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An Appraisal of South Africa's Counter-Terrorism Architecture Since 2001
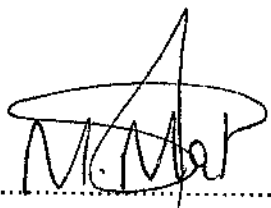
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DECLARATION

I, Myalezo Mato hereby declare that the content of this study is my own work and has not been submitted to any other University for the award of a degree, either partially of in its entirety.

Signature............................... Date...04...APRIL..2019

DEDICATION

I dedicate this work to my late brothers, Siyabonga Mato (1982-2002) and Lufundiso Mato (1978-2018) whose tragic passing has made it difficult for me to arrive at the completion of this study. I further dedicate this work to my fellow African brothers and sisters including fellow human beings in the Middle East and across the world who died from terrorist acts. Moreover, I dedicate this study to my family; mom, dad, brothers and sisters and most of all to my wife, Yambathisa and my son Lingomso.

ACKNOWLEDGEMENTS

LIST OF ACRONYMS

ANC: African National Congress

CIA: Central Intelligence Agency

ESS: European Social Survey

FICA: Financial Intelligence Center Act

COMSEC: National Communications Center and Electronic Security Pty Ltd

ICC: International Criminal Court

IDASA: Institute for Democratic Assistance in South Africa

IGI: Inspector General of Intelligence

ISC: Intelligence Services on Conditions of Employment

ISS: Institute for Security Studies

ISIS: Islamic State of Iraq and Syria

JSCI: Joint Standing Committee on Intelligence

KZN: Kwazulu-Natal

KGB: *Komitet gosudarstvennoy bezopasnosti*-Committee for State Security

MISS: Minimum Information Security Standards

NICOC: National Intelligence Coordinating Committee

OECD: Organization for Economic Cooperation and Development

OIC: Office of Interception Center

PAGAD: People Against Gangsterism and Drugs

PIA: Protection of Information Act

PRECAA: Prevention of Corrupt Activities Act

SANDF: South African National Defence Force

SANAI: South African National Academy of Intelligence

SAPS: South African Police Service

SADF: South African Defence Force

SSA: State Security Agency

SADC: Southern African Development Community

TFG: Transitional Federal Government

USAID: United States Agency for International Development

US: United States of America

UKZN: University of Kwazulu-Natal

UNODC: United Nations Office on Drugs and Crime

VNSA: Violent Non-State Actors

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ABSTRACT

The main aim of this study is to appraise South Africa's counter-terrorism architecture since 2001. The period from 2001 is chosen because it marked the beginning of the global war on terror following the 9/11 attacks in the United States. The study employs both primary and secondary sources of data to achieve its objectives. Samuel Huntington's Clash of Civilizations theory is used as a model in studying the possibility of the occurrence of terrorism in South Africa.

The study found out that porous borders, lack of public trust in law enforcement agencies, corruption and other factors create fertile grounds for the outbreak of terrorism in South Africa. It also reveals some challenges that are faced by the South African counter-terrorism structures in their quest to combat and prevent terrorist activities in the country. The study recommends amongst others for the creation of a department of Border Management to properly manage the state of porous borders in South Africa as this is one of the main factors that may give rise to terrorism in the country.

CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

Since the 9/11 attacks of the World Trade Center and Pentagon in 2001, the US and the entire international community had begun to live in fear and thereby the need arouse for them to intensify their counter-terrorism measures. According to Jenkins (1985: 11) it seems that the objectives of terrorism are not to try to take and hold ground or physically destroy the forces of the opponents, they usually lack the power needed to pursue such goals. But as Jenkins (1985: 9) puts it, the terrorists attempt by their acts to inspire and manipulate fear, for a variety of purposes. Jenkins (1985: 12) further argues that the terrorist tactics were adopted by radical students in Europe, the United States and Japan when the mass protest movements of the late 1960s failed to bring about the changes they sought. The September 11 attacks on the World Trade Center and the Pentagon in 2001 had led to the US government prioritizing the combating of alQeada's brand of terrorism and so the George W Bush's 'war on terrorism' received a lot of support from the nations of the world.

The US had largely provided financial aids and sometimes intervened militarily in countries that are believed to have been overridden by terrorist organizations. (Moss, Roodman, & Standley, 2005). Meanwhile the threat of Islamic State of Iraq and Syria (ISIS) group has further made difficult and frustrated the efforts of the US, Europe and other western countries to curb the challenge of international terrorism. Tausch (2015) argues that ISIS, together with other terrorist groups such as Hizballah, the Taliban and Al Qaeda have received at least 42 percent of sympathy from the Muslim community around

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the world in terms of the European Social Survey (ESS) data. These are Muslims surveyed from the countries such as Indonesia, Jordan, Lebanon, Malaysia, Pakistan, Tunisia, Turkey, and Egypt. Questionable as this may be, Tausch (2015) further argues that this survey is currently the only available method that may be used to make at least informed guesses regarding the magnitude of the problem that the western security is now facing. Williams (2008:4) argues that in Europe Jihadist terrorist groups have carried out dramatic and well-publicized attacks in Madrid and London and such attacks continued to put the world in an inexplicable state of anxiety. Piombo (2007) argues that in Africa, the organized terrorist groups do not rampantly proliferate across the continent of Africa. Prior to 2001, there were no designated foreign terrorist organizations in Sub-Saharan Africa.

Nowadays, in Northern, Eastern and Western Africa, there are more Islamist groups and as such the presence of terrorist organizations such as Boko Haram in Nigeria, Al-Shabaab in Kenya is evident (Piombo, 2007). With regards to the Southern African region Piombo (2007) argues that the threat of terrorism is almost non-existent because there are relatively few Muslims in the Southern African region. In this region, Islamists are only seeking to convert Christians to Islam rather than advocating for radical Islamist networks. In regards to South Africa in particular which is the main focus of the study, Schoeman (2016) argues that evidence suggests that South Africa has been used as a transit point for terrorists and as a base for planning, training and financing of terror activities. Schoeman (2016) further asserts that, amongst other things, the large number of illegal immigrants also raises questions

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around border control and the ability of security forces to track those illegal operators in the country. Given this existing evidence and questionable border control management and the uncertainty around the ability of South Africa's security forces as argued by Schoeman, the study therefore conducts an appraisal of South Africa's counter-terrorism architecture since 2001.

1.2   Problem Statement

"Terrorism is violence or the threat of violence calculated to create an atmosphere of alarm and fear- in a word, to terrorize and thereby bring about some social and political change" (Jenkins, 1985: 2). Boshoff, Botha and Schonteich (2001) argue that in South Africa, since the end of the People Against Gangsterism and Drugs (PAGAD) movement in the late 1990s there have not been and still no recorded terrorist activities in the country. However, problems of unemployment, poverty, poor-borders and lack of vigilance in security agencies put the country at risk of the development of violent non-state actors including terrorist organizations.

As pointed out by Williams (2008: 7), the foundation for the formation of extremist groups starts at an individual level, and from the perspective of the individual, first the state must fail him. As the legitimate governing authority, the state is the recipient of his expectations for education, employment and security. This failure can take the form of incapacity to provide basic services or effectively allocate resources and/or it can manifest as an excessively coercive response. Second there must exist cleavages to redirect and absorb his searching loyalties. Finally, there must be some sort of catalyst to mobilize

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an identity group, possible transforming it into a full-fledged violent non-state actor (VNSA) (Williams 2008: 7). For this reason and for the purpose of the study, it is important that the Republic of South Africa develop effective counter-terrorism measures that will not only seek to impede the terrorist activities but that will also reduce or eliminate drivers to the emergence of terrorist organizations in the country. Based on this statement, the following research questions may be generated:

- What are the factors that expose South Africa to the rise of terrorism?

- What counter-terrorism legislation and structures have been in existence in South Africa since 2001?

- What challenges are faced by these structures in their quest to combat the rise of terrorism in South Africa?

1.3 Aim of the study

The aim of the study is to conduct an appraisal of South Africa's counter-terrorism architecture.

1.4 Objectives of the study

To achieve the aim of the study, the following objectives will be considered:

- To determine factors that expose South Africa to the rise of terrorism.

- To determine counter-terrorism legislation and structures that have been in existence in South Africa since 2001.

- To define challenges that are faced by these structures in their quest to combat the rise of terrorism in South Africa.

1.5 Scope of the study

The study discussed South Africa's counter terrorism architecture as of 2001 to date. This period was chosen because it is the most significant period in world politics as it marked the beginning of the global war on terror in the aftermath of the 9/11 attacks in the United States.

1.6 Significance of the Study

This study is of utmost significance to policy makers and members of the law enforcement and state security agencies as it provides a critical analysis of South Africa's counter terrorism architecture and the challenges involved in preventing the outbreak of terrorism in the country. It is also beneficial to researchers and students who are working on security, terrorism and conflicts.

1.7 Outline of the Chapters

Chapter One: Introduction. This chapter deals with the background to the study, problem statement, research aims and objectives and significance of the study.

Chapter Two: Literature Review and Theoretical Framework. This chapter deals with literature review and theoretical framework of the study.

Chapter Three: Research Methodology. This chapter focuses on the methods of data collection, methods of data analysis and ethical considerations.

Chapter Four: Factors that Expose South Africa to Terrorism

Chapter Five: South Africa's Counter-Terrorism Architecture since 2001

Chapter Six: Conclusion and recommendations

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

It is quite difficult to define terrorism as it differs in contexts under which it occurs. This chapter explores the account of different authors on the subject of terrorism thus critically examining what is meant by its elusive nature. The prevalence of terrorism in Africa is also be explored. A number of authors like Piombo (2007), Potgieter (2014) and MacFarlane (2003) argue that terrorism is prevalent in North, East and West Africa; however, in Southern Africa the Islamic religious groups that exist are not violent they only preserve their Islamist religion without threatening other people's lives. In Northern, Eastern and Western Africa there is a mixture of both radical and non-radical Islamist groups and are influenced by the regime change agenda (Piombo: 2007). From the account of the authors cited above, it is safe to argue that the nature of terrorist threat in Southern Africa is not as widespread as is the case in Northern, Western and Eastern Africa.

This brings the study to the account of Samuel Huntington's theory of "Clash of Civilizations". Huntington argues that the world will ultimately experience the clash of civilizations. In essence, according to Huntington (1993) there will be contrast and clash of cultural, religious and traditional views of different races and that may lead to the formation of violent non-state actors and terrorist organizations. Huntington (1993) suggests that people of different cultures and races should learn to coexist with one another. Furthermore this very chapter suggests counter-terrorism strategies that should be adopted by governments

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and critically define difficulties that could impede these counter-terrorism strategies with specific references to the accounts of different authors.

2.2 Literature Review

2.2.1 The Elusive Nature of Defining Terrorism

Jenkins (1985) is one of the scholars who argue that terrorism is elusive and it is not easy to provide a concise or precise definition of terrorism. Piombo (2007) has pointed out that the programme on 'war on terror' by the United States government has played a pivotal role in limiting some African states who wanted to label their political opponents as terrorists. Kiras (2004) argues that the elusive nature of terrorism is vindicated by some instances where some Muslim communities that pursue terrorism believe in "Jihad" which is seen as a reaction against the perceived oppression of Muslims by the western society. The Muslims in this regard believe that they are waging the "just war" through this "jihad" and to fellow Muslim members, they are being perceived as freedom fighters and not terrorists as is widely believed by the world. Furthermore Kiras (2004: 372) states that due to the elusive nature in defining terrorism, there is no consensus amongst the researchers in defining terrorism.

In the world today there are disagreements on what constitutes an act of terrorism. According to Kiras (2004) some Jihad organizations perceive terrorism as legitimate if its main purpose it to wage "just war" and they do not view this war as terrorism. This therefore brings to the fore the argument of Eno, Ingritis and Haji (2012) that violent acts should not be naively perceived as terrorism when they are only committed by African and Muslim people, but

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such acts should be equally perceived as terrorism even when they are committed by the West. It is also important to note that the arguments advanced by Eno, Ingritis and Haji (2012) suggest that the purpose of these violent acts is to create fear on people with the purpose of influencing their religious or political ideas. In light of these assertions, terrorism is difficult to define as a concept and it can only be determined by the purpose and impact that the violent act has caused on the society. In this regard not every act of violence can be referred to as terrorism. Kiras (2004; 223) states that acts of terrorism typically target civilians, government workers or non-combatant military personnel. It is very important for scholars and analysts of the subject of terrorism to carefully scrutinize the violent acts that happen and be able to distinguish between criminal activities and acts of terrorism.

Criminal activities are generally not intended at producing any fear or change of attitudes against the government. They are simply aimed at achieving individual ends such as hostage situations during bank robberies. The notion of the elusive nature of defining terrorism can also be traced from organizations such as People Against Gangsterism and Drugs (PAGAD) vigilante group that was formed in the 1990s with an original intent to fight gangsterism and drugs in the Cape flats area in Cape Town (Boshoff, Botha and Schonteich, 2001). Although the original intent of PAGAD was genuinely to fight crime and gangs in Cape Town, the organization evolved into a terrorist organization. The violent acts that the organization perpetuated against the so called 'gangsters' affected innocent civilians as many people who did not commit any act of crime were inadvertently killed. The organization eventually sought to challenge the

authority of the state. Potgieter (2014: 1) argues that PAGAD eventually attracted the Islamic organization called Qibla Mass Movement. According to Potgieter (2014) the Qibla movement sought to establish Islamist state in South Africa in collaboration with Iran. The PAGAD movement was infiltrated by Qibla so much that it eventually shared the common Islam principles and cause with Qibla and the focus had now slightly changed from fighting crime to fighting for Islamist state in South Africa. With the aid of Qibla, PAGAD continued to target individuals and communities that had a different view and that sought to promote the interests of the new South African government that was deemed as having no Islamist interests. However to prove the illusive character of terrorism, Potgieter (2014: 16) argues that some members of the public still supported PAGAD and did not view it as a terrorist organization regardless of the alleged violent acts that it committed with Qibla.

