

Tenny. His read & comment etc. - I'm  
more confused about the I.G position  
after writing his speech than ever  
before!

## APPOINTMENT OF THE INSPECTOR GENERAL

19 MARCH 1996

Madam Speaker, Deputy Presidents, Comrades, Members of  
the House,

The Joint Standing Committee today has the  
responsibility to put before the House nomination for  
the appointment of Inspector-General of Intelligence.

First, I would like to take this opportunity to welcome  
to the House, members of the intelligence community. ~~I~~  
~~would like to think that~~) This is an indication of the  
degree of transparency that we have been able to  
achieve so far, that we can have with us today  
representatives of this community to witness crucial  
debate of this nature which strikes at the heart of  
accountability and transparency in our intelligence  
services.

Members of the Joint Standing Committee are  
particularly appreciative of this opportunity for two  
reasons: First, it offers us a unique opportunity to  
share with our colleagues the processes that have been  
set in motion thus far to ensure maximum accountability  
of the intelligence services. And secondly to assure  
the public that despite recent spate of criticisms, and



the misguided assumption emanating from certain quarters that the old order continues unchecked, we have put in place checks and balances which will ensure that the old abuses will no longer be tolerated. The nomination today should constitute the final fortification of the oversight mechanisms.

~~(But let me also say that)~~ The job of monitoring intelligence is under normal circumstances, a horrendous task. In our situation, and particularly in the context of transformation, it is a politicians worst nightmare. It is a thankless job. We are only heard of when there is crisis, and the press is baying for our <sup>+ the intelligence community's</sup> blood. Outside that we have no opportunity to advertise what we do. It is therefore with a sense of relief that we have arrived at this point, where we can have at our disposal the assistance of Inspector-General.

Having said that let me now turn my attention to the central thrust of today's business, and that is, the nomination of Inspector-General of Intelligence.

Under the new dispensation there are six basic principles that broadly govern intelligence.



- a. South Africa must have an effective security intelligence agency<sup>ies</sup>, capable of providing information essential to the maintenance of national security;
- b. there must be a legal framework within which the agencies could conduct their activities in accordance with the rule of law;
- c. the agencies must have effective accountable internal direction and accountability;
- d. there must be effective Ministerial control;
- e. the agencies must be <sup>e</sup>ffectively accountable to a multi-party Joint Committee responsible to Parliament; and
- f. there must be an independent Office of the Inspector General.

When this government accepted the first principle, that intelligence is a legitimate function of any democratic state, it took upon itself the responsibility to ensure that any intelligence capability is brought under very strict supervision.



Intelligence services by their very nature require extraordinary powers for their effectiveness: <sup>namely</sup> The right - as enshrined in our legislation - to operate in secret <sup>in</sup> of this country. Secondly, the power of intrusion into the privacy of citizens. While we recognize the need for these extraordinary powers, it is quite clear that unchecked, this has potential of conflict with <sup>human rights + freedoms</sup> civil liberties. It has been our task as legislators to ensure that the balance between the need for collective security and therefore Intelligence agencies; and the protect<sup>ion</sup>~~ed~~ of the rights of the individual. It is precisely for this reason that this government has sought to put in place equally extraordinary powers of control and supervision in the position of the Inspector General.

It is against this background that in the package of legislation established, the <sup>Executive + Their departments</sup> Intelligence services included measures that were aimed at ensuring maximum accountability by the agencies. The key legislation in this regard is the Intelligence Services Control Act 1994 (and as amended in 1995), which established oversight over all intelligence services i.e. Military intelligence Police Intelligence National Intelligence and the South African Secret Services. Of special concern to us today is the final link in the chain of continuous oversight, as laid down by this legislation



i.e. the appointment of an Inspector General of Intelligence.

The legislation provides for one <sup>The</sup> Inspector General for all four services to perform the following functions:

1. to provide continuous review of the operational activities of the agencies or services;
2. to provide policy direction for, and to conduct and supervise independently, the inspections, investigations, and audits relating to the programs and operations of the Agency and to ensure they are conducted efficiently and in accordance with applicable law and regulations;
3. to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action; and
4. to take into consideration the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measurements as may be



**appropriate to minimize the disclosure of intelligence sources and methods described in such reports.**

The intention behind this is to ensure that the structures to whom the Intelligence agencies are ultimately accountable - the President, the Minister of Intelligence and the Committee are provided with on-going information of whether the service is acting in compliance with its policies, whether there has been any breach of the law, whether there has been any serious intelligence failure.

To arrive at the single nomination that we would like to put before you today, the Committee went through a protracted process of identification of suitable candidates. These included public calls for nomination, calls for nomination by all the parties represented in Parliament, shortlisting of nominees, public interviews.

Finally this process culminated in the Committee reaching a broad agreement on one candidate: Advocate L. T. Skweyiya.

The committee was in broad agreement that Advocate Skweyiya possessed the qualities to occupy the demanding position of Inspector-General of



intelligence.

He is a man of integrity. He has an outstanding record as Human Rights Advocate.

He has chaired several Commissions of Enquiry, most notable among these: The Commission of Enquiry into Alleged Atrocities in ANC Military camps in Outside the Country, whose impartiality and findings won support from a broad spectrum of political opinion. More recently, he chaired the Commission of Enquiry set up in terms of the Interim Constitution to look into misuse of government funds in the former Bophuthatswana Bantustan.

Advocate Skweyiya was on the short-list of ten candidates for the Constitutional Court submitted to the President by the Judicial Service Commission.

Recently Advocate Skweyiya served as acting Judge of the Supreme Court of the eastern Cape Division in Bisho.

The Committee therefore unanimously agreed to forward his name for nomination.



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