by the actions and activities of the South African security forces and intelligence community before 1994. Negative perceptions of covert action in a South African environment were enhanced even more by evidence presented to the South African TRC and the findings reflected in its report on atrocities conducted by the security forces, government institutions, organisations or a ‘Third Force’ under the previous ‘apartheid dispensation’, as well as the secretiveness involved in the conduct of intelligence. From a South African perspective, covert action was mainly perceived as an activity conducted against citizens of the state. These perceptions played an important role in the development of a national security policy and the regulatory framework in a post-apartheid South Africa as illustrated by the comment of Kasrils, the South African Minister for Intelligence Services: “(w)e in South Africa know only too painfully what happens when the secret services operate without proper control and oversight, and become a law unto themselves”¹⁾.

This chapter addresses alleged covert activities directed against South African citizens; ‘Third Force’ activities (1980s – 1994); and actions conducted by the security forces, such as alleged ‘hit squads’ and the CCB. These topics will be discussed in relation to legitimacy, targets, *modus operandi* and application of covert principles. The impact of these activities on current legislation, security mandates and control measures in the South African security environment will also be discussed. Perspectives on, and experiences of covert action, as well as the findings of official inquiries such as the TRC, will be analysed to determine their impact on the formulation of a regulatory framework, attitudes and approaches to the conduct of covert action. The domestic, regional and international security environments will be analysed from a South African perspective to determine the need for the conduct of covert actions.

2. FACTORS INFLUENCING PERCEPTIONS OF, AND ATTITUDES TO, THE FORMULATION OF NATIONAL SECURITY POLICY AND A REGULATORY FRAMEWORK

Particular issues influence the perceptions of governments, state officials, academics and the general public regarding security-related activities, including the approach to covert action, thus directing the formulation of security-related mandates. In the case of South Africa these issues include covert action by the security forces against South African citizens; the experiences of insurgent groups and liberation movements related to security force activities prior to 1994; official investigations into ‘Third Force’ activities; evidence presented to the TRC; applications for amnesty submitted to the TRC and its findings; as well as official threat perceptions since the 1990s.

2.1 COVERT ACTION DIRECTED AGAINST SOUTH AFRICAN CITIZENS AND THE EXPERIENCES OF INSURGENT GROUPS AND LIBERATION MOVEMENTS RELATED TO SECURITY FORCE ACTIVITIES

If an aspect is to be singled out as having influenced the views of many South Africans and of the government on the advantages and disadvantages of covert action, it should be the impact of covert action or alleged ‘Third Force’ activities directed against South African citizens, whether conducted internally in South Africa or in foreign countries. At the time, as discussed in the previous chapter, especially MI of the SADF; the CCB; Stratcom; Trewits and the Vlakplaas Unit of the SAP, were accused of being involved in covert activities directed against South African citizens and organisations.

The South African security services were accused of actions directed against South Africans, such as the assassination of Dulcie September, David Webster and Anton Lubowski; the murder of supporters of insurgent groups; attacks on train commuters; the instigation of “black-on-black” violence; covert operations in the Ciskei and Transkei; support for *coups d’etat* and counter-*coups d’etat* in the ‘independent’ homelands to minimise support for insurgent movements; the training of Inkatha forces to act against insurgent groups; the conduct of ‘hit squad’ activities; discreditation of community leaders; torture; establishment of front organisations to influence citizens; and the conduct of covert strategic communication operations against South Africans aimed at the infiltration, influencing and manipulation of groups and organisations in order to create, maintain or change attitudes, behaviour and ideologies and to neutralise opposing propaganda ²⁾.

Confirmation of several of the allegations and perceptions was evident in the submission of the SADF to the TRC. In the submission, covert Stratcom targets in which the SADF were involved in

order to influence the internal population positively in respect of declared national goals, and to neutralise/undermine enemy/opposing propaganda, were described as youth clubs, community organisations, women's organisations, traditional authorities, arts and rural development ³⁾. The submission also stated that within the SADF, MI and the Army were responsible for covert Stratcom projects. It was emphasised that the SADF's strategy provided for the SADF to have the ability to conduct strategic communication operations in its area of responsibility, which included the realm of South Africa. The submission emphasised that several secret projects were terminated in 1991 and 1993 as a result of the recommendations of the Khan Advisory Committee on Special Secret Projects ⁴⁾ and the dismantling of the Sub-division Intelligence Operations at MI. The submission also admitted the involvement of the SADF in 'special projects' that were not military operations to the full extent, such as Operation KATZEN, aimed at the stabilisation of the Eastern Cape, including the Transkei and Ciskei; and Operation MARION which involved paramilitary support to Inkatha ⁵⁾.

2.2. OFFICIAL INQUIRIES INTO ALLEGED “THIRD FORCE” ACTIVITIES CONDUCTED BY THE SECURITY SERVICES

Allegations of atrocities conducted by the security services against South African citizens compelled Presidents Botha and De Klerk to institute official commissions of inquiry to investigate the allegations. The next section will address the Harmse, Goldstone and Steyn Commissions into alleged 'Third Force' and security force activities.

2.2.1. Harmse Commission of Inquiry into Certain Alleged Murders

The Harmse Commission of Inquiry into certain alleged murders was appointed by the State President in February 1990, mainly “(t)o inquire into and report on the alleged occurrence of murders and other unlawful acts of violence committed in the Republic of South Africa (including the self-governing territories) in order to achieve, bring about or further any constitutional or political aim in the Republic of South Africa and in respect of which the judicial process has been completed or which have not been solved or in respect of which the investigations are, owing to a lack of evidence, not progressing” ⁶⁾.

The involvement of secret organisations in South Africa was exposed quite early to the Commission by statements such as those of Mostert, a director in the SAP. Mostert stated in his evidence that “there is a secret organisation in this country [South Africa] with members from all levels of society, the general purpose of which is to sow fear among leftist radicals by violence and

intimidation. This organisation is responsible for several acts of violence such as, *inter alia*, murder, assault, arson, etc. According to information I [Mostert] have, the organisation is responsible for the murder of both Dr Webster and Advocate Lubowski, and my information is further that these murders were committed to achieve political aims...and this secret organisation is in fact a unit of the South African Defence Force, which is known as the Civil Co-operation Bureau”⁷⁾. It was also ascertained that the CCB structure indicated a Region 6 that was responsible for domestic operations⁸⁾. Evidence indicated that where information was obtained that could not be processed to the SAP for execution, “the CCB, in good faith and in the execution of its duty to ensure the security of the state and its subjects, considered it essential to act against such persons itself”⁹⁾. The Commission concluded that there was enough evidence to confirm the involvement of the CCB in the Athlone bomb incident on 31 August 1989; conspiracy to murder Advocate Dullah Omar, then regional secretary of the United Democratic Front in the Western Cape; conspiracy to murder Gavin Evans, a journalist; the poisoning of one Mhlaba, an attorney in Durban who supported the ANC; and the murder of Dr David Webster, a human rights activist¹⁰⁾.

In its evaluation of the CCB the Commission expressed concern about critical aspects such as that the CCB did not subscribe to the rule of law; allocated to itself the powers to try, sentence and punish persons on untested information without allowing them to defend themselves; that its actions had contaminated the whole security arm of the State; that some of its members had their own political agenda and that this agenda did not correspond to the expressed agenda of the political authority; that it put its own interests and those of its members above the public interest or the interests of the State; that it neither knew nor recognised any higher authority; and that the personnel selection process was suspect, as persons with serious previous convictions or personality defects were employed¹¹⁾. The above aspects should be critical in the control and mandate of any covert structure. The CCB was dissolved as part of ‘restructuring’ in the SADF even before the findings of the inquiry were published.

In its inquiry into the Vlakplaas Unit of the SAP, Dirk Coetzee, a former Vlakplaas commander, and Almond Nofemela, a Vlakplaas operative, provided the Commission with evidence confirming the existence of “assassination hit squads”. Incidents listed as evidence included the disappearance of Nkosinathi Dhlamini, Vuyani Mavuso, Isaac Moema, Giniswe Kondile and Siphiso Mtinkulu as well as the killing of Ernest Dipale and Griffith Mxenge¹²⁾. Harmse, however, concluded that “(i)t was common cause that no hit-squad was established at Vlakplaa(t)s, although members of Vlakplaa(t)s have been involved in common-law offences”¹³⁾. De Kock, a former commander of the Vlakplaas unit, in a discussion of the Harmse Commission said that although the SAP had made

a concerted effort to lie to the Commission and to hide the truth, the findings of the Commission boggled the mind¹⁴⁾. De Klerk stated that in reflection on the Harms Commission, it was obvious that the Commission was unsuccessful in its effort to determine the truth. De Klerk, however, removed Malan, Minister of Defence, and Vlok, Minister of Police, from their security portfolios¹⁵⁾.