The survey that was conducted by Institute for Democracy in South Africa (IDASA) showed that there was at least 55 percent of the South African population that still believed in PAGAD between 1996 and 1997 (Potgieter, 2014: 16). This therefore affirms the assertion that terrorism is elusive to define and as put by Eno, Ingritis and Haji (2012: 19) "one man's terrorist is another man's freedom fighter". In his book, The House of Wisdom: How the Arabs Transformed Western Civilization; Jonathan Lyons (2009: 5) argues that the western propaganda had successfully associated any act of terrorism with Muslim and that the west has painted a picture that "Islam distorts the word of God and it is spread solely by violence". It is under such circumstances that some people of Islamist faith believe that Islam ought to embark on a "just war"

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in defence of its people against western domination and in their eyes this is not terrorism but a just act to defend Islam against western influences. Another case that affirms the elusiveness of terrorism as argued by Jenkins (2004) is the case of invasion of Iraq by the United States (US) in 2003 where a preponderant number of civilians were murdered. Although realists argue that the state has a legitimate use of force, some scholars of international relations and terrorism argue that the actions of the US constituted terrorism and as such the US authorities that initiated these actions should be charged by the International Criminal Court (ICC).

On the other hand, there are those who believe that the US government used its power legitimately. In light of the reviewed literature, terrorism can be defined as the violent way of exerting fear on citizens or government of a particular society in order to influence their political or religious ideas. Boshoff, Botha and Schonteich (2001) define terrorism as the deliberate employment of violence or the threat to use violence by sub-national groups and sovereign states to attain strategic and political objectives. Boshoff et al (2001) continue to argue that terrorists seek to create overwhelming fear in a target population larger than the civilian or military victims attacked or threatened. Amongst others, the study aligns itself with the works of Eno, Ingritis and Haji (2012), Kiras (2004) and Boshoff, Botha and Schonteich (2001) who advance the view that what constitutes a terrorist act to one person may not be the same to another person, it depends on which side of the fence the person is sitting.

2.2.2 Nature and Scope of Terrorism in Africa

Harbeson (2008) states that just like other continents in the world, Africa is no immune to the threats of terrorism. Harberson (2008) highlights the challenge of weak states combined with ethnic and religious diversity and poverty, amongst other things, as fundamental grounds for the growth of radical movements that perpetuate terrorism. A number of authors on terrorism argue that terrorism in Africa is rampant in the North, East and West sides since there is the presence of Islamist groups such as Boko Haram in Nigeria and Al-Shabaab in Somalia with some of its networks in Kenya (Piombo; 2007). According to the US Department of State Report (2004: 9) Nigeria had been helping in monitoring threats against US citizens in the country. However the widespread corruption made it difficult for the government to combat financing of terrorist organizations. As a result since then, acts of terrorism in Nigeria had not ceased, they in fact increased. The rise of Boko Haram (BH) in Nigeria has seen the organization becoming one of the deadliest terrorist groups currently in operation globally. BH and related actors conducted hundreds of terrorist attacks resulting in over five thousand casualties in 2014 and six thousand casualties in 2015. In the first half of 2015, BH was responsible for the deaths of 1059 people in northern Nigeria.

The violence that began in Nigeria has spilled into neighbouring countries of Cameroon, Chad, and Niger with most victims being government officials and members of the public (FATF: 2016). According to the World Report (2018), over 180 civilians have been killed in suicide bomb attacks since late 2016, mostly in Miduguri, the Borno state capital. At least 300 civilians died in the

group's attacks in 2017. BH mostly used women and girls as suicide bombers, forcing them to detonate bombs. According to FATF (2016), in March 2018, BH then leader Abubakar Shekau pledged the group's allegiance to the Islamic State of Iraq and the Levant (ISIL or Da'esh) and subsequently proclaimed itself as the Islamist State West Africa Province (ISWAP). According to News24 (2018), in September 2018 Boko Haram Jihadists took control of Gudumbali town in the Guzamala area of Borno state. At least eight civilians were killed whilst thousands fled to neighboring towns. According to Wirtschafter and Gadiaga (2017), the Islamic State or ISIS is seeking a safe harbour after major losses in Iraq and Syria. And Al-Qaeda looks to secure its future by expanding operations and alliances in the sub-Saharan region. In October 2017 militants believed to be affiliated to ISIS ambushed a team of US troops in Niger, killing four soldiers and wounding two. The attack came as US supported Syrian rebels were on the verge of retaking Raqqa, the Islamic States de facto capital that fell in October 2017 (Wirtschafter and Gadiaga: 2017).

In Somalia the threat is also proving to be a serious one due to the presence of Al-Shabaab and some networks of al-Qaeda. The US Department of State Report (2004: 10) also highlights that the very same al-Qaeda had been accused of using West African and particularly Sierra Leonean diamonds to finance terrorism. According to Wirtschafter and Gadiaga (2017), Al-Shaabab in Somali has had a long affiliation with al-Qaeda, but now it appears to be cooperating with ISIS controlling much of the countryside. Somalia's initial lack of a functioning central government had created fertile conditions in the early

2000s for the conception of terrorist organizations such as Al-Shabaab that is so rampant today in the country. However even though a Transitional Federal Government (TFG) was established in 2004 with the help of the US, the presence of terrorism and violence still prevail. Harbeson (2008) states that the problem of terrorism in Somalia involves many of its neighbors. The fight between Eritrea and Ethiopia over the accusations that Eritrea finances terrorist organizations in Somalia has complicated the interventions by the United States government in Somalia and it fractured the relationship between the US and Eritrea and the US began to consider listing Eritrea with the countries that allegedly finance terrorism in Africa (Harbeson: 2008). The persistent question that comes to the fore is the effectiveness or relevance of the US counter-terrorism programs in Africa because seemingly, the terrorist threat is becoming more and more prevalent in the presence of these programs. Rotberg (2005) argues that the Horn of Africa and Yemen, are bound together by geographical proximities to the homeland of Osama Bin Laden. They are bound by prolonged interrelationships of licit and illicit trade, by religion, by years of Muslim-Christian accommodation and antagonism and continued resistances against 'Western Colonisers'. They are also bound together by common problem of poverty, poor governance and underdevelopment. Harbeson (2008) argues that although Kenya is not part of the Horn, there was a decline of political and economic influence and the increase of competition for jobs since Kenyan independence.

This happened together with sudden increase of religious interest. The Muslim religious and social groups had taken on more responsibility and interest and

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more interchange amongst young people that seek opportunities in the Middle East. According to Harbeson (2008) the 1998 embassy bombings and the attack of Israeli facilities in Mombasa was assisted by Kenyans. The conditions pointed out by Harbeson in 2008 may have truly contributed further to the attack of the Westgate shopping mall in Nairobi on 21 September 2013. Potgieter (2014: 55) gives a summary of the attack of the Westgate mall in 2013 and further links of the attacks to the so called "White Widow" whose passport name was Samantha Lewthwaite who resided in South Africa. Back in 2004, Menkhaus (2004: 52) had noted that Kenya had lost control over a good portion of the north-eastern hinterland and that there was generally more lawlessness in the heart of Nairobi. The teemed Somali slum of Estleigh had become a "virtual no-go zone" for Kenyan authorities, a world unto itself where black-market activity was rife, criminals could slip away undetected and guns rented for the day. In light of the above, the events of 2013 came as little surprise to scholars of terrorism as they had given a forewarning insight years back (Menkhaus, 2004: 52). The attacks had direct links to religious fundamentalism. In Nigeria, Harbeson (2008) argues that the main source of the problem of militia was in the Niger Delta.

The area could not produce enough wealth in a way that benefited all the citizens and so high levels of corruption, lack of employment and other social ills prompted the rise of militia by young people. These young people had a desire for the change of political power. It is also believed that some terrorist organizations that exist in Nigeria are not necessarily made up of Nigerians themselves. They are somehow members of foreign countries. As Harbeson

put it, "in 2006, a group calling itself Taliban, launched an attack in the northeast city of Borno.....members were reported to be dressed in white gowns and speaking a language not native to the region". This therefore fuels the assumption that in some instances, terrorist activities that are happening in Africa are being sponsored by those that want access to its resources. In order to get access to these resources violence must be unleashed so as to frustrate government of the day and to advance calls for regime change. The main purpose is to weaken the state's power by creating social and political instability in order to gain easy access in the form of "financial aids or interventions". Piombo (2007) argues that the threat of terrorism in Southern Africa is almost non-existent because there are relatively few Islamists in the region and these Islamists only seek to peacefully convert Christians into Islam. According to Harbeson (2008) the Southern African Development Community (SADC) countries have committed in 2006 to establish an anti-terrorist unit which is based in Harare, Zimbabwe at the Interpol Sub-Regional Bureau.

The unit serves as a focal point for regional information sharing on terrorist activities and groups and the member states continue to submit regular reports to the centre in collaboration with United Nations Office on Drugs and Crime (UNODC). Harbeson states that even Zimbabwe that is known for autocratic governance, supports and cooperates with the US on terrorism including sharing of intelligence and combat of money laundering. In assessing the nature of terrorist threat in Africa, it is important to note that some writers believe strongly in the intervention by western countries and they define terrorism in terms of the US-Counter terrorism programs that exist in Africa.

However, some authors like Eno, Ingritis and Haji (2012), Huntington (1994) and Harbeson (2008) highlight some errors in the US over-militarized interventions in most African countries that are overridden by terrorism. Many scholars often confine terrorism within Islamic movements without necessarily assessing other terrorist organizations that operate without any links to Islam and as noted before, this inadvertently leads to a seemingly biased study and one sided recommendations whilst at the same time it provokes more anger from the Muslim world. Eno, Ingritis, and Haji (2012), Loyns (2009) and Piombo (2009) are some of the few authors that stress the need for the broader scrutiny of terrorism by scholars of international relations without confining it to only Islamic and Jihadist movements.

2.2.3 Counter-Terrorism Strategies

It is important for governments to set up strategies in place in order to counter terrorism. The strategies allow governments to have pro-active measures and mechanisms to avert terrorism. The first strategy is vetting investigations which is a traditional counter-intelligence and counter-terrorism measure, some authors like Piombo (2007) and Opperman (2017) recommend its application as it helps the state to screen and vet individuals and organizations that intend to work or that are contracted in the countries to determine their level of security competency.

The second strategy is information gathering. Under this strategy, the authors like Potgieter (2014), Makinda (2006) and Steignberg (2005) stress the importance of synergy amongst intelligence organizations and governments

and cooperation with the members of the community in the exchange of information and the targeting of terrorist formations. Another strategy is military invasions which is a traditional US "war on terror" strategy (Harbeson, 2008). Under this strategy the authors basically highlight advantages and disadvantages of military invasions.

Vetting Investigations

According to the MISS (1996) vetting is a systematic process of determining a person's security competence. Certa Intelligence & Security (2018) state that the objective of vetting is to examine whether there are any issues that could cast doubt on the reliability, credibility or judgment of the individual in question. Which would therefore have consequences for the evaluation of their trustworthiness and credentials.

The following are the levels of vetting:

(a) Screening: which is the processing and analysis of information collected from open sources with the aim of forming a clear picture of the individual's presence and behavior on the internet

(b) Open Source Intelligence Report (Integrity Report): Involves the systematic and global collection, processing and analysis of information from open sources, with the aim of uncovering potential risks accrued to the person in question

(c) Background Check: involves the completion of integrity report as well as use of open source to validate and verify information pertaining to the

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individual's background and qualifications including education, professional relations, etc

(d) Extended background check: requires consent of the individual in question and will additionally involve the collection, processing and analysis of sensitive information including financial and legal affairs, information from references, etc (Certa Intelligence & Security, 2018).

This method is used to establish or determine the security competence of each individual who is working for government, national key points, and/or semi-private institutions. Oppernman (2017) states that the need for law and order function remain important; however such an approach means equally activating conservative approaches of vetting and investigations of certain individuals. Oppernman continues to assert that the non-violent side of dealing with terrorism necessitates new thinking and application in which the government officials gain the required skills to monitor and trace social networks to and from local social soil as well as the skill to assess and understand the use of propaganda as a communication tool and how it is taking effect in the world. However, although vetting and screening of individuals and organizations may sound like the best practice in countering terrorism, Pantuliano, Mackintosh, Elhawary and Metcalfe (2011: 8) are of the view that the vetting of partners and beneficiaries in humanitarian programs is undermining relations between humanitarian organizations and local communities. The requirements of United States Agency for International Development (USAID) on vetting necessitates collecting and reporting of personal information about partner and contractor to the United States government and this requirement is viewed as being invasive and accusatory by locals.

Given the observations of Pantuliano, Mackintosh, Elhaffary and Metcalfe (2011), it is important for the governments to establish a good relationship with the community and humanitarian organizations by conducting thorough presentations on vetting and screening as nothing but measures that exist primarily for counter-terrorism purposes, amongst other things. This would therefore necessitate a guarantee of treating information of individuals and organizations with high level of confidentiality.

Information Gathering

According to US Naval War College (2018), there are five methods of intelligence collection. These methods also include public participation and they are the following:

(a) Human Intelligence (HUMMINT): This is the collection of information from human sources. The collection may be done openly as when agents interview witnesses or suspects or it may be done through clandestine or covert means.

(b) Signals Intelligence (SIGINT): Refers to the electronic transmissions that can be collected by ships, planes, satellite. Communications Intelligence (COMINT) is a type of SIGINT which is done to intercept communication between two people.

(c) Imagery Intelligence (IMINT): This is a type of collection that involves taking of images. Imagery intelligence happened during world wars I and II when soldiers took pictures of their surroundings from the helicopters.

(d) Measurement and Signatures Intelligence (MASINT): This form of collection concerns weapons and industrial activities. It further involves the use of intelligence gathered from IMINT and SIGINT collections.

(e) Open Source Intelligence (OPSINT): refers to the type of information that is generally available including information from the media (newspapers, radio, television, etc) and professional and academic sources such as papers, conferences, articles and so on.

Boshoff, Botha and Schonteich (2001) argue that governments should activate their intelligence pro-activeness by identifying the times and places of the planned attacks. Governments should do all that is necessary to isolate the targets from terrorists or isolate terrorists from the target, or simply isolate their plans. This can be achieved through the application of a consolidated collection effort by intelligence organizations.

