

Civil society organisations warn that sweeping new Intelligence Bill threatens democratic rights

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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), approved by Cabinet and introduced in Parliament [this week]. 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 security agencies the power to do mandatory security vetting on anyone who "seeks to establish and operate an NGO or religious institution". This will allow the State to decide who can establish an NGO or faith-based organisation. Since the Bill fails to define NGOs or religious institutions, it casts a wide net over almost all civic structures. Security vetting is extremely intrusive and we are bewildered as to why the state would want this power over bodies such as welfare organisations and churches, for example.
- 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.

To endorse this statement, please sign this form: [STOPGilab2023](#)