The Commission's conclusion is important in terms of its relevance for covert action: "(c)overt organisations trust no one and are themselves distrusted. Every state needs or believes that it needs a covert organisation. A covert organisation with offensive capability or aims needs a strong control structure. Power should not be concentrated, and the greater the secrecy the greater the danger of irregularities"¹⁶⁾.

2.2.2. The Goldstone Commission of Inquiry into the Prevention of Public Violence and Intimidation and The Steyn Commission of Inquiry into Activities of Military Intelligence

De Klerk announced on 30 July 1991 that he had appointed the Goldstone Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation (Goldstone Commission) following the outbreak of violence in Thokoza on the East Rand, at the President Steyn Goldmine in the Free State and at Mooi River in KwaZulu-Natal. The mandate of the Goldstone Commission was to investigate the issue of public violence and intimidation in South African society¹⁷⁾. Goldstone, chairman of the Commission, stated in a press release that the Commission's terms of reference were to establish the nature and causes of violence and intimidation, whether it was aimed at the achievement of any political goal; what persons were involved; and what steps should be taken to curb or prevent it¹⁸⁾.

Among the incidents and allegations the Goldstone Commission investigated were violence relating to taxis and trains; violence in rural areas and townships such as Mooi River, Vosloorus, Phola Park, Alexandria, Crossroads, Thokoza, Boipatong and the KwaZulu-Natal rural areas; the Bisho shooting incident; hostel-violence; training of vigilante groups such as 'The Black Cats'; SADF front organisations involved in sponsoring and instigating black-on-black violence; the training of Inkatha members in the Caprivi by members of the SADF; and the murder of activists and political leaders¹⁹⁾.

In a July 1992 press release the Goldstone Commission stated that "(n)o evidence has been submitted to the Commission which in any way justifies allegations of any direct complicity in or

planning of current violence by the State President, any member of the Cabinet or any high placed officer in the South African Police or Defence Force”²⁰⁾ but acknowledged that the Commission was investigating other allegations of misdeeds perpetrated by members of the security forces. The breakthrough for the Commission was the exposure of a covert operations unit of MI and the seizure of operational files revealing among others the involvement of MI in a ‘dirty tricks’ campaign aimed at discrediting ANC leaders²¹⁾. This discovery led to the appointment of the Steyn Commission of Inquiry by De Klerk to investigate the Goldstone Commission’s claims in respect of the activities of MI. Although Steyn’s report indicated that most claims could not be substantiated and were based on allegations, De Klerk nevertheless dismissed and suspended 23 senior military officers²²⁾.

The first confirmation of ‘Third Force activities’ was received on 18 March 1994 when Goldstone released a report stating that a network of criminal activity, such as gunrunning, death squad activity and the orchestration of violence, operating within the military-security establishment, was aimed at destabilising South Africa. Several senior police officers were placed on early retirement and De Kock, former commander of Vlakplaas, was arrested, charged and prosecuted. The full extent of the activities was revealed in evidence submitted to the TRC and applications for amnesty, which in many cases confirmed the suspicions and allegations²³⁾.

The Goldstone Commission also investigated and confirmed allegations of violence and murder by members of the ANC and the PAC²⁴⁾, especially violence conducted in detention camps such as the ANC’s Quatro base in Angola.

2.3. EVIDENCE PRESENT TO, AND FINDINGS OF, THE TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA

The Promotion of National Unity and Reconciliation Act²⁵⁾ provided for an investigation to establish as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed in or outside South Africa from 1960 to 1994. The TRC’s main tasks to achieve its overall objective of promoting national unity and reconciliation comprised an analysis of the “causes, nature and extent” of gross violations of human rights, including identification of the individuals and organisations responsible for such violations; making recommendations to the President on measures to prevent future violations of human rights; restoring human and civil dignity of victims of gross human rights violations; and granting amnesty to persons who had made full disclosure of facts relating to acts associated with a political objective²⁶⁾.

The TRC addressed among others police and military counter-insurgency operations in Southern Africa, dealing with aspects such as political repression and imprisonment; detention and torture; extra-judicial executions and killings; intimidation and harassment of civilians; sabotage; arson; assassinations; CCB covert operations; training of surrogate forces; ambushes; abductions; and border entrapment killings²⁷⁾. Internally the Commission addressed aspects relating to judicial executions; use of auxiliary forces in the conduct of atrocities; torture and death in custody; deaths in detention; killing of South Africans such as Griffiths Mxenge, the PEBCO Three, the Cradock Four, David Webster and others by elements of the security forces; abduction; interrogation; killing; entrapment killings; execution of own forces; arson and sabotage; as well as support to surrogate and opposition groups²⁸⁾. The Commission received several applications for amnesty from security force members related to atrocities conducted over the period 1960 - 1994. Units such as Vlakplaas and the CCB were linked to atrocities such as the carrying out of assassinations internally and outside South Africa. Liberation movements such as the ANC, PAC and United Democratic Front were also linked to atrocities such as the killing of individual ‘enemies’ and ‘defectors’; executions and killings; torture; burning; and the ‘necklacing’ of people²⁹⁾.

That a concerted strategy was directed against South Africans was evident in the SADF’s submission to the TRC, where it was stated that several types of guidelines, directives and strategies were formulated by the SSC, submitted to the Cabinet for approval from 1980 – 1990, and sent to the departments for implementation. The submission cited the following official directives as examples that had a direct impact on South African citizens, organisations and institutions: A Total Strategy against the ANC (August 1981); A Total Strategy for Soweto and other Black Urban Areas (September 1981); A Total Strategy in Respect of the Role of Trade Unions in Labour Unrest (April 1982); and Guidelines for a Total Strategy against the UDF (October 1983). It was emphasised that these documents provided the framework for the implementation of security action and that each department was responsible for the implementation of the strategies applicable to its particular area of responsibility³⁰⁾.

In the section addressing ‘covert structures and activities’ the Commission stated that the establishment of covert structures in the early years centred largely on two main areas, propaganda and sanctions busting, while in the 1980s extensive proliferation of covert structures and front organisations such as the CCB took place, specifically designed to obscure links to the State³¹⁾. The Commission did not specifically define the concept ‘covert action’ and it is obvious in the analysis of the report, that covert action was in many cases equated to ‘Third Force activities’. The Commission stated that clear evidence of security force involvement was confirmed regarding

aspects such as the provision of weapons to and training of Inkatha Freedom Party (IFP) members; involvement in the violence in the Pretoria Witwatersrand and Vereeniging areas and KwaZulu-Natal regions; the involvement of MI operatives and structures in the destabilisation of the independent homelands; and the existence of SAP hit squads and disinformation campaigns³²⁾.

The Commission in its findings stated that “SSC documents represented a perfect illustration of the notion of plausible deniability”³³⁾. Findings that could be related directly to the nature of covert actions were the following³⁴⁾:

- Deliberate manipulation of social divisions in society with the intention of mobilising one group against another.
- Arming, funding and training of foreign citizens for military operations against sovereign governments in the region.
- Covert training, arming and funding of offensive paramilitary units or hit squads for deployment internally against opponents of government.

The Commission in its recommendations on the prevention of atrocities stated that “(i)f secrecy and silence in clandestine organisations provide fertile ground for evil deeds, then the solutions lie in open, transparent and accountable social institutions...open scrutiny by the public seems the most powerful rehabilitation device. Freedom of the mass media, academic freedom, and the role of civil society as watchdogs are vital”³⁵⁾. The Commission in its recommendations emphasised the rule of law; accountability; the promotion of human rights; transparency; restructuring of the intelligence services; and the implementation of proper control and coordination measures³⁶⁾. It was also recommended that “(m)embers of the SANDF should not be entitled to engage in any covert activities not specifically authorised by the Minister of Defence as well as a minister with an unrelated portfolio, and that spending on such covert activities be subject to the same auditing process as other expenditure”³⁷⁾.

In the South African TRC process, it became clear that there was a gap between the perceptions of authorities and operatives. Senior persons in authority denied that they knew what was happening, or that they had given specific orders, even when operatives claimed that they had acted on instructions. This is clearly illustrated by De Klerk’s evidence to the Commission, when he stated that “things happened which were not authorised, not intended, or of which we were not aware...I have never condoned gross violations of human rights...and reject any insinuation that it was ever the policy of my party or government”³⁸⁾. In contrast to this and illustrating the perceptions of many of the security service operatives (those involved in covert action) are the sentiments of

former Vlakplaas Commander Eugene de Kock: “Yet the person who sticks most of all in my throat is former State President F.W. de Klerk. Not because I can prove, without a shadow of doubt, that he ordered the death of X or cross-border raid Y. Not even because of the holier than thou attitude that is discernible in the evidence he gave before the (Commission) on behalf of the National Party. It is because in that evidence, he simply did not have the courage to declare: Yes we at the top levels condoned what was done on our behalf by the security forces. What’s more, we instructed that it should be implemented. Or – if we did not actually give instructions we turned a blind eye. We didn’t move heaven and earth to stop the ghastliness. Therefore let the foot soldiers be excused”³⁹⁾.