In order to mitigate terrorism, the terrorists should be denied resources and information, for training, weapons and explosives. To achieve this objective, the governments should launch operations that are aimed at weapon caches and to ensure that terrorists are denied every support they need in terms of money, safe-houses, and so on (Boshoff, Botha and Schonteich: 2001). However, this should be done very carefully without impeding the functions of humanitarian organizations that are located in countries where terrorism is rampant. In this regard, a high degree of intelligence gathering and information sharing amongst intelligence organizations and members of the public will be necessary. Pantuliano, Mackintosh, Elhawary and Metcalfe (2011:6) argue that many armed opposition groups even some government entities appear on

terrorist lists. As such any humanitarian contribution to those groups, even if unintentional could result in criminal liability in terms of some global counter-terrorism laws.

This is where the need for proper collection by intelligence agents and cooperation with humanitarian groups, members of the public, local governments and global counter-terrorism bodies is necessary. For example several small humanitarian organizations in Gaza Strip have had to stop their operations because of some restrictions introduced by governments such as Saudi Arabia in the aim to counteract accusations by western governments that it had allowed its citizens to support international terrorism through Saudi charities (Pantuliano, Mackintosh an, Elhawary, Metcalfe; 2011). Shone (2010) argues that there is a need for a more sensitive detection system at the tactical, sharp end of counter-terrorism operations. Shone (2010) continues to argue that if these signals are in place, any individual with intent to commit terrorist activity will inevitably give off in preparing his attack. This requires effective data capture, efficient overall information management and fused intelligence products and ultimately the closer union between intelligence analysists and collectors (Shone; 2010). According to Bakker and de Graaf (2011: 47), many individual terrorists work in conjunction with extremist movements. The radicalization of these individuals does not happen in a vacuum, it is therefore important to both investigate and cooperate with communities in which these terrorist activities take place. Bakker and de Graaf (2011: 47) continue to argue that given this assertion that an effective counter-terrorism strategy depends on community involvement among other things, it is important to

promote passive and active aversion "towards the terrorist seed in these communities with the help of influential community members". Oppernman (2007) argues that there is indeed a dire need for more open public engagement in which government communicates an informed reality of an act of terror. This will empower people on how to respond to such acts.

Bakker and de Graaf (2011: 47) further argues that the awareness programs for parents, schools, and universities are worth considering without launching "large-scale public campaigns that only serve to create a moral panic". Therefore the whole process of public involvement should be done cognizant of some sensitive information that may need not to be disclosed to the members of the public precisely for their safety. Jordan (2009:728) states that it is important to analyse the social networks as is one of the leading methods in understanding vulnerability of terrorist organizations. Jordan (2009: 728) further argues that it is also imperative to understand organizational structure of a terrorist organization in order to weaken the organization. Jordan continues to argue that the terrorist organizations are either hierarchical or decentralized. The hierarchical organizations according to Jordan author are 'long linked", vertically integrated organizations and they are more susceptible to leadership targeting while decentralized organizations consist of several shapes and so are less susceptible to leadership targeting. However in decentralized organizations the key actors are referred to as "hubs" and so the better way of disintegrating these types of organizations is through damaging one of the hubs to obstruct the information flow. These structures of terrorist organizations can also be understood through infiltrating them by ordinary members of the

community and proper collection. In addition to the notion of public participation, Makinda (2017) introduces three methods within collection that should be used by governments to counter-terrorism. These are traditional, institutional and developmental counter-terrorism approaches.

Traditional approach involves the use of intelligence agencies, the police and judiciary in order to enhance democratic governance and basic freedoms while combatting terrorism. Institutional approach involves the promotion and building of institutions in order to constitute the identity and regulate behavior of actors including governments and terrorists. Without institutions there would be no order and justice (Keohane 2001: 3). Makinda (2017) further argues that the developmental approach can reduce terrorism by facilitating human empowerment while at the same time eliminating the conditions that produce political discontent. Developmental approach will ensure poverty alleviation, human empowerment and increase the participation of people in the management of their political, economic, cultural and social affairs.

Military Invasions

Harbeson (2008) states that one of the challenges that loom in the US responses to terrorism in Africa is an increased militarization of their policies. There is a general feeling on authors and even members of society that the US policies that focus too heavily on militarization are in fact encouraging authoritarian practices and undermining Africa's move toward democratic governance. This assertion is enunciating the point that a continual intensive attack on the root causes of violence and terrorism, which are, poverty,

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authoritarianism, discrimination, weak states and so forth, will effectively address such threats (Harbeson, 2008). Excessive militarization of counter-terrorism measures has in some instances led to unnecessary deaths of innocent civilians. In 2006 for example the US government backed Ethiopian invasion of Somalia to dislodge a radical Islamic government that had taken power in the capital.

When followers of that government fled south in 2008, it was however discovered that more civilians were killed than known terrorists (Menkhaus, 2004: 52). Jenkins (2004: vi) argues that ill-considered counter attack does not help much in addressing and combatting terrorism. In fact Jenkins points out that such counter-attacks can increase the terrorists' resolve and swell their reservoir of potential recruits. This shows that once the government invest too much on militarization of counter-attacks which in most instances inadvertently cause deaths of civilians, it may be easy for terrorists to recruit heart broken and angry civilians to mobilize in retaliation against the government. According to World Report (2018), In January 2018 the Nigerian Air Force carried out an airstrike on a settlement for displaced people in Rann, Borno State. In this airstrike 234 people were killed and 100 more injured. The military initially claimed the attack was meant to hit Boko Haram fighters they believed were in the area, blaming intelligence inaccuracy. In this regard, it is very important to note that terrorists intend to escalate the state of violence and murder rather than arriving at peaceful solutions, so the more the military intensity the more the terrorist retaliation. Oppernman (2017) argues that most governments have legislation and counter-terrorism initiatives that are aimed at dealing with

bombings, mass shootings and so on, thus focusing on the violent nature and after effects of terrorism. Oppernman raises an important point that the ability of extremists to recruit, mobilize and radicalize silently in the presence of these legislations means that there is a problem with excessive radicalization of counter-terror responses. There is therefore an important need for governments to, whilst not completely avoiding military interventions, develop new thinking towards non-militant and peaceful counter-terrorist strategies.

The US counter terrorism measures in Africa should not be solely based on military; the multidisciplinary ways of dealing with the problem of terrorism in Africa are necessary. The over-militarization of counter-terrorism responses in Africa by the West has, in some instances, created a lot of casualties and worsened the problem of terrorism rather than reducing it. In countries such as Somalia, Nigeria and Ethiopia, the crisis of terrorism is deepening irrespective of the presence of the US military and in fact the military actions against the perceived terrorists in these countries have incited an even more militarized radical response by the terrorist groups thus destabilizing the African countries further. What frustrates the combatting of terrorism in Africa even more is the failure of some scholars and writers in acknowledging the problem of terrorism in its complex and broader nature

2.2.4 Difficulties in Combatting Terrorism

It appears without any doubt that the failure of states to understand the type of a terrorist organization that they are waging war against contributes immensely to making it difficult to combat terrorism. Jordan (2009: 731) asserts that it is

important for governments to understand age, size, and type of each terrorist organization in order to formulate relevant counterterrorism strategy. Du Plessis (2006: 89) talks about lack of national resources, expertise and manpower to address seriously localized challenges in many African countries as some of the matters that continue to deter counter-terrorism efforts. This makes African leaders to be hesitant to shift the focus to counter-terrorism under such circumstances.

Du Plessis (2006: 89) further argues that the international community often does not reach the countries that are in most need of counter-terrorism technical assistance. This, according to Du Plessis, is caused by some restrictions in terms of diplomatic channels, travel and security related reasons to these countries and lack of personnel to facilitate planning of technical assistance, activities including lack of political will. Mazrui (2006: 67) argues that it is difficult for the US to implement its counter-terrorism programs in Africa. This is because the US has its own understanding of terrorism which is not the same as that of Africa. The key problems that continue to make it difficult to curb terrorism are: Financing of terrorist organizations, state sponsored terrorism and lack of concise definition and interpretation of terrorism.

Financing of Terrorist Organizations

Aliu, Bektashi, Sahiti & Sahiti (2017: 97) argue that terrorism financing is one of the most complex problems the democratic world is facing today. The authors state that the transfer of funds to support terrorist activities has created many

challenges across the globe. According to Alui, Bektashi, Sahiti and Sahiti (2017) the international community has focused more on the acts of terrorism whilst inadvertently ignoring those that are sustaining these acts and terrorism itself. Winner (2008) argues that before September 11 events, there is not a single country in the Middle East that had the control over Financing of Terrorism.

Alui, Bektashi, Sahiti and Sahiti (2017: 101) believe strongly that the nation states should look into the means of breaking the backbone of financial terrorist groups and insurgents. This will prevent the terrorist's ambitions for the first term and dismantle their long term agendas. According to Kaplan (2006) one of the pillars of Islam is the compulsory giving of a set of proportion of one's wealth to charity. Although most of these charities in the Muslim world exist to help the poor and spread the message of Islam, they have also been used, particularly in wealthy Middle Eastern nations, to finance Jihad. Weeding out ill-intentioned charities from the benevolent is a difficult task. Bantekas & Eckert (2008) argue that sometimes terrorists operate under an umbrella of legitimacy, holding, managing and running legitimate businesses and commercial enterprises to raise finances. Harmon (2008) talk about real estates, imports and exports, car sales companies, high-tech laboratories, shipping, civil engineering, and financial construction companies as being used as fronts by terrorists. Financial firms and investment banks, and even trade in commodities such as precious metals and gems provide cover for terrorist organisations. These firms and banks also facilitate logistics and generate profits that are channelled in these companies (Harmon, 2008). According to

Brisard & Martine (2014) terrorists do not only rely on western banks, they also make use of Islamic banks that operate under the jurisprudence of Islam. Osama bin Laden for example used Sudanese Bank Al-Shamal Islam and he had control over that bank.

Gomez (2010) alleges that the bank had correspondent agreement with large banks across Europe and North America to transfer money into the account of an operative of Al-Qaeda in the bank of America which was used by a small plane. When these companies, firms and banks are operating legitimately, it will be extremely difficult to halt financing of terrorism. Freeman (2011) for example argues that in the 1990s Al-Qaeda had several legitimate businesses such as farms, trading companies, constructions, manufacturing and investment companies such as in Sudan and elsewhere. The operation of terrorism funding within the legitimate structures and systems in the world today is making it difficult to combat terrorism.

State Sponsored Terrorism

Acharya (2009) argues that in the era of Cold War the compensating of terrorist organizations by the states was deliberate foreign policy instrument. Krieger and Meirrieks (2011) state that this financing of terrorist groups by the state happens when the goals of the state coincide with those of the terrorist groups. Freeman (2011) argues that countries such as Iran and Syria are still active sponsors of terrorism. Under these circumstances, it gets more difficult for those that are the champions of anti-terrorism to successfully curb the problem of terrorism. If the "war on terror" cannot get enough buy-in of the nation states,

and if these nation states' interests continue to coincide with those of the terrorist organizations as pointed out by Krieger and Meieriks (2011) it will remain difficult to defeat of terrorism. Schlagheck (1990: 171) argues that state-sponsored terrorism includes states' support of terrorist acts without actually committing acts themselves. This support includes providing funds, weapons, training or political endorsement or other logistical assistance such as passports, intelligence, use of diplomatic facilities, etc to groups that commit terrorism.

Holyk (2005: 11) argues that states have a monopoly on violence and they do not hesitate to use it against civilian populations albeit usually in an indirect way in the case of liberal Western democracies like the US. According to Bayman (2008:ix) the states that sponsors of terrorism are harder to deal with. This is because they have a more complicated relationship with terrorists. In many instances, governments that sponsor terrorism do not actively train or arm terrorist groups. They rather let terrorist groups act with relative impunity. This approach allows governments to claim incapacity (Bayman, 2008). The author argues that the US concept of the listing of countries deemed to be sponsoring terrorism is flawed and often does more harm to US interests than good. In 2008 some countries like Cuba and Nort Korea were wrongfully listed as states that sponsor terrorism by the US. Even Sudan was wrongly included in the list but it had long changed its ways (Bayman, 2008). This is ironic as the US itself had sponsored terrorism in the past. Rosato (2003) claims that during the 1980s the Reagan government provided hundreds of millions of dollars to the Contras in an effort to overthrow the Sudanista government of Nicaragua. The

Contras, many of whom were former members of the Somoza dictatorship that committed terrorist acts against the population were trained by the Central Intelligence Agency (CIA). Chomsky (2001) alleges that the US trained and supported Islamic fundamentalists in Afghanistan.

Holyk (2005: 14) argues that states are a large contributors, if not the primary contributors to terrorism in the world. The states are highly motivated to keep sponsorship of terrorism secretive as opposed to non-state actors that claim responsibility immediately after the event (Holyk, 2005: 16). This makes it difficult to find credible evidence of state-sponsored terrorism. The states seek to frame their actions for the public and they have a great amount of power to do so. The media heavily rely on government for the raw information that they use for the news. Therefore the government has a great deal of control over the media. For example, the US government did not provide the media with details of its training and funding of the Guatemalan dictatorship (Holyk, 2005: 19). In light of the above, it remains difficult to curb terrorism when it is sustained by the states because the states are the same actors that are expected to be at the helm of counter-terrorism.

Lack of Concise Definition and Interpretation of Terrorism

Moreover, as many authors have expressed their views on the lack of concise definition and interpretation of terrorism; it is still going to be difficult to completely curb terrorism because 'one man's terrorist is another man's hero'. Be that as it may; however, there remains a need for the states to arrive at a common ground to establish collective means of fighting terrorism. According to

Alui, Bektashi, Sahiti and Sahiti (2017: 98) it is essential to note that the search for an inclusive definition of terrorism from an academic, political or international legal perspective has continued for decades and continues to this day. Schimid (2004) states that the difficulty in finding a universal definition of terrorism is because terrorism has been put-and thus, implicitly defined in different contexts such as crime, politics, war, propaganda and religion.

