



Civil society joint statement on the 2023 General Intelligence Laws Amendment Bill

6 December 2023

For immediate release

As representatives of a wide range of civil and religious society, we have come together to express our grave concern at the threat posed to South Africa's democracy by the General Intelligence Laws Amendment Bill 2023 (GILAB), currently under consideration in the National Assembly. We represent a cross-section of sectors and opinions, but share the view that this Bill will bring an intrusion of state security agencies into our society in a way that will undermine our democracy, clear the way for continued over-reach by these State agencies and lay the ground for a return to state capture.

In particular we are concerned that, if passed in its current form, the Bill will:

- Give state intelligence agencies the power to do mandatory security vetting of any “person or institution of national security interest”. The bill’s definition of “person or institution of national security interest” is so broad that it potentially gives the state the power to vet any private individual or institution (including non-profit organisations and faith-based organisations – as earlier versions of the bill explicitly tried to do – and even businesses). Security vetting is extremely intrusive and this power is wide open to abuse.
- Enhance the security agencies’ powers of mass surveillance through a National Communications Centre with little meaningful oversight and none of the requisite protections for privacy and freedom of expression.
- Fail to provide safeguards to prevent the abuse of secret funds that was a key element of state capture at the state security agency. This opens the door to continue illegal expenditure and mismanagement of funds from the secret service account.
- Fail to ensure the independence of the Inspector-General of Intelligence, the watchdog of intelligence agencies, and the capacity to enforce their decisions. The era of state capture made

clear the need to hold state security to account, but the government continues to hobble the key institution that should fill this role.

- Widen the definitions of domestic intelligence, foreign intelligence, intelligence gathering, national security, national security intelligence and threats to national security in a way that would allow for the unconstrained intrusion of these agencies into every nook and cranny of our daily lives – far beyond the legitimate scope of state intelligence.
- Give state security agencies power to vet individuals who access national key points such as the SABC. This is a threat to journalistic independence.

These are our key concerns, but not the only ones. Together, we think the Bill represents an attempt to interfere with civil society and religious institutions to an extent that would threaten our rights to free expression, to organise and assemble, to fully engage in civil and political life, and to religious and cultural practice. Civil society was and remains a key bulwark against state capture, and now we are seeing an attempt to exert control over these institutions.

We, jointly and severally, call on Parliament to ensure the Bill is either withdrawn or redrafted fully to bring it in line with the Constitution and to avoid the embarrassment of a constitutional challenge. And we call on all civil society bodies to join us in this drive to defend our democracy.

For more information, please contact:

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Signatories

1. Activate Change Drivers
2. Abba
3. Big Project Foundation 27
4. Botshabelo Unemployed Movement
5. Campaign for Free Expression
6. Centre for Applied Legal Studies, University of the Witwatersrand
7. Centre for Child Law
8. Centre for Environmental Rights
9. Charisma Consulting
10. Climate Justice Coalition Secretariat
11. Defend our Democracy
12. Equal Education Law Centre
13. Free Market Foundation
14. Freedom of Religion South Africa (FOR SA)
15. Freedom Under Law
16. FW de Klerk Foundation
17. Gauteng Care Crisis Committee

18. Helen Suzman Foundation
19. Ilifa Labantwana
20. Intelwatch
21. Lawyers for Human Rights
22. Legal Resources Centre (LRC)
23. Local Government and Advocacy Learning Network
24. MACAP (Mining Affected Communities Advocacy Project)
25. Masifundise
26. Milk Matters
27. My Vote Counts
28. Nagina Civic Association
29. National Coalition for Social Services (NACOSS)
30. Ndifuna Ukwazi
31. Onrus Vermont Neighbourhood Watch
32. Open Secrets
33. Organisation Undoing Tax Abuse (OUTA)
34. Privacy International
35. Public Affairs Research Institute
36. Rape Survivors' Justice Campaign
37. Right2Know Campaign (R2K)
38. SECTION27
39. Sinosizo Siyaphambili
40. Sonke Gender Justice
41. SOS Coalition
42. Springs and Kwa-Thema Child Welfare Society
43. United Front
44. Vermont Conservation Foundation South Africa
45. VVA Warden
46. Waterberg Women Advocacy Organisation
47. Women's Legal Centre
48. Workers' World Media Productions