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African National Congress

51 Plein Street
Johannesburg 2001
P O Box 61884
Marshalltown 2107



Tel: (011) 330-7236
Fax: (011) 330-7119
Telex: 421252

Negotiations Commission

To : Multi Party Negotiating Process
Att : Sandy Hutchings

From : Negotiations Commission
Date : 06 August, 1993

RE : Submission to the Technical Committee on the Transitional Executive Council

Please receive herewith an ANC submission to the Technical Committee on the Transitional Executive Council, dated 06/08/93.

Thank you

Yours sincerely

M.V Moosa

FAX	TO: <u>MPNP</u>
FAX NO: <u>397 2105</u>	PAGE: <u>1</u> OF: <u>5</u>
ATTENTION OF: <u>SANDY</u>	
FROM: <u>STEPHEN</u>	DATE: <u>06/08/93</u>
COMPANY: <u>ANC</u>	
FAX NO: <u>330 7119</u>	Post-It Notes from 3M

The People Shall Govern!

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PROPOSAL IN RESPECT OF THE POWERS AND FUNCTIONS IN REGARD TO THE SUB-COUNCIL ON SECURITY AND INTELLIGENCE.

This document is to read in conjunction with the proposed Transitional Executive Council Bill.

1. The Transitional Council will, within the scope of its objectives, its power of review and other general powers to be exercised through its Sub-Council on Security and Intelligence:

- (a) to establish a committee to be known as the Secret Funds Inspectorate consisting of not less than four persons of integrity and good standing, which inspectorate shall be tasked with inspecting, monitoring and investigating the use of secret funds of all security intelligence agencies to ensure the promotion of the objects set out in Section 3.

- (b) to establish a Joint Co-ordinating Security Intelligence Council comprised of the Director General or such other person appointed by the Director General of each security intelligence agency/service, which committee shall be tasked with monitoring and liaising with the structures of all such agencies/services to ensure the promotion of the

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objects set out in Section 3.

- (c) to formulate a statement of values and objects which should underpin the activities of all security intelligence agencies/services and/or to introduce or amend a code of conduct which shall be made binding on all members of such security intelligence agencies/services.
- (d) to investigate any matter, or order the investigation by the Joint Co-ordinating security intelligence Council of any matter, which relates to the Transitional Executive Council's objects and for the purposes hereof the Sub-Council and the Joint Co-ordinating Security Intelligence Sub-Council shall have the authority to interview such persons as they may deem necessary, have access to such documents as they may require and have reasonable access to security intelligence agencies/services facilities.
- (e) to require the investigation of any alleged activity or action by a member of a security intelligence agency/service which, if proven, had or would have the effect of having undermined or undermining the objects of the Council and, in consultation with the appropriate Minister, where necessary, require the suspension, with full pay, of such a member pending

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the outcome of the investigation.

- (f) to establish, in consultation with the appropriate Minister or Ministers responsible for the various security intelligence agencies/services a national independent complaints mechanism under the control of a civilian so as to allow for the receipt and investigation of complaints lodged by members of the public concerning alleged misconduct of any security intelligence agency/service.
- (g) to request and have access to any information or intelligence reports pertaining to the objects of the Transitional Executive Council compiled by any security intelligence agency/service.
- (h) to receive on a regular basis from all security intelligence agencies/services via the Joint Co-ordinating Security Intelligence Council an evaluation of the overall security situation in the country, highlighting threats that undermine the objects of the Transitional Executive Council.
- (i) to solicit minutes of and attend any relevant meetings of the security intelligence agency/service involved.

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(j) to undertake itself or through a substructure or to commission research into any relevant matter including but not limited to the legislative sanction, accountability and parliamentary control, composition, human resource policy, organisation and executive management, basic principles and guidelines of a future South African National Intelligence agency/service.

(k) to oversee any planning, preparation and training of a future national intelligence agency/service.

2. To the extent that it may impact upon the objects as contemplated in Section 3, a decision to enter into any agreement on behalf of a security intelligence agency/service shall be taken by the responsible Minister in consultation with the Sub-council.

3. In regard to any steps which a security intelligence agency/service intends to take which may directly affect the Transitional Executive Council's objects, such agency/service shall inform the Sub-council whose members shall, where appropriate, be bound by the requirement of confidentiality.