2.4. SOUTH AFRICAN CITIZENS’ PERCEPTIONS OF THE ROLE OF COVERT ACTION IN SOUTH AFRICA

The perceptions of South African citizens relating to covert operations, actions and ‘Third Force activities’ were adequately reflected in the news media, nationally and internationally, and recorded by authors such as Paauw ⁴⁰⁾, Burger ⁴¹⁾, Hamann ⁴²⁾, Cilliers⁴³⁾ and Stiff ⁴⁴⁾. The perceptions and analysis of the role of covert action in South Africa as well as the need and future of covert action vary from a realistic approach to distorted emotional over-emphasis on a human rights interpretation of covert action. As a case in point the perceptions of Williams, then Director Policy in the SANDF compared to those of Seegers, a professor in the Department of Political Science of the University of Cape Town, as reflected in the publication The Hidden Hand: Covert Operations in South Africa ⁴⁵⁾ will be briefly discussed.

Covert operations, according to Williams, are those operations conducted by specific structures in which the operations themselves are kept secret and the origin of the operations is only known to a selected few, while clandestine operations are conducted in secret and every effort is made to conceal the source of the operation ⁴⁶⁾. Although not clearly stated, the main difference as perceived by Williams is in the concealment of the origin of the operation. He argued that the manner in which different societies deal with, permit and legislate the different levels of covert and clandestine operations will depend on the constitutional, political, social and legal peculiarities of the country concerned. From his perspective the political culture, constitutional provisions, historical experiences and the absence and/or presence of a threat will be the key determinants in the acceptance of covert action ⁴⁷⁾. According to Williams “(t)he rise of modernity, characterised by complex issues and the compression of different people within definable geographical boundaries, necessitated the invention of covert operations” ⁴⁸⁾. He also suggested a few guidelines to regulate

partnerships between government and the intelligence community in an effort to manage covert action effectively in the South African community⁴⁹⁾. These features are:

- The establishment of sufficient levels of trust between the intelligence service and the political and civil elite.
- Agreement on the roles and tasks of the intelligence services.
- Acknowledgement by politicians of the resource requirements of the intelligence community.
- Acknowledgement by the intelligence community of the political requirements for supervision that are articulated by Parliament.
- The establishment of a working criterion, which would achieve a healthy balance between the needs of public transparency and the need for institutional confidentiality.

Seegers in contrast reflected a rather naïve interpretation of covert action, stating that “(c)overt operations in democratic countries lack moral legitimacy: they put decision-making power into the wrong hands, make results morally superior to rules, and concentrate power. Nobody in a democratic country lives above these moral principles”⁵⁰⁾. She, in her analysis of covert operations, identified five characteristics embedded in covert operations, namely:

- Covert operations are conducted within a specific political context and are the weapon of especially the disadvantaged or weaker parties. These operations are selected because one is unable to confront an enemy in an overt or direct manner.
- Covert operations are associated with a psycho-political condition of frustration among decision-makers and are used when conventional methods do not achieve the required results.
- Covert operators prefer to work outside the acceptable norm, detest conformity and exist on the margins and in the darker corners of the military or police or in the grey world between the military and the police.
- Covert operations rely heavily on impersonal technocratic means and also embrace violent means.
- Covert operations have the tendency to escalate⁵¹⁾.

Seegers’s assumption that covert operations are the choice of the weak reflects a lack of understanding of the purpose of covert operations and covert action. Covert action or operations, as evident during the Cold War era, were mainly the option of choice for super powers as it provided

an option other than war; provided for plausible deniability; and the opportunity to influence foreign countries without revealing direct involvement. However, it is evident that in many cases the perception of covert action is in the eye of the beholder; so many heads, so many ideas and an understanding of covert action is determined by the knowledge, attitude to covert activities, understanding and experience of the individual. This will also become evident in the discussion in the next section of the official South African security and threat perceptions since 1994.

3. OFFICIAL SOUTH AFRICAN SECURITY AND THREAT PERCEPTIONS SINCE 1994

The previous chapter addressed mainly the political and security environment prior to the 1990s. The situation between 1990 and 1994 was characterised by perceptions and accusations of the destabilisation of the internal security situation in South Africa in order to derail the negotiation process between the government and the former insurgent movements. Perceptions held by insurgent groups that right-wing extremists were planning to destabilise the internal security situation were exacerbated by the perception that most white security force members did not support a democratically elected black majority government. In the period after 1994 this resulted in the frantic re-organisation of the intelligence services, re-deployment of security force members and the implementation of voluntary severance packages, which culminated in many instances in incapacitating the effectiveness of the services for the sake of transparency and transformation and resulting in the loss of experience, knowledge and skills in the intelligence community. Official South African security and threat perceptions after 1994 played an important role in the restructuring of the security community and the determination of intelligence priorities. It also directed the mandates, the responsibilities and *modus operandi* of the security community in general and the intelligence services in particular.

3.1. SECURITY PERCEPTIONS

The reintegration of South Africa into the international community and particularly the African community after 1994 resulted in far-reaching changes in approaches to national security, the determination of priorities and the choice of alliances. The White Paper on Defence⁵²⁾ stated that several changes had occurred since the end of the Cold War that required new approaches to attain national security. The vast majority of armed conflicts are intra-state and not inter-state, and are perceived as regional rather than international concerns. There is a tendency towards greater interdependence, regionalism and internationalism. Countries such as South Africa will have to play

a leading role in the Southern African context, not only to promote its own security policy but also because the international community will expect South Africa to play this role.

The aim of South Africa's security policy as stated by the SANDF in 1998 "is to encourage development within South Africa and Southern Africa, to contribute to the development of the African continent through a wide range of measures as envisaged by the African Renaissance, to promote regional security and to act as a responsible member of the international community...It includes measures to reduce the risk of external aggression against our territory or vital national interests and to promote an international framework that favours freedom and open trading relationships. In some circumstances, deterrence or defence against aggression may be required to ensure national security. Security policy is inseparable from wider foreign and economic policy"⁵³). The White Paper on Defence describes it as follows: " In the New South Africa national security is no longer viewed as a predominantly military and police problem. It has been broadened to incorporate political, economic, social and environmental matters. At the heart of this new approach is a paramount concern with the security of the people"⁵⁴).

The focus of the intelligence community should be on addressing the objectives as formulated in security policy. The White Paper on Defence⁵⁵) indicated that security policy should pursue the following objectives:

- At national level the objectives of the security policy therefore encompasses the consolidation of democracy; the achievement of social justice, economic development and a safe environment; and a substantial reduction in the level of crime, violence and political instability.
- At international level the objectives of the security policy include the defence of the sovereignty, territorial integrity and political independence of the South African state, and the promotion of regional security in Southern Africa.

It is thus especially at the regional, continental and international levels that covert action under certain controlled circumstances could be important to achieve security objectives, particularly the objective of the promotion of regional security where covert action could be used to achieve regional stability and to influence regional governments to South Africa's advantage in certain instances.

3.2. THREAT PERCEPTION AND INTELLIGENCE OBJECTIVES

The threat perception of the current South African government is mainly reflected in the focus and approaches of the intelligence community as stipulated in the White Paper on Intelligence⁵⁶⁾. In this regard, three levels of focus in the formulation of policy are distinguished:

- The international level with the focus on economic growth and investment, the new global political, social and economic problems filtering through the borders of South Africa, international extremist-forged links within South Africa, narcotics trafficking and other international crime-related issues, South African participation in the international arena and forums and the increase in the activities of foreign intelligence services, not only targeting traditional espionage targets but also focusing on industrial, technological and scientific espionage.
- The regional dimension with the focus on social and economic problems that will affect South Africa, and the creation of peace and stability in neighbouring countries.
- The internal dimension, where the focus should be on socio-economic upliftment and identifying aspects that undermine internal security processes, on addressing aspects that could escalate into political violence and extremism, and on addressing crime and corruption levels.

Criteria identified by the NSC as established in the Strategic Intelligence Act indicated the following as priority guidelines in the conduct of security, namely aspects that have an impact on the quality of life, South Africa's international standing, South Africa's values and interests, the use or threat of force and regional security⁵⁷⁾. Military strategic objectives are identified as defence against aggression that endangers the stability of South Africa; promotion of security internally and externally in line with decisions of Parliament; and support to the people of South Africa in operations other than war⁵⁸⁾.