Holyk (2005) is of the view that what is considered terrorism has changed with the changing political climate in the world. This should not occur if there is a strict definition of terrorism that is applied equally to all, allies and enemies, non-state and state actors alike. Fearon & Wendt (2002: 57) conceptualise terrorism within a constructivist school of thought. The author argues that the concept terrorism is constructed through language and within particular political contexts. Therefore constructivists would have no problem with the statement "one man's terrorist is another man's freedom fighter". Holyk (2005: 6) argues that the states are often the ones in the position of power to define what constitutes terrorism. Therefore the states take the opportunity to define the acts of others as "terrorists" or and their own acts as "counter-terrorism" or "legitimate acts of self-defence". In this regard, Holyk (2005: 6) asserts that there is no concrete phenomenon called terrorism out in the world that exists independent of our subjective understandings and our culture. There is no ultimate truth as to what terrorism is, and instead, it is important for people to be aware of motivations that lie behind definitions of terrorism. For example, a small non-state terrorist group may rationally resort to hijacking a plane

because they have been shut out of normal political routes by government and feel they have no other way to pursue their interests (Holyk, 2005).

In addition to this, Jordan (1997) argues that the UN has refused to agree on a definition of terrorism because: first, in terms of sovereignty, nations reserve the right to define legal bounds of activities and policy within their own borders. Therefore each state reserves the right to determine, politically and legally what terrorism is. No nation wants to be constrained by definitions that would inhabit its own foreign and domestic policies. Second, some nations view what US calls "terrorism" as a legitimate means of self-determination and refuse to agree on measures that prevent terrorist actions unless the causes of terrorism are considered (Jordan, 1997: 8-10). Macro (2009: 655) argues that for some, terrorism is an offense, for others, it is an activity assigned by God. For some it is a distinctive act of maintaining power pride, and for others, it is a justified action against oppression. For some it is an attack on the peace and security and for others, it is a quest for identity. Since there is no internationally accepted definition of terrorism, there is a free and open tendency for the persons using the term, whether states, organized groups or scholars, to define terrorism as suits their purposes at the moment. This leads to uncertainty as to how to fashion a legal structure to address terrorism (Macro, 2008).

2.3 Theoretical Framework: Clash of Civilizations

The theoretical framework of the study is traced from Samuel P Huntington's theory of Clash of Civilizations. In his book, Huntington (1993) states that different civilizations have a potential to create clashes that may lead to the

break-out of terrorist organizations. Huntington (1993) predicts that the conflict between civilizations will be the latest phase in the evolution of conflict in the modern world. Huntington is of the view that the divisions will be cultural. According to Huntington (1993: 25) the people of different civilizations hold different views on the relations between God and man, the individual and the group.

The citizen and the state, parents and children, husband and wife, as well as differing views on "relative importance of rights and responsibilities, liberty and authority, equality and hierarchy" (Hundtington, 1993). Huntington theory demonstrates failure by some western countries and other parts of the world to treat other cultures as equals. Western civilization is often viewed as a model of life. In some parts of the world this way of life had gained acceptance but in some it had attracted an outstanding resistance particularly from people of Muslim faith. The desire therefore by westerners to create global westernized civilizations has had an immense contribution in unnecessary break-up of religious fundamentalist groups and hostile organizations in certain countries.

It is clear that this problem of religious fundamentalism and hence terrorism, emanates from the clash of civilizations as envisaged by Huntington. This clash of civilizations is clearly caused by the failure of one country or one individual or group to tolerate the differing civilizations of others and a drive to seek to impose one's own civilizations or cultures on others. As Huntington (1993: 49) puts it, in order to have a peaceful global society it will be important for the West in particular to increasingly accommodate non-western modern

civilizations whose power approaches that of the West but who have different values from the West. It will also be important for the West to develop a broader understanding of their basic religious and philosophical assumptions and the way in which people of these civilizations see their own interests. This will create the foundation for the coexistence of different civilizations without necessarily resorting to violent ways. However, taking into account that South Africa itself is a cosmopolitan society, and predominantly a Christian country.

It is perhaps important to note that there are segments of Islamist and other faiths in South Africa and failure on all these existing faiths with Christianity included to tolerate one another may lead to unprecedented occurrence of civil wars and terrorism. Within the context of South Africa, it is very important for the government to continue to strengthen programs that are aimed at strengthening the programs that promote non-sexist, democratic, prosperous and non-racial society. This notion stresses tolerance of one another's values, traditions, religions and cultures and the respect of gender choice. Nonetheless this does not take away the threat of the outbreak of terrorism in South Africa. Based on the reviewed literature, apart from religious and cultural issues, it remains important for the government to strengthen its migration laws, border management and intelligence agencies to effectively counter any possible occurrence of terrorism.

2.4 Chapter Conclusion

As outlined in this chapter, the policy makers and governments have a responsibility of ensuring that the measures in dealing with each terrorist case

depend on the type of terrorism that has occurred and there is no single approach that should be used in dealing with terrorism. The approach to be used should solely depend on the nature of terrorist activity. Military invasions for instance cannot always be used to deal with every terrorist situation. There are other interventions such as vetting investigations, and information gathering that could ultimately lead to the arrest of those involved in terrorist activities without any bloodshed. However, it remains clear that all of these measures should be put in place in full cognizance of different religions, cultures, values and norms as stated by Huntington.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

Research methodology refers to the way in which information is gathered and examined. This process allows the study to arrive at specific conclusions and generalizations based on the data collected (Halperin and Health, 2012). Rajasekar, Philominathan & Chinnathambi (2013: 5) argue that the research methodology is a systematic way to solve a problem. It is a science of studying how research is to be carried out. Essentially, the procedures by which researchers go about their work of describing, explaining and predicting phenomenon are called research methodology. Meanwhile Babbie and Mouton (2014: 10) argue that research methodology is the process that the researcher follows in order to achieve the objectives of the study.

According to Patton & Cochran (2002), a qualitative research is designed to help researchers to think about all the steps that they need in order to produce a good quality piece of work. This method is characterized by its aims, which relate to understanding some aspects of social life. Its methods generally generate words rather than numbers as data for analysis. Family Health International (2018) asserts that the strength of a qualitative research is its ability to provide complex textual descriptions of how people experience a given research issue. It provides information about the "human" side of an issue that is, the often contradictory behaviours, beliefs, opinions, emotions, and relationships of individuals. The research methodology of the study includes a variety of research methods and dimensions and they have been thoroughly discussed.

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This process has helped the researcher in order to make a solid decision on how to approach the research, respondents, the strategy of inquiry that should be followed and the methods of data collection and analysis. Kumar (2011) is of the view that in order to produce a good study, one should develop a framework of a set of philosophies, procedures, methods, and techniques that have been tested for their validity and reliability and this framework is designed to be unbiased and objective. The research methodology is determined by the nature of the research question and the subject that is under investigation (Denzin and Lincoln: 2005). This research focused on understanding the meanings provided by respondents. A qualitative research approach was used because it helped the researcher to understand the experiences and attitudes of the agents within the intelligence organizations. These attitudes and experiences were studied and analysed tin order to ultimately answer the question on the challenges that are faced by key intelligence structures in their quest to combat terrorism in South Africa.

According to Denzin and Lincolin (2005) the qualitative research is a multidisciplinary method that involves interpretive, and naturalistic approach to the subject matter. Patton and Cochran (2002) argue that the qualitative method helps the researcher to understand the perspectives of participants, explore the meaning they give to phenomena and acquire in-depth information on their attitudes. Qualitative method has assisted the researcher to understand the attitudes of all the interviewed experts who are working in intelligence organizations as well as understanding academic perspectives on counter-terrorism. Snape and Spencer (2003) argue that qualitative refers to

any type of research that produces findings not arrived at by statistical procedures. In addition, the qualitative method has been chosen because, amongst other things, since terrorism is elusive, there is not much that is written about terrorism specifically within the South African context. Therefore in situations where little is known, it is better to start with qualitative methods (interviews, focus groups, etc) (Patton and Cochran: 2002). Denzil and Lincoln (2005) outline the following cardinal principles that underlie qualitative research:

- Qualitative research is holistic; it looks at the larger picture and begins with a search for understanding of the whole

- Qualitative research looks at relationships within the system

- Qualitative research focuses on understanding a given social setting, not necessarily on making predictions about that setting

- Qualitative research demands time consuming analysis; it requires ongoing analysis of the data

- Qualitative research design requires the researcher to become the research instrument. It further incorporates room for description of the researcher's own biases and ideological preferences

- Qualitative research incorporates informed consent decisions and is responsive to ethical concerns

Qualitative research has helped the researcher to be able to gather and analyze in-depth information from both primary and secondary sources. In addition, the importance of using qualitative research in this study is that it allowed respondents to open up and fully express their views without any fear

(Choy, 2014: 102). In qualitative research, the objective is exploratory and descriptive rather than explanatory (Ferreira, Mouton, Puth, Schurink & Schurink, 1998). The descriptive nature of this qualitative research has allowed the researcher to provide a description of the experiences of participants. The descriptive nature of the qualitative research enables readers to clearly understand the meaning attached to the experience, the distinct nature of the problem and the impact of the problem (Meyer, 2001).

3.2 Methods of Data Collection

According to Halperin and Health (2012: 2), research methods are used to gain insight on specific phenomenon or problem under investigation. Reasoning and argumentation are necessary skills, in order to synthesize the researcher's work with those of others. In order to support the findings of the study, the researcher has made use of specific evidences and examples (Halperin and Health, 2012).

Creswell (2009: 15) states that there are three types of research methods namely; quantitative method, qualitative method, and mixed method. However for this study, researcher has chosen qualitative method which has allowed the researcher to gather information from multiple forms of data such as interviews, observations, documents instead of relying on a single source of data. Potter (1996) states that the interviews are valuable tools of collecting data. The methods of collection that were employed in this regard were both the primary and secondary sources. These methods were applied in order to get a

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balanced and in-depth data on the state of South Africa's counter-terrorism architecture since 2001.

3.2.1 Primary Methods of Data Collection

In-depth interviews

Patton & Cochran (2002) suggest that interviews resemble everyday conversations, although they are focused (to a greater or lesser extent) on the researcher's needs for data. However they differ from everyday conversations because the aim is to conduct them in the most rigorous way in order to ensure reliability and validity (Patton & Cochra, 2002). The researcher has strived for reliability and validity of these interviews. This method is used on topics for which little is known and where it is important to gain in-depth understanding. For this reason the researcher decided to use in-depth interviews in order to be able to uncover enough information on the state of South Africa's counter terrorism architecture since 2001. Face-to-face in-depth interviews that were conducted entailed ten respondents from the State Security Agency (SSA) and five respondents from the South African Police Service (SAPS). Some of these selected respondents had experience derived from the South African National Defense Force (SANDF). By the conclusion of these 15 interviews, data saturation has been reached.

Showkat and Parveen (2017) argues that in-depth interview is a method of extracting more detailed information or deep understanding of the subject or concept. According to Kvale (1996), there are two alternative positions on in-depth interviewing and these are: "Miner Metaphor" and "Traveller Metaphor".

In this regard, "knowledge is understood as buried metal and the interviewer is a miner who unearths the valuable metal" (Kvale, 1996). According to Kvale (1996), the second position is "Traveller Metaphor". This position falls within the gamut of constructivist research model. In this position, the knowledge is created rather than being given. The interviewer in the Traveller Metaphor is seen as a traveller who journeys with the interviewee. The meaning of the interviewees' stories are developed as the traveller interprets them. The researcher has systematically applied these positions and positioned himself as the 'traveller' and was able to get in-depth understanding and dynamics within the South African counter-terrorism structures.

Showkat and Parveen (2017) further asserts that in-depth interviews are one of the most efficient methods of collecting primary data. Contrary to simple questionnaire or rating scale, in-depth interview is conducted with an intention of uncovering in-depth details of interviewee's experience and perspective on a subject. One of the most important benefits of in-depth interview is that it helps to uncover more detailed and in-depth information than other data collection methods like surveys (Burgess, 1984). These reasons were kept in-mind and motivated the researcher to use in-depth interviewees.

Showkat and Parveen (2017) argue that in-depth interviews are not for the people who cannot stop talking about themselves. To support the choice of the researcher of this study, Burgess (1984) and Lofland and Lofland (1995) assert that an in-depth interview is considered as a form of conversation. They continue to say as one of the most significant forms of data collection, not more

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than a total of some ten to fifteen people are interviewed individually in a study that uses and in-depth interview method. The research has followed exactly this advice and as such there were fifteen in-depth interviews that were conducted. The respondents were purposefully chosen based on their knowledge and experience working in counter-terrorism units in South Africa.

3.2.2 Secondary Methods of Data Collection

According to Good & Healthy South Dakota Community (2018), secondary data is an important source of information and can provide valuable knowledge and insight into broad range of issues. The Community argues that secondary data collection accesses existing information, which is less time-consuming than primary data collection, and is likely reliable and valid data. The researcher combined information received form primary methods in-depth interviews with information obtained from secondary methods. Secondary methods have been useful in order to maintain balance on information that has been received from primary methods. The following sources from secondary methods have been utilized:

- Public records from government agencies
- Academic sources in the form of books, journal publications, internet publications and online news sites (Good & Healthy South Dakota Community, 2018).

Ajayi (2 017: 15) states that secondary data is the data that has already been collected or produced by others. Secondary data plays a fundamental role in the interpretation and analysis of primary data. Douglas (2015) defines secondary data as relatively less and economical in that it is quick and easy

and is shorter than primary data. According to Daas and Arends-Toth (2012) argues that secondary methods can be discerned in three research strategies; content analysis, secondary analysis and systematic review. The study however has focused on content analysis which will be discussed in the next paragraph under methods of data analysis.

3.3 Method of Data Analysis

After all data has been collected and different forms of data collection have been utilized as per the need and the focus of the study. This raw data has to be analysed. Babbie and Mouton, 2012: 108) argue that analysis involves breaking down of data into manageable themes, patterns, trends and relationships. Mouton and Marais (1991) further state that data analysis is a process whereby a phenomenon is broken down into its subsequent parts in order for it to be understood better. For this reason, content analysis was adopted in this research in order to break down raw data so that it can be easily understood.