Kasrils in his 2004/2005 Budget Vote speech stated that the challenges of today's world, such as the impact of globalisation, development in communications and technology, pressure on resources and the deepening of ethnic, religious and ideological differences, "affect[s] everyone, especially a new and diverse nation like South Africa, with a range of domestic challenges and international responsibilities"⁵⁹⁾. He identified terrorism, organised crime, trafficking in people and drugs, proliferation of weapons of mass destruction technology and money laundering as the new global

threats and stated that “(w)e need to develop our intelligence and security capability, to foresee the imminent threats, so we can more effectively deal with them”⁶⁰⁾.

Lekota, South Africa’s Minister of Defence, in his 2004/2005 Budget Vote speech stated that the world had changed since 1994, and “whilst we still cannot identify any serious threats to our territorial sovereignty, we still face the demons of poverty and hunger. These remain the biggest threats to our security and stability as a nation”⁶¹⁾. He also emphasised the importance and extent of SANDF peacekeeping assignments in support of government’s diplomatic emphasis, thus emphasising the importance of regional stability to promote South Africa’s foreign policy⁶²⁾.

Covert action could be used to address some of the priorities and concerns identified by the Ministers of Intelligence and Defence and it will be important that the framework for the use of covert action be clearly defined and regulated in the security dispensation as determined since 1994. The next section will address the security dispensation in South Africa since 1994, focusing on the regulatory framework and the structures responsible for the management, oversight and control of national security and covert action.

4. A NEW SECURITY DISPENSATION: 1994

In the formulation of a strategic policy for intelligence it was stated in the White Paper on Intelligence that prior to the election of a democratic government, security policy was formulated by a minority government and aimed at sustaining minority interests. It was also stated that the role of the state’s security apparatus was over-accentuated, with virtually no institutional checks and balances⁶³⁾. This perception was reflected in shaping the regulatory framework applicable to the security community.

4.1. REGULATORY FRAMEWORK

The regulatory framework, which is mainly guided by the Constitution of the Republic of South Africa, White Papers and several acts relating to the conduct of intelligence, determines the mandates, tasks, role and functions of the intelligence community, and provides control and oversight measures for intelligence-related activities. Definitions and principles of intelligence are also formulated, as well as codes of conduct for members of the security community.

4.1.1. The Constitution of the Republic of South Africa

The Constitution lists four principles governing national security in the Republic ⁶⁴⁾:

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

Important aspects related to security as stipulated in the Constitution are that the security services of South Africa consist of a single defence force, a single police service and any intelligence services established in terms of the Constitution. Security services must be structured and regulated by national legislation and no member of any of the services may obey an illegal order. Provision for adequate oversight is also made in the stipulation that to give effect to the principles of transparency and accountability, multi-party parliamentary committees must have oversight of all security services in a manner determined by national legislation or the rules and orders of Parliament ⁶⁵⁾.

The primary object of the SANDF is to defend and protect the Republic, its territorial integrity and its people in accordance with the Constitution and the principles of international law regulating the use of force ⁶⁶⁾. The objectives of the SAPS are listed as to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law ⁶⁷⁾.

In relation to the intelligence services the Constitution stipulates that “(n)ational legislation must regulate the objects, powers and functions of the intelligence services, including any intelligence division of the defence force or police service, and must provide for; (a) the coordination of all intelligence services; and (b) civilian monitoring of the activities of those services by an inspector, appointed by the President, as head of the national executive, and approved by a resolution adopted by the National Assembly with a supporting vote of at least two thirds of its members” ⁶⁸⁾.

An analysis of the relevant sections in the Constitution indicated that in principle provision was made for adequate regulation through legislation and the monitoring of security-related activities through parliamentary oversight, coordination of activities and the appointment of an Inspector-General for Intelligence. The broad parameters for the security services to operate in and the restrictions and conditions applicable to them were also listed. An analysis of the White Paper on Intelligence and relevant legislation will provide insight into the effectiveness of the operationalisation of the requirements stipulated in the Constitution.

4.1.2. The White Paper on Intelligence

The White Paper on Intelligence ⁶⁹⁾ is one of the main documents defining the mandates, tasks, functions and activities of the South African intelligence community and forms the baseline for the formulation of an intelligence strategy for the intelligence community in South Africa as perceived against the identified or potential challenges for the management of security by the South African government. It also aims to clarify the South African government's position on the conduct of covert action as an element of security management.

In an explanation of the meaning of intelligence, the White Paper on Intelligence states that there are various forms of intelligence, including aspects such as political intelligence, economic intelligence, technological and scientific intelligence, military intelligence, criminal intelligence and counter-intelligence. Although counter-intelligence is emphasised as an element, no attempt is made to explain or specifically negate covert action as an element of intelligence. The mission of the South African intelligence community is emphasised in the White Paper as “to provide evaluated information” ⁷⁰⁾, thus emphasising the collection and analysis of intelligence and highlighting the following responsibilities: “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, promotion of the interrelated elements of security, stability, co-operation and development, both within South Africa and in relation to Southern Africa, the achievement of national prosperity while making an active contribution to global peace and other globally defined priorities for the well-being of human-kind and the promotion of South Africa's ability to face foreign threats and to enhance its competitiveness in a dynamic world” ⁷¹⁾.

The mission of the domestic intelligence service namely the NIA, according to the White Paper, will be to conduct security intelligence within the borders of South Africa in order to protect the Constitution; while the mission of the foreign intelligence service, the South African Secret Service

(SASS) will be to conduct intelligence in relation to external threats, opportunities and other issues that may affect South Africa, with the aim of promoting national security and the interests of the country and its citizens⁷²⁾. In the notion that covert action is directed at the promotion of foreign policy and against foreign targets, it will appear that in line with the mandate of the CIA of the US, SASS will be the most appropriate service under whose auspices covert action should be conducted. The main functions of Defence Intelligence, according to the White Paper on Defence, are the conduct of military intelligence and counter-intelligence, and the gathering of external military information. An important directive stipulated in the White Paper on Defence is that “Defence Intelligence structures shall not initiate or participate in any operations of a non-intelligence nature”⁷³⁾.

In the formulation of the mission, purpose and functions of national intelligence the White Paper states that “(i)ntelligence services are required to act in the interest of the country as a whole. In this respect intelligence should enhance national security, protect and promote the interests of the state and the well-being of its citizens”⁷⁴⁾ and “(n)ational intelligence functions shall include those of counter-intelligence, foreign intelligence (which includes special activities as defined by an Act of Parliament), and domestic intelligence”⁷⁵⁾. The reference to ‘special activities’, although not currently defined in an act of Parliament, as well as the reference to ‘the promotion of the interests of the state’, could be interpreted as a subtle reference or at least the creation of an opportunity for the conduct of covert action and that covert action, although not specifically mentioned, is not negated as an option in security management.

Important principles of intelligence as listed in the White Paper on Intelligence that could influence or direct the conduct of covert action include an integrated national intelligence capability; political neutrality; legislative sanction; accountability and parliamentary control; a balance between secrecy and transparency; the separation of intelligence from policy-making; effective organisation management and administration; and an ethical code of conduct to govern the performance and activities of individual members of the intelligence services⁷⁶⁾.

With regard to covert action the White Paper on Intelligence states that “(m)asures 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 strictly forbidden”⁷⁷⁾. The White Paper, in defining concepts such as ‘national strategic intelligence’, ‘counter-intelligence’, ‘national security intelligence’, ‘foreign intelligence’ and ‘domestic intelligence’, however, fails to define covert action⁷⁸⁾.

As part of the objective of political impartiality the White Paper states that “(n)o intelligence or security service/organisation shall be allowed to carry out any operations or activities that are intended to undermine, promote or influence any South African political party or organisation by means of any acts (eg ‘active measures’ or ‘covert action’) or by means of disinformation”⁷⁹⁾. Again concepts such as ‘active measures’ or ‘covert action’ were not defined and this creates opportunities for personal interpretation or the assumption that it is in accordance with international concepts.

The lack of a more specific description of covert action has the advantage that it supports the notion of plausible deniability, as it is not specifically sanctioned in legislation or could be interpreted by implication as a viable option without specific restrictive guidelines. The latter in particular is a great disadvantage, as it creates opportunities for misinterpretation, exploitation and inadequate control and monitoring measures.