According to Cole (1988), content analysis is a method of analysing written, verbal or visual communication messages. It was first used as a method for analysing hymns, newspaper and magazine articles, advertisements and political speeches in the 19th century (Harwood & Garry, 2003). Elo & Kyngas (2007) argue that content analysis allows the researcher to test theoretical issues to enhance understanding of the data. Through content analysis it is possible to distil words into fewer content related categories. The researcher was able to conceptualize terrorism in the context of reviewed literature using

content analysis. To back this claim, Krippendorff (1980) argues that content analysis is a research method for making replicable and valid inferences from data to their context, with the purpose of providing knowledge, new insights, a representation of facts and a practical guide to action. The aim is to attain a condensed and broad description of the phenomenon, and the outcome of the analysis is development of concepts or categories describing phenomenon. As has been indicated in the study, terrorism is elusive and there is no internationally acclaimed definition of the term, terrorism. However, using content analysis, the researcher was at least able to develop conceptualization of the term terrorism, using the available literature. Elo & Kyngas (2007) brings another dynamic view in the use of content analysis. They argue that this method has received some criticism and has been labelled as being too simplistic.

However, Weber (1990) states that simplistic results can be generated by using any method whatsoever if skills of analysis are lacking. The truth is that this method is easy or difficult as the researcher determines it to be. Lauri and Kyngas (2005) state that content analysis may be used in either inductive or deductive manner. Inductive approach moves from specific to general, so that particular instances are observed and then combined into a larger whole or general statement (Chinn & Kramer, 1999). A deductive approach is based on earlier theory or model and therefore it moves from the general to the specific. In this study, the deductive approach has been applied and Huntongton's Clash of Civilizations theory was followed. This theory was used to define possible occurrence of terrorism in the context of South Africa in particular. One of the

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reasons to follow deductive approach of the content analysis is that the study began with general and historical overview of terrorism and moved from that general and historical overview to a more specific South African context.

3.4 Reliability and Validity

In order to ensure that the qualitative research is valid, the researcher has utilized triangulation by trying to seek evidence from a wide range of sources and comparing findings from those different sources. Thurmond (2001) argues that triangulation is used by qualitative researchers to ensure that a research account is rich, robust, comprehensive and well developed. The benefit of using triangulation is that it provides a broader and deeper understanding of the findings. For example, the data obtained from a variety of secondary sources was linked with the data obtained from primary sources in order to balance the findings and verify their validity.

Another strategy that was employed was member checking. This is a process whereby the findings of the qualitative analysis were fed back to the participants and the participants considered these findings as reflective of their original perspective (Patton and Cochran, 2002: 26). Another way of keeping validity and reliability of the study is the discussion of data collection, research methodology and data analysis process as outlined in this chapter. The research provides sufficient detail to enable the reader to interpret the meaning and context of what is presented. The researcher has presented the study in a transparent manner. According to Koch (1994) the trustworthiness of the research process can be determined by the extent to which the research

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provides information and the process by which the end product has been accomplished. In qualitative research, validity and reliability are confirmed by the manner in which data that is obtained from participants has been consistently checked to a point where data analysis becomes self-correcting (Schurink, 1998). This has enabled the researcher to recognize when to stop, modify or proceed with the research process. In this research project, the researcher and the supervisor were constantly checking any repetitive or irrelevant parts and modify them where necessary. Draft research was sent to respondents for final comments before final submission was done.

3. 5 Ethical Considerations

Patton and Cochran (2002: 5) argue that researchers have a responsibility of ensuring that their research participant's rights are respected and protected. Furthermore, in order to ensure the respect of all the authors whom the data was retrieved from their works, referencing was done. All sources were acknowledged accordingly. Beauchamp and Childress (1983) present the following four ethical principles:

- Autonomy; respect the rights of the individual
- Beneficience; doing good
- Non-maleficience; not doing harm
- Justice; particularly equity

In keeping up with the above principles, the researcher has made it a point that the respondents chose the best suitable interview places on their own and during times that were convenient to them. The researcher repeatedly

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reminded participants that their identities would not be revealed and that they would remain anonymous in the research project. The researcher also reminded them that they were free to pull out of the interviews anytime they felt uncomfortable. Rocha (2004) mentions two key ethical issues that should be considered in any research projects and these are; consent and confidentiality;

(i) Consent

All respondents were shown ethical clearance form from the University of Fort Hare ethical committee and they provided their full consents to the interviews. They were well informed about what participation entailed. According to Silverman (2009) highly formalized ways of security consent should be avoided in favour of fostering relationships in which ongoing ethical regard for participants is sustained. Rocha (2004) argues that while written consent may in some instances frighten the respondents, it is advisable to at the very least obtain verbal consent. In adherence to this advice, this research adopted verbal consent.

(ii) Confidentiality

The respondents were ensured of their confidentiality. Their identities remain anonymous and their names are protected even from the notebooks that were used during the interview process (Rocha, 2004).

3.6 Limitations of the study

The limitation of the study was lack of enough access to intelligence information due to the intelligence principle called 'a need to know'. This principle entails that the members of intelligence organizations can only have

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access to the information to which they are authorized. Even in that case, a classified information cannot be divulged to 'outsiders' and failure to protect that information may lead to legal charges. The respondents from key intelligence organizations could only divulge information that is in the public domain and that would not cause harm to their organizations and the state if divulged. However, this limitation was overcome through extensive use of secondary sources such as books, internet publications, media, journals and online news publications. These secondary sources were combined with primary sources, that is, in-depth interviews. Both these qualitative sources helped the researcher to get the bigger picture of South Africa's counter-terrorism architecture and all the research questions were accordingly addressed and objectives were met.

3.7 Chapter Conclusion

This chapter discussed the qualitative research methods that were chosen to conduct the study. Research methodology was discussed in detail and the justification for choosing qualitative methods was also explained. The chapter further explained primary and secondary qualitative methods that have been applied in the research. The methods of data analysis were also defined. Content analysis was explained as the method of analysis that has been utilized in the study. In addition, reliability and validity of the qualitative methods that have been used were discussed. The chapter further discussed how ethical considerations were applied in the research. Moreover limitations and how those limitations were countered were also discussed.

CHAPTER FOUR: FACTORS THAT EXPOSE SOUTH AFRICA TO TERRORISM

4.1 Introduction

Terrorism remains a global challenge and its implications are so broad that they can spill over to other countries where terrorism has not necessarily occurred. For example the 9/11 attacks in US Pentagon and World Trade Center did not only have economic implications in the US alone but so many countries in the world were affected. This necessarily compelled the rest of the countries in the world to tighten their own counter-terrorism measures. South Africa is no exception. Since 2001, South Africa had effected a number of counter-terrorism measures. However, there are challenges within the country that have a potential to make it feasible for terrorist activities to happen in South Africa. Amongst many of these challenges are; corruption, lack of public trust in law enforcement agencies, porous borders, and multiculturalism and racial intolerance.

4.2 Possible Precipitants to Terrorism in South Africa

4.2.1 Porous Borders

Steingberg (2005:1) states that border control is a comprehensive process that ensures the seamless working together of all functions that set strategies for, regulate and manage the cross-border movement of goods and services. This section looks at South Africa's poor state of border controls as one of the factors that may lead to the occurrence of terrorism in South Africa. In 2005, Steingberg in his paper argued about the poor border controls exacerbated by what he described as lack of uniformity between the different ports of entry and

the departments that were involved at border post works in isolation from others (Steingberg, 2005: 1). However, this lack of uniformity had and still has a potential to allow free and undetected access of illegal immigrants and terrorists in South Africa. Almost nine years later Potgieter (2014: 36) makes a rather similar observation and argues that "South Africa's border areas have become lawless territories ruled by marauding gangsters and human traffickers, while the inter-governmental intelligence agencies which are supposed to regulate law and order along the borders seem incapable of executing proper law enforcement".

According to the Cross Border Road Transport Agency (2018) annual report, some of the problems associated with South African border controls are; lack of adequate efficient border management systems, lack of communication amongst stakeholders, lack of systems process integrations, language barriers at certain border posts for example South African border officials speak in English whereas Mozambique border officials communicate in Portuguese, excessive red tape and corruption.

Perhaps there is a justification for the current porous state of borders in South Africa. That the democratic government inherited a rather stringent border state based on apartheid laws which sought to prevent proper functioning of exiled liberation movements. Therefore the new government adopted a more open and accessible border state as opposed to the former which represented apartheid repressive laws. Steingberg (2005: 2) argues that the current democratic government has assigned the Department of Home Affairs together

with other stakeholders to control the movement of people across borders in line with "national assessment of human capital and developmental requirements of the domestic economy and the region" as opposed to apartheid South Africa which had the objective to "protect the country from infiltration by enemies". During apartheid, the responsibility of providing this protection solely lied on South African Defense Force (SADF) and South African Police (SAP) and that created negative public opinion. Steignberg (2005:3) had made an observation that at sea ports for instance, perimeter and asset security was negligible and members of the public could walk through harbor premises at will. All ports and border posts were poorly designed and the flow of human and freight traffic was not propitious to effective border control points. More than ten years later, Simelana (2016) makes an observation closely related to that of Steignberg, that there are several illegal crossings spots along the strip of fence that lines the road between Pongola and Piet Retief.

Many Mozambicans and other nationals use this route since it's considered less risky. Simelana (2016) further asserts that the extent of corruption such as bribery by South African and Swazi soldiers at this point is inexplicable and people move in and out at will without being subjected to proper verification of migration documents and other requirements. One of key respondents had this to say:

> "The problem with South African border officers is that they do not understand the importance of their work. I have been in Botswana for

instance, the level of seriousness demonstrated by Botswana border officers in doing their job is magnificent".

Another agent stated that:

"In our organization for example, the Director General wants to scrap out Border Management Unit because no one knows what to do"

In addition, one of the major contributing factors as pointed out by Steignberg (2005) to the poor border control in South Africa is lack of collective border management strategy. The persistent work of border partners in silos and not prioritizing border issues over line functions of their departments is problematic. In 2016, the Department of Home Affairs constructed a Green Paper on International Migration with the purpose of advocating for and paving the way for White Paper on International Migration which was approved by the Minister of Home Affairs in 2017 (Department of Home Affairs, 2017). The argument behind the development of these papers had been that since the 1999 White Paper on Migration, there have not been any changes effected into the Paper even despite significant changes in the country, region and the world. This according to the Department of Home Affairs (2017) exposed South Africa to many kinds of risks in a volatile world and perpetuated irregular migration which in turn led to high levels of corruption, human rights and national security risks.

In February 2018, the British government issued a terror warning against South Africa after an elderly British couple was kidnapped in February 2018 allegedly by the terror group ISIS. The two suspects in connection to the kidnapping had since been apprehended by the Hawks. The UK government updated its online

travel advisory for South Africa in relation to abduction of the couple asserting that "Terrorists are likely to try to carry out attacks in South Africa. Attacks could be indiscriminate, including in places visited by foreigners such as shopping areas in major cities" (Wicks, 2018). The question then arises as to how the alleged kidnappers managed to gain entry in South Africa without being detected and whether these kidnappers are South Africans but having direct link or relationship with ISIS. The similar warning was issued in June 2016 by the US Diplomatic Mission to South Africa in which it stated that terrorist groups were planning "near term attacks". According to Monash South Africa (2018) ISIS has a solid voice in South Africa through social media and such a voice could influence and direct the behavior in future to execute attacks.

Reflecting back on the Green Paper and White Paper discussed earlier, it remains a serious concern that in the propositions of both the Green Paper of 2016 and White Paper of 2017 there are still no recommendations on the part of government and policy developers to develop a uniformed approach in which Home Affairs would work comprehensively and in solidarity with the partners such as South African Police Service (SAPS), State Security Agency (SSA), Department of Trade and Industry (DTI) and other stakeholders in pursuit of sound and coherent migration policies. There is also no clear indication on how security matters will be addressed to counter any possible outbreak of terrorism in conjunction with fellow stakeholders. Based on the scholarly articles and government information obtained for this particular section of the study, it is probably safe to argue that the current porous state of South African borders

continue to place the country at the risk of infiltration by terrorists thus increasing the chances of the emergence of fully-fledged terrorist activities.

4.2.2 Corruption

According to the OECD (2017: 2) corruption is the "enabling technology" that makes many terrorist crimes possible. The paper continues to argue that terrorists may be involved in some form of criminal activity both as a source of financing and for logistics purposes in the context of terrorist attacks. The terrorists may use evasive methods of travel without detection including the use of altered and counterfeit passports and visas. Terrorists may achieve this objective through relations with corrupt officials in departments such as Home Affairs and International Relations.

In the case of South Africa, Potgieter (2014: 45) argues that South Africa has become a "free-for-all zone" recognized by terrorists and they have seized this "pathetic state" of affairs presented to them by corruption-riddled Department of Home Affairs to promote lines of "trade". Potgieter further alleges that South Africa is used as a transit base for Al-Qaeda linked terrorists infiltrating the country to acquire fake passports and identity documents, and then to proceed to the United Kingdom (UK), United States (US), Europe and elsewhere in Africa to strike at their targets. Schoeman (2016) argues, a woman called Samantha Lewthwaite also known as the "White Widow" was wanted by Interpol and Kenyan authorities due to her alleged role in planning a grenade attack in Mombasa in 2012. She was also accused of having participated in the Kenyan Mall West Gate attack in 2013 and she was apparently found with

fake South African passport and had lived in South Africa between 2008 and 2010.

This case provides a clear indication of corruption amongst officials who might have given Lewthwaite a fake South African passport. Mantzaris (2017) argues that corruption continues to prevail despite the efforts by the United Nations (UN) and other international and regional organizations to stop it, and South Africa is no exception to this reality. Mantzaris (2017) continues to argue that if corruption is not attended to immediately in South Africa, this will lead to the lack of legitimacy of the state amongst its citizens. This warning is vindicated by a variety of mass protests that have taken place in the country including calls for the stepping down of the former head of state, President Jacob Zuma. As argued by Potgieter (2014: 10), under such circumstances, it is quite easy for the terrorist organizations and violent non state actors to exploit the opportunity and recruit the angry protesters to join their hostile organizations.

It is important to note that most of these protests are strongly marked by the idea of the change of government or regime change. According to the OECD (2017) corruption can also increase the risk of terrorists obtaining nuclear materials. It is highly unlikely that terrorists could build, steal or buy a nuclear bomb. However, they may achieve all of this through conniving with officials of the nuclear weapons states. In this instance, corruption is an important enabler. Links to organized crime on the one side and to corrupt officials on the other side facilitate financial and arms flows (Dixon; 2017). One of the key respondents stated that:

'Corruption in the public sector in general has become fashionable. It is as though it is a requirement for one to obtain a job. Under these circumstances it would never be difficult for any terrorist organization to infiltrate the country'.

4.2.3 Lack of Public Trust in Law Enforcement Agencies

The rise of vigilantism and taking of the law into own hands may contribute inadvertently to fully-fledged rise of terrorism in South Africa. According to the Crisis Group (2017), vigilante groups are usually recruited from the local communities and largely with the purpose of maintaining security in respective communities. These groups often take advantage of their newfound power and compensate for inadequate support and resources through extortion, kidnapping and other violence. Therefore there is a likelihood of such groups rebelling against the state when not satisfied with the level of service delivery (Crisis Group, 2017).

South Africa is no exception to this phenomenon. According to the Western Cape Government (2013: 2) occasional paper, the rise of vigilantism in South Africa is exacerbated by the country's perceived lack of efficient criminal justice system. As a consequence, people's confidence in the country's criminal justice system has decreased over the years. The Western Cape Government Paper mentions a few of many vigilante groups that exist in South Africa and these are; Mapogo-a Mathanga referred to as "Mapogo" in the Northern Province, Amampondomise Thieves Unit in Tsolo and Qumbu in the Eastern Cape Province and the well-known PAGAD which will be briefly examined in

determining how a vigilante organization can evolve into a terrorist organization. When the community loses faith in the capability of law enforcement agencies under a particular government, it becomes easy for hostile individuals to organize disgruntled community members under one vigilante organization which seeks to take law into its own hands. Boshoff, Botha and Schonteich (2001) refer to a vigilante group called People Against Gangsterism and Drugs (PAGAD) movement which started in the Cape flats in the mid-1990s as one organization that conducted organized vigilantism and its very existence was illegal. The organization adopted the policy of non-compliance with the law enforcement agencies of the state. It rejected community police forums as and other anti-crime groups as being "ineffectual" and perceived the government to be unwilling and unable to effectively curb crime (Boshoff, Botha and Schonteich, 2001). In light of the above, it is therefore important to identify and analyze the state of public discontent with the current law enforcement agencies in the country and the susceptibility of this discontent to acts of terrorism.

Mary (2017) points out that the vigilantes resort to violence to "fill the gap" left by unsatisfactory law enforcement and this is because of the failure of the state to command widespread legitimacy. Bin-Ward (2013) argues that vigilantes are seen by many as upstanding and respectable members of the community and indeed see themselves as servicing interests of the community. Although this is not something to commend or celebrate, however Bin-Ward is of the view that vigilantes are understandable in the community where formal and constitutionally established criminal justice are not working and that is the case

in South Africa. Mary (2017) further asserts that in most parts of South Africa, the vigilantes show their unique brand of violence as legitimate means of enforcing group's norms within a particular society. When the members of the community support the existence of vigilante groups with the view that the groups solve crime problems in their respective communities; it may be easy for these groups to ultimately venture into terrorism and persuade the members of the community to support the groups' cause. For example, PAGAD had initially emerged as a law enforcing group within the Cape Flats but eventually categorized as a terrorist group (Potgieter, 2014). This is because PAGAD sought to replace the legitimacy of the state and illegitimately acted on behalf of the state.

Under circumstances where law enforcement agencies are generally viewed as being ineffective, South Africa is likely to experience another rise of PAGAD like organizations. It is therefore important for the state to tighten its law enforcement agencies and work closely with community policing forums. This will ensure that none of these two groups work in a vacuum and that there is proper cooperation and exchange of information. Another key respondent alluded that:

> 'Because of the manner in which we have been carrying ourselves as law enforcers. We have lost our legitimacy and dignity in the society and the public probably think "we rather should trust ourselves than trusting these ones", referring to us.

4.2.4 Multiculturalism and Racial Intolerance

As argued by Huntington (1993) the failure of different cultures to recognize each other and peacefully coexist in a particular society could lead to the rise of extremism. South Africa is naturally a cosmopolitan society, however there are known cases of racial intolerance and violence. According to Milazi (2012), multiculturalism is an ideology that promotes the institutionalization of communities containing multiple cultures. In political terms, multiculturalism ranges from the advocacy of equal respect to the various cultures in a society to the promoting and maintenance of cultural diversity as a policy. South Africa has a variety of races that have diverse views in relation to culture and religion. Milazi (2012) further argues that South Africa at the moment is far from this assertion, and in his view as South Africans "we seem to be on each other's throats at every chance we get, making mountains of mole hills. When a fellow citizen reports about crime, we don't look at the complaint but the color of the complainant as a determining factor whether we support or attack her".

The lack of tolerance towards other races and cultures leads to insensitive language that will lead to unnecessary outbreak of violence. Quayle and Verwey (2012) make reference to the utterances of Afrikaans author Anneli Botes in 2010 when she said "I don't like black people...if one was walking around it was a trespassing crook. And then you must run, because he's going to catch you".. She went on to say "I know they're just people like me. I know

they have the same rights as me. But I don't understand them....I don't like them. I avoid them".

The problem with such utterances is that they are totally insensitive and as an author herself one would expect her to understand that South Africa is a relatively young democracy with black people still struggling to heal the deep wounds of the ugly racist apartheid regime. As expected, Botes' statements attracted a wide range of public outcry from the black community. It could have also resulted in violence as well. However, the problem of multicultural intolerance goes deeper even to ethnic and tribal grounds. This is a situation whereby people of the same skin color but different languages and geographical areas within the same country discriminate one another on such grounds of geographical and language matters.

According to Khoza (2016), one man from Pretoria who was against the decision of the African National Congress (ANC) to put forward the name of Thoko Didiza as potential candidate for the Tshwane mayoral position made a remark that "The ANC cannot bring a Zulu person from Kwazulu Natal (KZN) to rule Pedis, Xitsongas, and Tshivendas. If you are saying that she (Didiza) is from Pretoria, then tell us where in Pretoria she is from... she must go back to KZN". Khoza (2016) brings to the fore the sentiment of Dr Lu'bna Nadvi who is a lecturer in Political Science and International Relations at University of Kwazulu Natal (UKZN) who argues that the psychological damage done by apartheid segregation laws still runs deep in the minds of many South Africans who may still subscribe to an 'in-group' and 'out-group' mentality. These

matters as highlighted, have a potential of creating or forming violent organizations within the societies and lead to committing of atrocities and bloodshed as is the case in other African countries. Racial Intolerance could lead to struggle for a government led by a particular ethnic or religious group. For example, in South Africa there are groups such as Afriforum which is generally known for representing Afrikaner interests. There is also Black Land First (BLF) which is known for representing black interests (Shange, 2018). It is alleged that both organizations have links to some political parties that share the same interests. This could result in a situation where the quest for political survival is driven along racial lines. Once that becomes the case, the government that wins may represent interests of individuals based on race rather than interests of everyone regardless of race, gender and religion. This may attract resistance from people of another creed, race or religion and fight back for political dominance.

In that set-up, although not every violent act is tantamount to terrorism, however the possibility of terrorism violence for political survival does exist. Even in work environments of law enforcement organizations, there are cases of discrimination. The call is for the government to do whatever it is necessary and in its power to persuade South Africans to learn to coexist and tolerate one another for the reality is that South Africa is a nation of many cultures, races, tribes and ethnic groups and therefore there cannot be a single culture that should seek to dominate or lack tolerance towards others.

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4.3 Chapter Conclusion

It is evident that the problems associated to corruption, lack of public trust in law enforcement agencies, porous borders and lack of tolerance amongst difference cultures and races will continue to present grounds for occurrence of terrorism in South Africa. As stated in this chapter, it is quite critical that the government of South Africa tackle corruption as a matter of urgency particularly in border posts and instill the culture of tolerance amongst different races and cultures across the country. The inability of the state to introduce proactive measures in dealing with the factors discussed in this chapter may lead to the occurrence of full-blown terrorist formation in South Africa.

CHAPTER FIVE: SOUTH AFRICA'S COUNTER TERRORISM ARCHITECTURE SINCE 2001

5.1 Introduction

Since 2001, most governments have put in place legislation, structures and processes aimed and containing the upsurge of terrorism. South Africa is amongst those governments that have put in place legislation and structures to avert terrorism   Given the imminent exposure of South Africa to terrorism as mentioned by authors such as Potgieter (2014), Wicks (2018), Schoeman (2016) and Oppernman (2017) amongst others, it is important for the country to put in place legislation and measures that will counter-terrorism. Despite some challenges that are faced by the legislation and counter-terrorism structures in South Africa. The fact that they have been effective in some instances cannot be ruled out.

Funke (2004: 223-224) makes reference of the operations that were launched to counter urban terrorism under the auspicies of PAGAD in the late 1990s in the Western Cape.   According to Funke (2004) these operations were: Operation Recoil, Operation Saladin,Operation Good Hope and Operation Crackdown.   The operations were very instrumental and effective in dealing with urban terrorism in the Western Cape and by January 1998, the arrests of 7437 suspected urban terrorists were made. These were joint operations amongst South Africa's key intelligence organizations.

The information was shared in the so called Joint Operation Center (JOC) where members from SAPS, former NIA, now SSA and SADNF converged and tackled PAGAD operations (Funke, 2004: 223-224). More recently, siblings Fatima Patel, 27 and Sayfydeen Aslam Del Veccho, 38 were identified as possible suspects for the disappearance of the Cape Town couple that occurred in February 2018 in KZN. They were charged in line with Protection of Constitutional Democracy Against Terrorist and Related Activities Act (Pijoos, 2018). One of the suspects is the same woman that got arrested with Thulsie twins in 2016.

The Thulsie twins were found in position of dangerous weapons and devices and it was later discovered that they were working with ISIS terrorist group. They have since been on trial (Pijoos, 2018). In addition, 19 suspects which were linked to a series of several explosive devices that were planted around Durban as well as deadly mosque attack in Verulam were arrested. In May 2018, at least two men attacked the Imam Hussein Mosque in Verulam that left Abbas Essop dead and two others injured. A task team comprising of role players in intelligence community such as crime intelligence, Crimes Against the State, the Forensic Unit, etc. led to the arrest of the said 19 suspects (Daily News, 2018). This is a clear indication that the South African law enforcement community is capable of doing is work despite some challenges that may lead to the detriment of this work.

5.2 South Africa's Counter-Terrorism Legislation

Post 1994, the government of the Republic of South Africa embarked on a program of reviewing the old apartheid laws in as far as terrorism was concerned. Kokott (2005:13) states that many of the apartheid anti-terrorism laws had to be repealed in 1994 since they largely denied the majority of the people basic human and political rights and criticism of the law was largely suppressed. The anti-terrorism architecture that was introduced since 1994 and especially after 9/11 attacks had to be strictly consistent with the Constitution of the Republic of South Africa and the United Nations Security Resolution 1373. The following, but not limited to, is the legislative framework regulating counter-terrorism in South Africa.

5.2.1 Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004

This Act was established with the purpose of providing measures to prevent and combat terrorist and related activities and "to provide for an offence of terrorism and other offences associated or connected with terrorist activities to provide for convention offences, to give effect to international instruments dealing with terrorist and related activities" and in the process to comply with United Nations Security Council resolutions which are for measures to prevent and combat the financing of Terrorist and Related Activities (Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004). According to section three of the Act, offences associated or connected with terrorist activities include (1) Any person who- *"(a) does anything which will, or is likely to, enhance the ability of any entity to engage in a terrorist*

activity, including to provide or offering to provide a skill or an expertise; (b)

enters or remains in any country; or (c) makes himself or herself available, for

the benefit of, at the direction of, or in association with any entity engaging in a

terrorist activity, and who knows or ought reasonably to have known or

suspected, that such act was done for the purpose of enhancing the ability of

such entity to engage in a terrorist activity, is guilty of the offence associated

with a terrorist activity".

5.2.2 Financial Intelligence Center Act 38 of 2001 (FICA)

According to FICA (2001), the act was passed by the South African
government in order to establish a financial Intelligence Center and Money
Laundering Advisory Council to combat money laundering activities and the
financing of terrorist and related activities. The act was established further "to
impose certain duties on institutions and other persons who might be used for
money laundering purposes and the financing of terrorist and related activities".
Sections 28, 28A and 29 of FICA specifically regulate transaction reporting
under the new constitutional order. For example, section 28 deals with the
reporting of cash transactions which are above a certain prescribed limit (R24
999, 99). Section 28A covers the reporting of property which is associated with
terrorism or terrorism-related activities. This 'property' may be in the form of
'money or any other movable, immovable, corporeal or incorporeal thing and
includes any rights, privileges, claims and securities and any interest therein
and all proceeds.

Section 29 provides a broad framework for suspicious transaction reporting (FICA; 2001). For example amongst other things, section 29 states that a person who leads the business and suspects that *"the business has been used or is about to be used in any way for money laundering purposes or to facilitate the commission of an offence relating to the financing of terrorist and related activities, must, within the prescribed period after the knowledge was acquired or the suspicion arose, report to the Centre (Financial Intelligence Centre) the grounds for the knowledge or suspicion and the prescribed particulars concerning the transaction or series of transactions"*.

5.2.3 Prevention of Corrupt Activities Act 12 of 2004 (PRECAA)

This Act particularly intends to tackle corruption, racketeering and money laundering. Although the Act may not necessarily say anything specific to terrorism. However since terrorism can be advanced by corruption, amongst other things, this act is important in tackling corruption. The Act was established in order to provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence of corruption and offences related to corruption.

Chapter two, section three of the act, amongst other things, states that the general offence of corruption refers to *"any person who, directly or indirectly (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of any other person": In order to act personally or by influencing another person to act in a manner that (i) amounts to illegal, dishonest, unauthorized, incomplete, or biased exercise, carrying out or performance of any powers, duties or functions*

arising out of constitutional, statutory, contractual or any other obligation; that amounts to the abuse of a position of authority; is guilty of the offence of corruption"

5.2.4 Minimum Information Security Standards (MISS)

This is a regulatory framework that was established by the South African government in 1996 and it is still used as a standard framework across government departments. It was established in order to regulate how departments should handle their security based on four elements; Information security (deals with protection of information), physical security (deals with protection of the premises), and personnel security (deals with vetting and lifestyle audits of the personnel). The MISS is supplemented by the Public Service Public Regulations that put emphasis on vetting and screening of individuals and organizations employed and contracted with the government (MISS; 1996).