4.1.3. Intelligence-related Legislation

Mainly the Intelligence Services Act⁸⁰⁾, The National Strategic Intelligence Act⁸¹⁾ as amended, and the Intelligence Services Control Act⁸²⁾ as amended, define the management, mandate and responsibilities of the intelligence community, enabling it to address the requirements defined in the Constitution of South Africa⁸³⁾, the White Paper on Intelligence⁸⁴⁾, the White Paper on Defence⁸⁵⁾, the Reconstruction and Development Programme⁸⁶⁾ and general guiding principles in the conduct of intelligence. The most obvious flaw in the intelligence-related legislation is the fact that the legislation makes no reference to covert action.

The coordination of intelligence as stipulated by the National Strategic Intelligence Act⁸⁷⁾ is overseen by the National Intelligence Coordinating Committee (NICOC). In terms of the Act, NICOC is responsible for the coordination and interpretation of national strategic intelligence; the coordination and prioritising of intelligence activities; advising Cabinet on intelligence policy and functions; preparing and interpreting the national intelligence estimate; producing and disseminating current intelligence; co-ordinating the flow of national security intelligence between departments; and making recommendations on intelligence priorities to the Cabinet. In principle NICOC may then also *de facto* be involved in the coordination of covert action.

As far as control and oversight are concerned, the intelligence services are regulated not only through legislation, but also through statutory institutions such as the Joint Standing Committee on

Intelligence (JSCI) as well as the Inspector-General of Intelligence. The Bill of Rights as embedded in the Constitution⁸⁸⁾; the Criminal Procedure Second Amendment Act⁸⁹⁾ specifically regulating the setting of traps and engagement in under-cover operations; as well as the Interception and Monitoring Prohibition Act⁹⁰⁾ that regulates the interception and monitoring of communication and postal services, are further measures to regulate the conduct of the services. The services are thus regulated through parliamentary oversight (the JSCI; the Inspector-General; the Auditor-General; the Public Protector; and the Human Rights Commission); executive oversight (the President; Cabinet; Cabinet committees; NSC; Minister on Intelligence; NICOC; and Office of the Presidency); and judicial oversight (courts; and judges of the High Court).

Although the Promotion of Access to Information Act⁹¹⁾ aims at regulating transparency in terms of access to information, the Act also provides for the mandatory protection of records that could have an impact on the defence, security and international relations of the Republic. However, to promote transparency the Act allows for the release of certain official information if it came into existence more than 20 years before the request. The effectiveness of the Act was tested during the Hefer Commission Inquiry to investigate claims that a previous National Director of Public Prosecution was an apartheid era spy, when subpoenas against the intelligence services were withdrawn on the basis that the documents required related to the security interests of the country and were protected from disclosure in terms of the law. This, however, raised the question in the media whether South Africa's intelligence agencies are above the law⁹²⁾.

The Committee of Members of Parliament on and Inspectors-General of Intelligence Act⁹³⁾ established the JSCI, which should perform oversight functions in relation to the intelligence and counter-intelligence functions of the services and report to Parliament. The Committee consists of nine members of the majority party in Parliament; three members of the largest minority party; one member of the second largest minority party; and one member of each other political party represented in Parliament, thus ensuring that all political parties have the opportunity to be involved in monitoring the activities of the intelligence services. Control in terms of security-related aspects that could compromise intelligence operations as sanctioned by Parliament, is regulated by the stipulation that “(n)othing shall be included in any report of the Committee, the inclusion of which will be more harmful to the national security than its exclusion will be to the national interest.”⁹⁴⁾

The Ad Hoc Committee on Intelligence Legislation of the National Assembly, in a memorandum on the objects of the Intelligence Services Control Amendment Act⁹⁵⁾, stated that the Intelligence Services Control Act⁹⁶⁾ proved to be inadequate with regard to the functioning of the office of the

Inspector-General in that there are no clear lines of accountability and the functions of the Inspector-General are vague, thus acknowledging weaknesses and gaps in the legislation. One of the aspects listed in the Act is that it seeks to re-regulate the functions of the Inspector-General so that the Inspector-General will only monitor the intelligence and counter-intelligence functions of the services. The Intelligence Services Control Amendment Act⁹⁷⁾ in the substitution of Section 7 of the Intelligence Services Control Act, stated that the Inspector-General is responsible, for example, for monitoring compliance by the service with the Constitution, applicable laws and relevant policies on intelligence and counter-intelligence; and for reviewing the intelligence and counter-intelligence activities. The Act also compels the heads/chiefs of services to submit reports on the activities of services during a specified period to the relevant minister and the Inspector-General; as well as to report any unlawful intelligence activity or significant intelligence failure of any service and measures instituted or intended to rectify the matter.

Several amendment acts and bills related to the conduct of intelligence and the functioning of the intelligence community, such as the Intelligence Services Control Amendment Act⁹⁸⁾ of 1999, the National Strategic Intelligence Amendment Act⁹⁹⁾ of 2002, the Intelligence Services Act¹⁰⁰⁾, the General Intelligence Laws Amendment Act¹⁰¹⁾, and the National Strategic Intelligence Amendment Act¹⁰²⁾, were promulgated to address gaps and weaknesses in intelligence-related legislation. Shortcomings such as clarifications of responsibilities, control, terminology and definitions were addressed but an obvious issue, namely clarification of covert action, was not addressed. The next section will seek to address the structures responsible for the management of national security and covert action.

4.2. STRUCTURES RESPONSIBLE FOR THE MANAGEMENT OF NATIONAL SECURITY AND COVERT ACTION

The President instituted the NSC to ensure coordinated and effective response to issues and events that would have a particularly urgent and severe impact on the security of South Africa and its inhabitants. The NSC consists of the President, Deputy President, the Ministers of Safety and Security, Defence, Intelligence, Foreign Affairs, Home Affairs and Finance as permanent members; and the Ministers of Justice, Trade and Industry, Welfare, Correctional Services and Provincial and Local Government as co-opted ministers whenever necessary. Provision is also made for the President to invite any other minister, person or representative of an institution to participate in deliberations of the NSC. It is important that the ministers of the departments that are permanent members of the NSC must also be members of a National Security Director-General's Committee

that must advise the NSC on matters of national security in addition to being the link to operational structures¹⁰³⁾.

On the strategic/policy level the National Security Management Structure consists of the President, Cabinet, Cabinet Cluster Committees, NICOC, the NSC and the National Security Director-General's Committee, while the Joint Operational and Intelligence Structures and Multi-departmental Tasks Teams will take responsibility for implementation on the operational level. The current main focus areas of the NSC, according to an extract of a Cabinet memorandum, are internal stability; disaster relief in South Africa; international obligations; the defence of South Africa; and 'big event security'¹⁰⁴⁾.

Although no specific reference was made to the structure(s) responsible for the management of covert action, it can be assumed that if the President has instituted the NSC to ensure coordinated and effective response to issues and events that would have a particularly urgent and severe impact on the security of South Africa and its inhabitants, covert action by implication could be managed as a responsibility of the NSC.

5. CONCLUSION

An analysis of research material indicated that in the South African situation, it was evident that in most cases covert action and covert operations were equated to 'Third Force activities'; that no proper distinction was made between the application and uses of covert action, clandestine operations and strategic communication; that perceptions and experiences played an important role in determining mandates; and that because of the grey areas in security legislation, gaps were exploited and misused to promote political and personal objectives. What was evident in the analysis of primary sources was the emphasis on aspects such as the rule of law; accountability; the promotion of human rights; transparency; a restructuring of the intelligence services; and the implementation of proper control and coordination measures. It can be concluded that although covert action was not specifically addressed in legislation, opportunities by implication do exist to conduct covert action within the current security structures and that adequate control measures, although also not specifically mandated, exist to ensure proper oversight. Oversight bodies should however, be properly empowered to ensure efficient execution of responsibilities.

The next chapter includes a brief evaluation and a comparison of covert action in South Africa and the US during the period 1961 – 2003 in order to determine as stipulated in the main propositions

on which the study was based, whether covert action remains a valuable national security policy tool and provides an additional option in the security environment; whether control over covert action is still inadequate; whether covert action, as an element of intelligence, remains within the ambit of the responsibility of intelligence services; and whether there is still a need for covert action in the modern environment. Proposals and guidelines for the use of covert action in the future will also be addressed.

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CHAPTER 5

EVALUATION

“Never, never, and never again shall it be that this beautiful land will again experience the oppression of one by another...Let freedom reign. God bless Africa” (Nelson Mandela: Extract from Inauguration Speech, 10 May 1994)

1. INTRODUCTION

The end of the Cold War redefined the world as it had been perceived before. The bipolar world that developed after World War II, with well-defined enemies, East against West, capitalism versus communism, ceased to exist. The changed circumstances resulted in a revolution not only in strategic and military affairs, but also in the traditional perception of what could be defined as a security issue. Threat perceptions have, however, played a direct role in the approach to, and use of covert action in the US and South Africa.