5.2.5 National Strategic Intelligence Act 39 of 1994

This Act is amended by the General Intelligence Laws Amendment Act of 2013 which mandates the State Security Agency (SSA) formerly known as National Intelligence Agency (NIA) with a counter-intelligence mandate. The amendment was done in order to firmly entrust the SSA with the overarching role of the South African intelligence. Section 1 (b) of the first chapter of the act defines counter-intelligence as "means, measures and activities conducted, instituted or taken to impede and to neutralize the effectiveness of foreign or hostile intelligence operations, to protect intelligence and any classified

information to conduct vetting investigations, and counter (subversion, treason, sabotage, and terrorism aimed at or against personnel, strategic installation or resources of the Republic) any threat or potential threat to national security" (Government Gazette, 2013).

5.2.6 The Constitution of the Republic of South Africa Act 108 of 1996

The Constitution of the Republic of South Africa Act 108 of 1996 provides the state with overall responsibility for national security. In achieving this security responsibility, Chapter 11 of the constitution allows the state to delegate this responsibility to the South African National Defense Force, South African Police Service and the intelligence services which is now the responsibility of the State Security Agency (SSA). Section 199 puts it clearer that *"the security services of the Republic consists of a single defense force, a single police service and any intelligence service established in terms of the constitution"*. Subsection 6 of section 199 states that *"no member of any security service may obey a manifestly illegal order"*. Subsection 7 asserts that *"neither security services, nor any other members, may in the performance of their functions (a) prejudice a political party interest that is legitimate in terms of the constitution"*

5.3 South Africa's Counter-Terrorism Structures

In implementing the legislative framework outlined above, the South African government has intelligence structures and institutions in place to ensure that the legislation outlined on counter-terrorism is being implemented. These institutions include, State Security Agency, South African Police Services (SAPS), National Intelligence Coordinating Committee, and South African

National Defence Force (SANDF) each with different responsibilities albeit with shared intelligence in some respects.

5.3.1 The State Security Agency (SSA)

The State Security Agency is the department of the government of South Africa that has the overarching responsibility to provide civilian intelligence. The Agency came out of the amalgamation of National Intelligence Agency, South African Secret Service, South African National Academy of Intelligence, National Communications Center and Electronic Communications Security Pty Ltd (COMSEC). The political responsibility of this organization lies with the Minister of State Security and the head of the organization is the Director General. The structure is as follow: Domestic branch that deals with domestic matters; Foreign Branch that deals with foreign matters; Office of Interception Centre (OIC), South African National Academy of Intelligence (SANAI) and Intelligence Services Council on Conditions of Employment (ISC). Just like any other intelligence organization in the world, the SSA amongst others, has a section that deals with counter-terrorism and it has experts in that field that follow the necessary internal reporting processes (State Security Agency, 2018).

5.3.2 The South African Police Service (SAPS)

The South African Police Service (SAPS) is governed by the Department of Police that is headed by the Minister of Police. The Minister assigns the responsibilities to the National Commissioner who manages the entire functioning of SAPS. Counter-terrorism with SAPS is under the structure called

Crime Intelligence. The crime intelligence has counter-intelligence, research and analysis, secret services and collection. This counter-terrorism structure has a divisional head that reports to the national commissioner. The counter-terrorism work in provinces and at national level is done by foot soldiers that include; constables, collectors, detectives, warrant offices and others. This foot soldiers report to the crime intelligence unit that is headed by the Lieutenant General who then reports to the Provincial Commissioner at provincial level or National Commissioner at a national level (Department of Police; 2018).

5.3.3 *The South African National Defence Force (SANDF)*

The South African National Defence Force (SANDF) comprises of the armed forces of the Republic of South Africa. The SANDF has a number of internal operations including the safeguarding of the Border that is called Operation CORONA, disaster relief and assistance called Operation CHARIOT, safety and security called Operation PROSPER and ridding the country of illegal weapons, drugs, prostitution rings and other illegal activities called Operation FIELA. The SANDF is made up of four armed services and these are; South African Army, South African Air Force, South African Navy and South African Military Health Service.

Counter-terrorism within the army is under the services of operation PROSPER. There is a Joint Operations Division that is responsible for coordinating the activities or joint operations of all of the four armed services (Department of Defence: 2018). According to Writer (2015), the South African

Special Forces Unit is the only one that is under the direct command or supervision of Joint Operations Unit and it is not part of the four branches of SANDF. The Special Forces Unit, amongst others, plays a critical role by providing key intelligence on terrorist related incidents, rescue services, direct offensive attacks, and provision of support to peace missions initiated by SANDF (Department of Defence. 2018).

5.3.4 National Intelligence Coordinating Committee (NICOC)

The NICOC is the committee that is responsible for coordinating intelligence from SAPS, SSA and SANDF. The committee coordinates intelligence collected by the mentioned organizations and interprets it in order to identify and detect threats to South African national security. Terrorism issues are part of this collected intelligence. This committee also coordinates and prioritize intelligence structures and makes necessary recommendations to the cabinet. The structure of this committee consists of the SSA Director General, Head of SAPS Crime Intelligence, and Intelligence Chief of the South African National Defence Force (Global Security Org: 2018). The Inspector General of Intelligence (IGI) is responsible for overseeing compliance of all of these intelligence organizations and in terms of the legislation the IGI accounts to the Joint Standing Committee on Intelligence (JSCI) in the parliament of the Republic of South Africa

5.4 Challenges Faced by South Africa's Counter-Terrorism Structures in Combatting Terrorism

There is no doubt that in theory and in the manner in which the counter-terrorism architecture of South Africa is structured, it is good. The Constitution of the Republic of South Africa which plays a fundamental role in regulating the role of intelligence organizations in the country is hailed as the best constitution in the world and many countries profess to be referring to the South African constitution as exemplary in their own respective areas.

However, there are issues and matters in the work place amongst the intelligence organizations that make it somewhat difficult for these counter-terrorism measures to be effectively implemented. A number of interviews were conducted with members from intelligence organizations such as SAPS and SSA. However some information has been obtained from open sources such as books, internet publications and journals. Amongst these challenges that hinder the effectiveness of these counter-terrorism measures in South Africa, the following key issues will be discussed; politicization of intelligence organizations, underfinancing of agents and operations, lack of uniformity and cooperation amongst intelligence members and stakeholders, misplacement of personnel, cyber security challenges and poor intelligence tradecraft.

5.4.1 Politicization of Intelligence Services

Duncan (2011) argues that "South Africa has a sorry history of its intelligence services being used for political ends". Although in 1994 those that assumed political power had promised that never again shall those in power be in a

position to "misuse the state apparatus to spy on their political opponents", however, according to Duncan (2011), that has not really been the case referring to a political battle between former presidents Thabo Mbeki and Jacob Zuma since 2005. In this case it was alleged that some officials of the former National Intelligence Agency (NIA) which is now State Security Agency (SSA) were used to choose sides in this battle. It therefore becomes difficult on the part of the employee to "defy" instruction from the political principals regardless of whether the instruction is right or wrong and accordingly this may without a doubt negatively affect the moral of the employees. The politicization of intelligence organizations in the country is problematic and can seriously impede counter-terrorism measures that are in place. One of the key respondents in this regard stated that:

> 'If a target is a friend or relative to a politician that occupies a serious position in government. You get an order to stop the operation because it does not form part of 'intelligence priorities'.

This is against section 199 of the Constitution of the Republic of South Africa, which amongst other things states that *"neither security services may nor any other members, may in the performance of their functions (a) prejudice a political party interest that is legitimate in terms of the constitution."*

Kruys (2007) argues that a major intelligence failure in South Africa has been the reported politicization of the National Intelligence Agency (NIA) (now State Security Agency {SSA}. Kruys (2007: 92) further argues that "This led the Minister for Intelligence Services to suspend senior intelligence officials, which included NIA's Director-General (DG), from their posts. Subsequently, after

further investigations had taken place, the South African (former) head of state, President Thabo Mbeki, terminated the services of the DG of NIA in March 2006. The minister is reported to have said that it was a continuous battle to impress non-partisanship on the South African Intelligence Community".

Associated Press (2015) brings to the fore the jamming of cell phone signal in the parliament of the Republic of South Africa on 12 February 2015. This happened during the former president Jacob Zuma's State of the Nation Address (SONA). This received a nationwide criticism and so many people argued that the incident signalled political influence within the South African intelligence community. A respondent from intelligence organizations had this to say about this incident:

> "When the instruction comes from the 'political principals' for you to put a particular measure in place, you cannot say no because this is the bread for your children. Whether that order or instruction is constitutional or not, sometimes you will do it because you might lose your job if you do no implement".

The politicization of intelligence services remains a serious problem for the country and if left un-attended it will surely lead to a complete intelligence failure and will increasingly frustrate and impede critical counter-terrorism operations.

5.4.2 Underfinancing of Agents and Operations

According to one of the key informants the issue of the lack of funds has a profound negative impact on the daily operations of the organization. The respondent alluded that:

'You cannot expect operations to continue properly if you do not make funds available. When operational funds are not made available, even work moral gets affected'.

Sankey (2011: 13) argues that a healthy moral in the work place plays a critical role in terms of productivity and success. Another respondent stated that:

'Poor funding of operations and agents of intelligence community will increase chances of recruitment of agents by foreign intelligence services (FIS)'.

According to the respondent from one of intelligence organizations, there was once a case in which the intelligence officer allegedly colluded with FIS in exchange for money. This according to the responded was a direct impact of underfunding of agents and operations. Although it is quite an old story, the story of Adrich Ames is still relevant and remains the story from which the South African intelligence community should draw lessons. Shapira (2018) states that because of desperation for money, Ames who was the agency of Central Intelligence Agency (CIA) in the 1980s decided to sell the CIA's information to the former Soviet Union's intelligence organization, KGB. Ame's disillusionment came from financial constraints amongst other things.

According to Shapira (2018) his previous appearance at work forewarned that there were some problems that Ames was going through. Had the CIA took

those warning signs seriously, probably the situation would not have given the same results. When asked about the possibility of the rise of more Ames' in the South African intelligence community. The respondent argued that:

'I possess with me a very critical information of the state and I am under paid and in some instances I am not provided with enough funding to meeting my operational targets. Now do you think that if someone from America approaches me with good money and want this information I will say no? Think about it'.

These responses create a clear impression that poor compensation of agents and operations will have serious impact on the effectiveness of operations. Another informant from counter-terrorism centre in one of the key intelligence organizations said:

'The environment under which we work is very restrictive. Counter-terrorism is not being prioritized by the South African government because of some misperception that terrorism will never take place in South Africa because we are at peace with everyone in the world. That could probably be the reason why we are not provided with enough funds.'

5.4.3 Lack of Uniformity and Cooperation Amongst Intelligence Members and Stakeholders

Potgieter (2014: 20) in relation to counter-terrorism effectiveness and counter-intelligence in general argues that "professional jealousy" in South African intelligence organizations often cripples the effectiveness of counter-terrorism mechanisms. Potgieter (2014) further states that the unwillingness of

intelligence institutions such as SAPS, SSA and SANDF to share information on key intelligence matters contributes to rendering the counter-terrorism architecture of the country ineffective. ContextExtra (2018) argues that in order to develop good working relationships with colleagues and stakeholders and to avoid conflict, it is essential to share a common purpose.

This may relate to a single project goal or it may be the overall aim of the whole organization. Communicating with colleagues and stakeholders is the only way of identifying and agreeing a common sense of purpose (ContentExtra, 2018). It does appear though that within the South African intelligence community there is a general sense of mistrust and insecurity amongst colleagues and stakeholders hiding under the name of secrecy or confidentiality. Potgieter (2014: 22) argues that "the vicious disease of professional jealousy" continues to plague South Africa's intelligence services. In this case he makes a reference to the undercover intelligence agent whose cover was blown in court allegedly by fellow intelligence members during the days when South Africa was battling to conquer the networks of PAGAD that was rampant in Cape Town. In any work environment, being sabotaged or betrayed by your colleagues and counter-parts, you are bound to lose focus and determination. Xaxx (2017) argues that a workplace is composed of individuals but a workplace in which these individuals do not work together in positive ways will never perform to its full potential.

There will be neither synergy nor communication, people will work in silos. Therefore in the context of counter-intelligence architecture there will be no

active agents who will be able to track and detect terrorist links at their first occurrence. Another important consideration that needs to be brought to the fore in the discourse on South African counter-terrorism architecture within the intelligence context is the fact that in 1994 during amalgamation, what used to be opposing and hostile forces against one another had now been compromisingly fused together into one intelligence community. The respondent from key intelligence institutions said:

> 'The democratic government was very forgiving. How can you trust people that have been calling you 'terrorist' when you were fighting for the liberation of your people? The very same people who were sabotaging your plans, calling you terrorists and murdering most of you are the same individuals that you want to work with to form intelligence community. How can there be honesty in that environment? The entire intelligence community of South Africa is contaminated. It needs to be cleansed.'

Africa (2011: 106) argues that the decision to fuse those who had served under apartheid government with the former liberation movement spies happened after a wide range of debates. "Amalgamation" was the policy response chosen for the intelligence services. According to Africa (2011: 107) the shortcoming of this process was giving little attention to the mechanics of intelligence operations; it was the agencies themselves that would have to decide on what they would do with the agents and spies who had been their 'assets' and what would be done with operations that no longer served the purpose in the new democratic dispensation. In this regard it is important to appreciate that

element of mistrust, lack of cooperation and disjuncture amongst the intelligence members and organizations will remain in place appreciating the fact that the South African intelligence environment consists largely of individuals who had been enemies for decades.

According to the respondents, there is relatively little cooperation amongst the members themselves in terms of the sharing of information. Bearing in mind all the issues of confidentiality in relation to the sharing of information. The respondents put emphasis on sharing of information in a non-compromising way. Another respondent said:

> 'The fact that within intelligence community we are required to protect information against unauthorized access does not mean that we as intelligence officers should not share intelligence. Remember we have all been cleared and most of us have been cleared to secret, top-secret and so on. Therefore sharing of critical information that will help advance our operations especially on counter-terrorism cannot necessarily harm the organization'.