1.1. COVERT ACTION AS AN OPTION IN NATIONAL SECURITY POLICY

The disintegration of the Soviet Union not only reduced the likelihood of a global war between former adversaries, but also led to a reconsideration of the concept of security. Security no longer focused primarily on military capabilities and deterrence potential, but issues such as political freedom, economic sustainability and environmental disasters came to the fore, compelling policy-makers and scholars to revise thoughts and perceptions related to strategy and national security. The end of the Cold War and the emphasis on democracy and human rights have placed a question mark over former practices such as covert action and the question is raised whether such practices are still acceptable in the current security environment where there is no clear borderline between who is friend and who is foe.

An analysis of the concept of covert action; its principles and characteristics; types and fields of covert action; the advantages and disadvantages embedded in covert action; the principles of secrecy and transparency applicable to covert action; and the responsibilities, mandates and control measures applicable to covert action, has pertinently identified the need, uses and risks of the conduct of covert action in the modern era. Notwithstanding all the risks and implications involved, it is apparent that covert action still has a purpose to serve as a tool of foreign policy as well as an instrument of national security. New threats, such as international terrorism; inter- or intra-state

wars; international crime and drug trafficking; did not render covert action obsolete. These security challenges, however, create an opportunity for the use of covert action as a preventative measure in addressing the security challenges of the 21st century. Although sensitive in nature, covert action could be an effective tool in foreign policy and provide more options to government than it would have had without it. New challenges need new approaches and covert action could provide an adequate solution/option to address sensitive issues with less danger of escalating into full-scale conflict.

1.2. A COMPARISON OF THE CONDUCT OF COVERT ACTION: THE UNITED STATES AND SOUTH AFRICA

In contrast to South Africa, the US never denied the fact that the country conducted covert action as part of its national security strategy. When the US intelligence community was established after World War II, the CIA was mandated through the National Security Act of 1947¹⁾ to conduct covert action and has since been associated closely with covert action. Considering the perceived threat of world communism during the Cold War period, it comes as no surprise that the NSC in the US authorised covert action programmes as designated to contain the spread of communism in the non-communist world. Covert action was perceived as an integral part of proactive US policy to influence governments in the developing world to support US policies and interests.

History has shown several successes and failures of US-led covert action. However, rather than denying the conduct of covert action when failures such as the Bay of Pigs and the Iran-Contra debacle occurred, weaknesses were identified in order to introduce remedial steps, whether through legislation or the improvement of procedures. US presidents introduced several measures to rectify control and to address negative perceptions of the intelligence services and the conduct of covert action. Control and oversight measures instituted to regulate covert action included the NSC being charged with the responsibility to review continuing special intelligence operations; the appointment of the DCI who would be responsible for ensuring the appropriate implementation of special operations in support of national foreign policy objectives; the establishment of an Intelligence Oversight Board with the specific responsibility to report in good time to the Attorney General and the President any activities that raise serious questions about legality; and the appointment of the Inspector-General and General Council in the intelligence community. These oversight bodies are mainly composed of private citizens from outside the government and thus broaden the perspective needed for public participation and responsible intelligence activities. Since the 1990s intelligence-related authorisation acts have been introduced for a specific fiscal year, approving specific expenditure against specific covert action for that year. Proper control, direction

and requirements for the intelligence community are thus promulgated in legislation and limit opportunities for misinterpretation that could result in embarrassment for the US government.

The Commission on the Roles and Capabilities of the US Intelligence Community was appointed in 1995 to review the efficacy and appropriateness of the activities of the US intelligence community in the post-Cold War global environment. One of the main recommendations of the Commission was that a capability to conduct covert action should be maintained to provide the President with an option short of military action when diplomacy alone could not achieve government objectives. It was emphasised that the capability had to be used only where essential to accomplish important and identifiable foreign policy objectives and only where a compelling reason existed why US involvement could not be disclosed ²⁾. A sustained need for a covert action capability as option for the US government was thus confirmed and the necessary legislation and oversight measures were enacted to ensure that even in an open democracy, covert action could be conducted if the need arose in terms of the protection and promotion of national interests.

In contrast to the US, the South African government before 1994 denied any involvement in the conduct of covert action. South Africa was often accused of ‘dirty tricks’ and underhand operations in the advancement of foreign and internal policy, as well as in combating ‘Soviet-supported threats’ in Southern Africa. Although politicians and government officials in the security community denied involvement in covert action or related operations, it was evident that covert action in South Africa was mainly in support of a strategy to combat a perceived ‘total onslaught’ against the country.

Legislation introduced before 1994 to regulate the security services in South Africa failed to define key concepts such as what intelligence, counter-intelligence, covert collection, foreign intelligence, departmental intelligence and covert action are, as well as clear limitations on what is not allowed and/or restricted in terms of legislation. Mandates were broadly defined and no reference was made to the conduct of covert action or covert operations. This created leeway for interpretation; the shifting of borders on what was acceptable conduct; the exploitation of mandates; and the implementation of personal agendas. It can, however, also be stated that in the case of the US, Nixon, notwithstanding control measures, exploited covert measures for personal political gain, which resulted in his resignation as president of the US.

The initial emphasis in the conduct of covert action in South Africa in the 1960s, was to promote the political stance of the Republic through the Department of Foreign Affairs and the Department

of Information, while the post-1980 focus was mainly on political survival. The escalation of the internal threat, as well as attacks by the ANC and the PAC from neighbouring countries not only resulted in states of emergency being declared in 1985 and 1986, but also shifted the focus to action internally in South Africa and covert operations such as elimination operations against targets in foreign and neighbouring countries.

From the analysis of legislation, commission inquiries, media reports and case studies, it was evident that the South African security community and some civilian departments were involved in covert action. The notion of a 'total onslaught' was not promoted by politicians only, but was also reflected in findings of commissions and inquiries, the nature of news reports and statements from high-profile individuals, as well as from a religious perspective. The problem in South Africa, to some extent in contrast with the US, was that no clear guidelines, mandates or instructions were issued, resulting in a situation where the limits of what was acceptable were expanded with each operation. Success resulted in a series of actions, with one service attempting to outperform the others.

The approach and attitude of the post-apartheid South African government were mainly guided by the perceptions and experiences inculcated by the actions and activities of the South African security forces and intelligence community before 1994. Negative perceptions of covert action in the South African environment were enhanced even more by evidence presented to the South African TRC and the findings reflected in its report on atrocities conducted by the security forces, government institutions, organisations or a 'Third Force' under the previous 'apartheid dispensation', as well as the secretiveness involved in the conduct of intelligence. From a South African perspective, covert action was mainly perceived as an activity conducted against citizens of the state.

Perceptions and fear of the re-occurrence of unmandated covert action resulted in the formulation of a regulatory framework that did not refer to covert action. Rather than addressing the issue, as found appropriate in the US, the concept of covert action was avoided, again resulting in legislation not directing the activity, creating leeway for interpretation. From the analysis of primary sources it was evident that although covert action was not addressed specifically, emphasis was placed on aspects such as the rule of law, accountability, the promotion of human rights, transparency, a restructuring of the intelligence services, and the implementation of proper control and coordination measures. Although covert action has thus not specifically been addressed in legislation, opportunities by implication do exist to conduct covert action within the current security structures and adequate

control measures, although also not specifically mandated, exist to ensure proper oversight. Mandates, responsibilities and control should, however, be formalised and interpretation should be limited.

The following comparative tables summarise the conduct of, and approaches to covert action in the US and South Africa. Table 1 is a comparison of the conduct of covert action by the US and South Africa during the Cold War era. Table 2 is a comparison of the conduct of covert action by the US and by South Africa in the post-Cold War era.

Table 1

COMPARISON OF COVERT ACTION COLD WAR ERA: THE UNITED STATES AND SOUTH AFRICA (PRE-1994)				
Aspect/Criteria	Application			
	United States		South Africa	
	Yes	No	Yes	No
<u>Mandate & Control</u>				
• Appointment of an Intelligence Oversight Committee/Structure to regulate Intelligence Services	X			X
• Appointment of an oversight committee with specific responsibility regarding covert action	X			X
• Appointment of a Director General with specific responsibility in terms of covert action	X			X
• A specific intelligence service was mandated with the responsibility for covert action	X			X
• Civilian insight into covert action was obtained through appointment on the oversight boards	X			X
• Proper control measures were in place to regulate covert action		X		X
• Limitations and conditions for application were clearly formulated in legislation and other official directives		X		X
• Human rights were protected in legislation	X			X
• Adequate measures were in place that could be utilised to ensure transparency in terms of legality and the need for covert action		X		X
• Remedial steps were visibly introduced when problems occurred	X			X
<u>Authorisation</u>				
• Specific intelligence legislation was in place that mandated the conduct of covert action	X			X
• Intelligence-related authorisation acts for specific covert actions were promulgated during each financial year	X			X
• Measures and processes were in place to authorise covert action	X			X
• Evidence existed that covert action was exploited for personal gain	X		X	

COMPARISON OF COVERT ACTION COLD WAR ERA: THE UNITED STATES AND SOUTH AFRICA (PRE-1994)				
<u>Definition</u>				
• Covert action was clearly defined in legislation	X			X
• Uniformity in definition and interpretation by the Intelligence Services existed	X			X
<u>National Policy</u>				
• Formally integrated as an option in foreign policy	X			X
• Formally included in National Security Policy	X			X
• Promoted as an option of plausible deniability for the President	X			X
• A history that covert action was conducted as part of foreign and security policy	X		X	
• Covert action was misused against civilians of the State		X	X	
<u>Academic Research</u>				
• Covert action was actively researched and discussed within the academic community	X			X

The comparison of the US and South Africa during the period as reflected in Table 1, indicates that both states used covert action as an option to resolve security issues. It is also evident that both countries misused covert action at some stage and that a lack of proper control measures was evident in problems that occurred. The main differences between the US and South Africa were that covert action was institutionalised as an option in national security in the US while South Africa did not have a clear policy regulating covert action; that the US in contrast to South Africa, did not deny that the government was using covert action as part of foreign policy; and mainly in contrast to South Africa, that covert action in the US was not directed against US citizens. A clear definition as well as interpretation of covert action existed in the US, while no clear definition or interpretation of covert action existed in South Africa. Covert action was also actively researched and studied in the US, while this was not the case in South Africa, where the topic was mainly attended to as part of the learning programmes in the training institutions of the intelligence services.

Changes in the political environment and the international security domain have had an impact on the approaches to covert action as reflected in Table 2.

Table 2

COMPARISON OF COVERT ACTION DURING THE POST-COLD WAR ERA: THE UNITED STATES AND SOUTH AFRICA				
Aspect/Criteria	Application			
	United States		South Africa	
	Yes	No	Yes	No
<u>Mandate & Control</u>				
• Appointment of Intelligence Oversight Committee/Structure to regulate Intelligence Services	X		X	
• Appointment of oversight committee with specific responsibility regarding covert action	X			X
• Appointment of Director General with specific responsibility in terms of covert action	X			X
• Mandates a specific intelligence service with the responsibility for covert action	X			X
• Ensure civilian insight into covert action through appointment on the oversight boards	X			X
• Proper control measures in place to regulate covert action	X			X
• Limitations and conditions for application clearly formulated in legislation and other official directives	X			X
• Human rights protected in legislation	X		X	
• Adequate measures in place that could be utilised to ensure transparency in terms of legality and need for covert action	X		X	
• Remedial steps visibly introduced when problems occurred	X		X	
<u>Authorisation</u>				
• Specific intelligence legislation in place that mandates the conduct of covert action	X			X
• Intelligence-related authorisation acts for specific covert actions promulgated each financial year	X			X
• Measures and processes in place to authorise covert action	X			X
• Evidence existed that covert action is exploited for personal gain		X		X
<u>Definition</u>				
• Clearly defined in legislation	X			X
• Uniformity in definition and perception by the intelligence services	X			X

COMPARISON OF COVERT ACTION DURING THE POST-COLD WAR ERA: THE UNITED STATES AND SOUTH AFRICA				
<u>National Policy</u>				
• Formally integrated as an option in foreign policy	X			X
• Formally included in National Security Policy	X			X
• Promoted as an option of plausible deniability for the President	X			X
• Covert action is misused against civilians of the state		X		X
• Evidence exists that covert action is still conducted as an option in national security policy	X			X
• Evidence exists that opportunities do exist where covert action could be used to facilitate foreign policy	X		X	
<u>Academic Research</u>				
• Covert action is actively researched and discussed within the academic community	X			X

Table 2 clearly indicated that the US has applied the lessons learned during the Cold War era and introduced adequate control measures to authorise and monitor covert action. The experiences of the pre-1994 era in South Africa has apparently motivated the South African government to adopt a position of denial or limited references to covert action which could be interpreted as either silent consent to the conduct of covert action (then with limited regulatory measures in place) or absolute negation of an option in national security policy. Opportunity in South Africa to rectify gaps in the regulation of covert action was negated; and excluding the protection of human rights, the *status quo* similar to pre-1994 was maintained.

In summary it can be stated that when comparing the US with South Africa it is clear that both countries did conduct covert action in the past and that there is a continuous need for covert action in the future; that both countries experienced successes and failures in covert operations and will probably experience more successes and failures in future; that owing to a lack of proper control measures covert action was abused by operatives and politicians of both countries but that in contrast with the US, South Africa did not promulgate security-related legislation with specific mandates, responsibilities and control measures to ensure political control and oversight of covert action. The US also emphatically stated, different from the South African government, that covert action is an acceptable option in national security policy and will be conducted in support of foreign policy. Whereas the US has a mainly transparent approach towards the conduct of covert action, South Africa is still in the mode of denial or ignorance, thus again creating opportunities for the misuse of power.

2. TESTING OF PROPOSITIONS ON WHICH THE STUDY WAS BASED

It is necessary to evaluate the propositions related to covert action as formulated in the introduction to the study. These propositions refer to covert action as a tool for national security policy, control over covert action, whether covert action is the responsibility of the intelligence services and whether covert action still has a role to play in a modern society.

2.1. COVERT ACTION AS A TOOL FOR NATIONAL SECURITY POLICY

Proposition: “Covert action remains a valuable national security policy tool and provides an additional option within the security environment”.

The need for covert action in a modern society was clearly illustrated by the argument of Kerr in response to an article by Godson stating that covert action remains necessary in this increasingly complex and contentious world where diplomacy, the actual threat of military action, or actual use of military force, and overt persuasion through the media or organisations will not be sufficient, and the option of covert action will be preferable to achieve security objectives³⁾. This was confirmed by the Commission on the Roles and Capabilities of the US Intelligence Community in 1995, which stated that a capability to conduct covert action should be maintained to provide the President with an option short of military action when diplomacy alone cannot achieve government objectives⁴⁾.

In the absence of a clear and visible danger, covert action will remain a controversial instrument of foreign policy, but the terror attacks in the US on 11 September 2001; the terrorist attacks during 2004 in Spain; the current conflict in Iraq; and the most recent terror attacks in Britain and Egypt, have confirmed that additional means need to be developed to counter unconventional threats, and that covert action could be considered as an option to counter the threat of terrorism, for example to target policy-makers in host countries to change perceptions against the harbouring of terror elements within their borders. Although covert action is not officially stated as an option in South African security policy, it is evident that opportunities do exist where covert action could be used to facilitate South Africa's foreign policy in the African region. The need for covert action as a valuable national security policy tool and as an additional option in the security environment, as stated in the proposition, was thus confirmed.

2.2. CONTROL OVER COVERT ACTION

Proposition: “Control over covert action in South Africa is still inadequate”.

An analysis of the regulatory framework as well as oversight pertaining to covert action in the US has demonstrated that it is viable to introduce proper transparent control measures while still maintaining secrecy in terms of the specific operation. However, it has also confirmed that gaps still exist and that legislation needs to be adapted as requirements become evident. From a South African perspective the regulatory framework both prior to and post-1994 did not even address covert action pertinently and should therefore be assessed on the basis of “if not implicitly prohibited then mandated by implication”. The implication for the exploitation of such an approach is obvious.

What is evident in the analysis of the regulatory framework is that from a South African perspective, there are currently more than enough control measures relating to the conduct of security and intelligence that could be used to monitor covert action. These should, however, be amended or activated and proper oversight should be instituted. It is important that government has the responsibility to inform its electorate about the need and purpose of covert action and quell fears through the implementation of credible acceptable and legitimate control measures. Although several Acts were promulgated to ensure control over intelligence and intelligence-related activities, the current control over covert action, as in pre-1994 is still inadequate. The proposition that control over covert action is still inadequate, was thus confirmed.

2.3. COVERT ACTION: THE RESPONSIBILITY OF THE INTELLIGENCE SERVICES

Proposition: “Covert action, as an element of intelligence, remains within the ambit of the responsibility of intelligence services”.

It is especially from a US perspective that covert action is by default associated with the elements of intelligence. Both Godson and Shulsky treat covert action as one of the elements of intelligence ⁵⁾. Shulsky ⁶⁾ argues that to narrow the discipline of intelligence to only knowledge is too restrictive an approach and that all aspects revolving around the security of the state that are secret in nature should be included. Covert action, according to him, is one of the four elements that encompass the activity of intelligence. The elements are collection, analysis, covert action and counter-intelligence. Covert action is also regarded as the domain of intelligence services in the UK, France and Israel ⁷⁾.

According to Shulsky and Godson the following reasons emphasise why covert action should be considered as the responsibility and domain of intelligence services: intelligence services have the ability and processes in place to act secretly; historical experience has shown that having separate organisations involved with covert activities not only resulted in professional rivalry, but also in duplication of effort and mutual interference; and covert action relies heavily on the support of collection, analysis and counter-intelligence to be effective⁸⁾. Arguments could be advanced that covert action by nature does not fit the profile of ‘pure intelligence’ and that paramilitary units such as special forces could also have the capacity to conduct or be utilised within covert tradecraft, but it could be concluded that covert action’s association with intelligence services developed primarily from a need to be protected and to operate in the realm of covertness and secrecy. The proposition that covert action, as an element of intelligence, remains within the ambit of the responsibility of intelligence services is therefore confirmed.

2.4. COVERT ACTION STILL CONTINUES WITHIN THE MODERN ENVIRONMENT

Proposition: “Covert action still continues within the modern environment notwithstanding criticism”.

The analysis of case studies, and the perceptions of academics, scholars and politicians, as well as mandates reflected in legislation, indicate beyond doubt that covert action is still an option in security policy. It cannot be denied that some issues concerning covert action are problematic, such as human rights and ethics in the conduct of covert action, transparency within a democracy and accountability. Covert action will, however, be necessary in this increasingly complex and contentious world and countries will want to protect national and regional security without the threat of war. There will be occasions when overt means will be insufficient and the objective is too important simply to negate the challenge. Covert action could then provide a viable alternative. South Africa as a regional power in Africa could find itself in a position where the option of covert action to achieve national and regional strategic objectives would be preferable, especially in an attempt to limit the perception of South Africa’s dominance in regional security issues.

The post-Cold War era has introduced a new role for covert action and identified new parameters for what will be acceptable in the conduct of covert operations. In the modern era, the role of covert action will be focused on the control, influencing and countering of threats directed against national interests and national security. Covert action will be acceptable when directed against threats such as international terrorism, international crime, drug trafficking, nuclear proliferation, information

technology (cyber warfare terrorists) and internationally accepted rogue states. It can thus be concluded that the proposition that covert action still continues within the modern environment notwithstanding criticism, has been confirmed and there will be a continuous need for the conduct of covert action under specific circumstances.

3. GUIDELINES FOR THE FUTURE USE OF COVERT ACTION

One of the main challenges in the conduct of covert action is the lack of a universally accepted definition of the concept of covert action. In order to clarify the situation in South Africa it is recommended that covert action be defined in legislation as activities adhering to the principles of covert operations with the specific purpose of influencing foreign policy, protecting the identity of the sponsor and providing government with the option of plausible deniability, with the focus on activities/action and not collection.

The future successful use of covert action in South Africa will depend on finding a balance between secrecy and transparency; obtaining the trust of the South African electorate; convincing the public that covert action will be used for a just cause; that it is neither the first nor the last option but part of an integrated effort to promote national security and in support of foreign policy; that the conductors of covert action will be accountable for their actions; and that proper control and oversight measures mandated in an approved regulatory framework will be implemented. The circumstances under which the responsible state organ will opt for covert action and the conditions and purposes must be known, especially to own citizens. Citizens must, however, be assured that it will not be used against them to promote political interests; that it will be in line with acceptable norms and values; that it will be regulated by law; that effective control processes are in place; that covert action will only be authorised by the highest authority; and that it is in line with requirements as stated in the national interests. It is thus recommended that legislation be adapted in accordance with the approach to the conduct of covert action in the US to formalise the mandates, responsibilities, and oversight and control measures as well as the conditions under which covert action will be conducted.

The main responsibility for the conduct and coordination of covert actions and operations should resort with the intelligence service whose main responsibility will be the conduct of intelligence and counter-intelligence outside the country, for example the CIA of the US and the South African Secret Service. The responsibility could change during wartime, as covert action would mainly be

conducted to support military operations and should then mainly resort under the military intelligence organisation or could even be conducted as normal special force operations.

What is paramount regarding the requirement of legality and oversight, however, will be the introduction of a coordination committee on cabinet level to approve and monitor covert activities. Such a structure could be part of NICOC or the mandate of NICOC could be adapted to include the responsibility related to covert action. One cannot but agree with Berkowitz that the main issues in reconciling covert action, public deniability and democracy and thus controlling the disadvantages, are whether officials are held accountable for their decisions – if not for actions, then for general policy; whether the limited group of officials who oversee covert action is representative of the general public; whether stagnation and exclusivity are prevented through rotation of officials; and whether the processes ensure accountability and reviewing before authorisation ⁹⁾.

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ABSTRACT

Topic: Covert Action as an Option in National Security Policy: A Comparison between the United States of America and South Africa (1961 – 2003).

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Study Leader: Prof M. Hough.

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Degree: Master of Security Studies.

The objective of this study is to investigate and analyse covert action as an option in national security policy. To achieve this aim, the study focused on aspects such as changes in the current international security environment; new challenges that exist; and a conceptual framework of covert action as an element of intelligence. An analysis of the conduct of covert action by the United States of America (US) during the Cold War era as well as the post-Cold War era was also done with the specific intention of identifying problem areas, reasons for success, as well as legislative control measures instituted to regulate the activity. A similar study referring to the situation in South Africa, with the focus on the pre- and post-1994 eras, is also presented.

The nature of covert action and especially negative perceptions within society, have led to the questioning of the use of covert action as a legitimate option within security policy. However, as shown in the analysis of case studies, reality indicates that governments continue to conduct covert action. The importance of the study lies in its clarification of the concept of covert action, not only for policy-makers but also for intelligence functionaries. It indicates the measures that should be in place for covert action to be an effective element of national security options; its advantages and disadvantages; the circumstances in which it should be conducted; and the fact that it is still a viable option in the current security milieu.

Key Terminology:	Covert	Intelligence
	Covert Action	National Security
	Covert Operation	Plausible Deniability
	Clandestine	Security
	Clandestine Operation	Third Force

OPSOMMING

Onderwerp: Kovert Aksie as ‘n Opsie in Nasionale Veiligheidsbeleid: ‘n Vergelyking tussen die Verenigde State van Amerika en Suid-Afrika (1961 – 2003).

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Die studie het ten doel om ondersoek in te stel na kovert aksie as ‘n opsie in nasionale veiligheidsbeleid. Om die doel te bereik, het die navorsing gefokus op aspekte soos veranderinge in die huidige internasionale politieke arena en nuwe uitdagings wat in die veiligheidsmilieu voorkom, asook ‘n konseptuele raamwerk van kovert aksie as ‘n komponent van intelligensie. ‘n Ontleding van die bedryf van kovert aksie deur die Verenigde State van Amerika (VSA) gedurende die Koue Oorlog-era en die tydperk daarna is gedoen met die spesifieke bedoeling om probleemareas, redes vir sukses; en regulerende maatreëls soos vervat in wetgewing, te identifiseer. Soortgelyke navorsing is ten opsigte van die situasie in Suid-Afrika gedoen met spesifieke onderskeid tussen die tydperke voor en na 1994.

Die aard van kovert aksie en veral die negatiewe persepsies wat binne die gemeenskap ten opsigte van kovert operasies bestaan, het gelei tot die vraag of kovert aksie as ‘n geregverdigde opsie al dan nie binne veiligheidsbeleid beskou kan word. ‘n Ontleding van gevallestudies het egter getoon dat regerings steeds voortgaan om kovert aksie te bedryf. Die belangrikheid van die studie is vervat in die feit dat duidelikheid ten opsigte van die begrip kovert aksie gesoek word, nie net soos van toepassing op beleidmakers nie, maar ook soos geïnterpreteer deur intelligensie-funksionarisse. Die studie wys ook op die maatreëls wat in plek moet wees om kovert aksie effektief in nasionale veiligheid aan te wend; die voor- en nadele van kovert aksie; die vereistes vir die bedryf daarvan; en die feit dat kovert aksie steeds ‘n uitvoerbare keuse in die huidige veiligheidsmilieu kan wees.

<u>Sleuteltermes:</u> Derde Mag	Kovert
Geloofwaardige Ontkenning	Kovert Aksie
Inligting	Kovert Operasie
Klandestien	Nasionale Veiligheid
Klandestiene Operasie	Veiligheid

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