Respondents have mentioned words such as "professional jealousy", 'sabotage' and 'selfishness' as some of the reasons for working in silos within their environments.

5.4.4 Misplacement of Personnel

This is a situation in which the employee who has an established working history is separated from the job or the job position is eliminated leaving an individual unemployed from that position. Another case will be that of an

individual who has been removed from a particular position and placed into another position by the same employer, this individual will also be referred to as a displaced employee. This can be caused by a variety of factors such as the organization being shut down, or a mass layoff or a major organizational restructuring leading to the creation of new positions or removing the previous ones, etc. Such changes could create large and traumatic problems in the workplace (Hansen, 2009).

According to the interviewed respondents the intelligence organizations are known for misplacing personnel. This is a situation whereby agents are being placed in areas that they are not familiar with, areas that consist of individuals that are of different ethnicity, religion and race. This could have a detrimental impact on operations in terms of tracking down terrorists and other hostile networks. The Lieutenant Colonel who is one of the interviewed respondents had this to say:

> 'I have been in this organization almost all my life. I have seen people being thrown into the deep end with no experience and often without any kind of training that would empower them to do the work. If you want to infiltrate a gang overridden community with lots of coloureds for example, how can you place a Xhosa or English speaking person there? How will the person identify with the coloured community? Another problem that we have here is appointment of people into influential positions of power simple because their relative is in the management'.

This according to the respondent creates a lot of misplacements of employees because there is no legislating body from which the placement of employees

can be derived. They allege that people are being appointed largely on the basis of political affiliations. Nepotism and favourism are amongst the factors that were highlighted by the interviewees as frontiers of appointments and placements.

Another respondent from another intelligence organization said:

'I think the intelligence is failing in terms of identifying and placing people accordingly, people are being placed in areas with languages that they cannot even speak, read or write'.

From what these members have alleged, it becomes clear that as good as may be the measures that legislate counter-terrorism in paper; however the misplacement and wrong deployment of personnel may completely cripple the counter-intelligence and counter-terrorism measures.

5.4.5 Cyber Security Challenges

Today's world is characterized by widespread use of social media within the cyber space. In South Africa it has almost become a norm or a common practice that people share their work or job frustrations and satisfactions on social media platforms. Hossain (2018) argues that terrorist organizations are using social media platforms in order to recruit, train and communicate with their followers. This method is cheaper, easier and effective in spreading communication amongst the members of a terrorist organization. "The members of terrorist organizations are spreading their ideological thoughts, propaganda and their activities......using social media platforms" (Hossain; 2018). According to CapeTalk (2018), considering the increase in the knowledge of information technology, the youth globally is at risk of being

recruited by terrorists to execute missions. CapeTalk (2018) quotes the words of the researcher Raeesah Cachalia from Institute for Security Studies (ISS) that "through social media, recruiters are able to reach out to vulnerable youths in different parts of the world".

According to Monash South Africa (2018), South Africa is vulnerable to ISIS and al Qaeda and this, amongst other things, is largely due to wide access to and use of social media. It is known that ISIS uses social media as one of its strongest propaganda tools. In this regard as argued by Monash South Africa (2018), South Africa's vulnerability to terrorism is not to be found in how many have joined ISIS but increased exposure to relentless ISIS propaganda campaign. One of the key respondents stated that:

> 'What becomes problematic when it comes to the use of social media amongst intelligence organizations is lack of proper policy direction that governs how members of intelligence organizations should interact with people on social media'.

The central problem according to this agent, is the lack of policy and awareness. The respondent is of the view that the members of his organization most of the time interact with the social media as much as they want and there is no official procedure on how they should interact on social media.

To affirm this assertion, the Associated Press (2015) makes reference to the leakage of the South African intelligence in 2015 to The Guardian and Al-Jazeera media houses. It is alleged that the files that were leaked contained information on past South African concerns about the Iranian influence in Africa

as well as communication between South African intelligence, the CIA and Israel's Mossad. In relation to this incident, another respondent argued:

"The issue of the leak of such critical information is a clear indication that our counter-measures are not up to the world standard. This says a lot about our ability to protect our information within the cyber space. The government needs to tighten information and communication technology security measures or we are yet to experience the worst".

5.4.6 Poor Intelligence Tradecraft

One of the most important factors that presents problems within South African intelligence community and directly leads to difficulties in the execution of duties is limited resources. Kruys (2007: 85) makes reference to two cases of South Africa's poor intelligence tradecraft. The first one was the report of bungling outside the German Embassy where technological equipment was installed across the road in order to gain information. The presence of the equipment was evidently noticed by third parties and reported. The media reported the matter extensively to the embarrassment of the South African authorities.

Another matter that received negative media coverage was the arrest of the South African agent, Aubrey Welken in Zimbabawe in 2004. The agent was reportedly on an intelligence mission in Zimbabwe and his cover was blown and he got arrested by the Zimbabwe Central Intelligence Organization (ZCIO) and got released a year later (Kruys, 2007: 86). Both these cases are a clear

indication of the failure of intelligence tradecraft by agents. One of the interviewed key respondents stated that:

"I think the government needs to ensure that it provides enough intelligence training to its intelligence officers. The problem is that we are so accustomed to doing things the old style and of course whatever the measures that we put in place, in most cases they become so obvious to the enemy. This is 2018, and we live in an information technology connected global society. We cannot be using the same tradecraft that was used during apartheid era for example".

According to Van den Berg (2015: 171), one of the contributing factors to this problem may be that in South Africa there are no tertiary institutions, including private institutions, that currently present intelligence studies as a subject as a degree. One of the respondents stated that:

"There is evidence of the lack of innovative thinking within our environment. We like doing things 'by the book' even if this book is no longer applicable in the modern and changing global society"

Van den Berg (2015) continues to argue that this is apparent even in light of different cooperation agreements between the intelligence and tertiary institutions. The only options available for practitioners of intelligence to further their studies are to study intelligence at post graduate level within a masters or PhD programme within Political Science, International Relations or Security Studies. Another respondent alluded:

"I have never been introduced to anything like intelligence degree or qualification"

5.5 Chapter Conclusion

It remains clear that the central problem in South Africa's counter-intelligence and counter-terrorism architecture is not with the policies and legislation that are being set up. The problem fundamentally as discussed in this chapter is with issues of the politicization of intelligence services, lack of cooperation amongst the stakeholders, misplacement of personnel, cyber security challenges and poor intelligence tradecraft, amongst other things.

CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

The problem with SA's counter-terrorism architecture is not with the theory or articulation on paper. As discussed in the previous chapter there are a variety of factors that create fertile grounds for the occurrence of terrorism in the land. Also there are factors that have a potential to render ineffective or undermine the counter-terrorism measures that are put in place in the country. Some of these factors, amongst others are; corruption, porous borders, lack of public trust in law enforcement agencies, lack of cooperation amongst intelligence organizations, underfinancing of operations, etc. These factors have been discussed in detail in previous chapters.

6.2 A Conclusion on Study Layout

The study was organized into six chapters in the following way; Chapter one: Introduction and background; Chapter two: Literature review and theoretical framework; Chapter three: Research methodology; Chapter four: Factors that expose South Africa to terrorism; Chapter five: South Africa's counter-terrorism architecture since 2001 and Chapter six: Conclusions.

Chapter one presented the background of the study which gives a broader picture of the global challenge of terrorism since the September 9/11 attacks of the World Trade Center and Pentagon in 2001. From this point the study further explored how terrorism is rampant in the Middle East, Africa, Southern African

and ultimately South Africa in particular. The study arrived at the problem statement which entails the following research questions:

- What are the factors that expose South Africa to the rise of terrorism?

- What counter-terrorism legislation and structures have been in existence in South Africa since 2001?

- What are the challenges that are faced by these structures in their quest to combat the rise of terrorism in South Africa?

Chapter one further discussed the rationale of the study and discussed limitations and the layout of chapters.

Chapter two discussed the review of literature and theoretical framework of the study. A critical review of literature was done and it examines among other things, the elusive nature in defining terrorism and this elusiveness makes it difficult to have a universally accepted definition of terrorism. In this instance the notion of "one man's terrorist is another man's freedom fighter" becomes unavoidable (Eno, Ingritis and Haji: 2012), (Kiras: 2004) (Jenkins: 1985). The nature and scope of terrorism in Africa was discussed. It was discovered that terrorism is rampant in North, East and West Africa. This is precisely because the Islamic faith is common in these parts of Africa and most of the Islamic organizations are hostile and they advocate for regime change in order to have Islamic state or government (Harbeson: 2008), (Piombo: 2007). The activities of Boko Haram, ISIS, Al-Shabaab and other terrorist movements were discussed. Furthermore, the study also finds that in Southern Africa the terrorist threat is almost non-existent because there are relatively few Islamists in the region, and they are peaceful (Piombo: 2007).

In relation to the South African context, which is the main focus of the study, it is found that although South Africa has not had any recorded terrorist incidents since the end of PAGAD in the late 1990s. However, the country remains attractive to terrorists because of its superior transportation links, its infrastructure, its international linkages and its relative freedom of movement. It is further highlighted that South Africa is being used as a transit point for planning, training and financing of terrorist activities (Schoeman: 2016). Porous borders is also being mentioned as one of the serious problems that render South Africa vulnerable to terrorism (Potgieter: 2014). In addition, Chapter two also discusses strategies in dealing with terrorism. Amongst these strategies are; vetting, collection and public participation and military interventions. The study discourages the first hand use of military interventions to terrorist networks because most of the time there are always innocent civilians who get killed in the processes. (Oppernman: 2017), (Menkhaus: 2014), (Harbeson: 2008).

The theoretical framework was incorporated into the chapter as well. Theoretical framework is based on Samuel S Huntington theory of Clash of Civilizations. This theory is based on the premise that the clash of civilizations can lead to violent non-state actors. This clash may happen and lead to occurrence of terrorism motivated by the drive for political or religious end. This is a situation whereby people of different cultures, religion and creeds would clash and seek to impose one another's way of doing things upon the other (Huntington: 1993).

This is what Huntington (1993) refers to as "Clash of Civilizations". South Africa as a cosmopolitan society is at the risk of experiencing clash of civilizations which might culminate into a terrorist manifestation. There is a recent development that took place on 10 May 2018 in South Africa at a North of Durban Ottawa mosque. Wicks and Clausen (2018) state that three clergymen were attacked while worshiping in this mosque. Some people believe that this attack is associated with ISIS. Wicks and Clausen (2018) quote the coordinator of the Ahlul Bait Foundation of South Africa when he alleges that "This is a terrorist crime. It is an attack on the sanctity of a place of worship and furthermore it is the indiscriminate killing of innocent people purely based upon their religious beliefs. This has all the hallmarks of the ISIS style of operation in Iraq and Syria". One of the men was stabbed to death and the two were fighting for their lives in hospital. This incident gives a clear indication that South Africa may experience a situation of the fight or quarrel or even clash of religions and ideologies which may culminate into a fully-fledged terrorism situation. Therefore the state must take all necessary steps together with civil society to address such issues immediately.

Chapter three discussed in detail the research methodology adopted in this study. Qualitative research methodology was discussed in this chapter. The advantages and disadvantages of these methods and the reason for choosing them for the study were also discussed. Justification for the use of these methods and ethical considerations, amongst other things were discussed.

Chapter four discussed the factors that expose South Africa to terrorism. These factors were critically discussed in detail. Amongst issues that were discussed are porous borders, corruption, lack of public trust in law enforcement agencies and multiculturalism and racial intolerance.

Chapter five discussed South Africa's counter-terrorism architecture since 2001. This chapter discusses the legislation that is in place to regulate counter-terrorism in South Africa. Whilst the chapter makes mention of some of the successes of the South African counter-terrorism structures, however it does critically discuss the challenges that are being faced by the South African intelligence organizations in pursuing legislations within counter-terrorism structures. The chapter concludes by asserting that these challenges have the potential of rendering the counter-terrorism measures that are in place ineffective if left unresolved.

Chapter six provides conclusions based on research objectives of the study, recommendations and suggested areas for future research.

6.3 Conclusions based on objectives of the study

Based on the comprehensive objective of the research, this study presents conclusions in the order of the following subheadings:

6.3.1 Objective One: To explore the factors that expose South Africa to the rise of terrorism.

Under this objective, the factors that expose South Africa to the rise of terrorism were discussed. These factors are porous borders, corruption, lack of public trust in law enforcement agencies, and multicultural and

racial intolerance. The information obtained under each of these factors entailed that indeed South Africa's borders are at a porous state and this can present a perfect opportunity for terrorist to enter into the country. Corrupt officials at border posts and home affairs can make this entry easy for terrorists. Lack of public trust in law enforcement agencies also presents a perfect opportunity for recruitment of disgruntled public members by hostile foreign forces. The undermining of law enforcement agencies can lead to replacement of state authority through illegitimate means. The example of this can be traced to PAGAD. Multiculturalism and racial intolerance can also present a perfect opportunity for terrorism. This assertion complements Huntington's theory of Clash of civilizations.

6.3.2 Objective Two: To determine counter-terrorism legislation and structures that have been in existence in South Africa since 2001.

Under this objective, a number of legislations that are put in place as counter-terrorism measures were discussed. Amongst many pieces of legislation in place the study chose to discuss the following ones: Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004, Financial Intelligence Center Act 38 of 2001, Prevention of Corrupt Activities Act 12 of 2004, Minimum Information Security Standards, National Strategic Intelligence Act 39 of 1994 and the Constitution of the Republic of South Africa Act 39 of 1994. Counter-terrorism structures that were discovered are; State Security Agency (SSA), South African Police Service (SAPS), South African National

Defense Force (SANDF) and National Intelligence Coordinating Committee (NICOC).

6.3.3 Objective Three: To define challenges that are faced by these structures in their quest to combat the rise of terrorism in South Africa.

Under this objective, the challenges that make the functioning of these structures difficult are; Politicization of Intelligence services, Underfinancing of agents and operations, lack of uniformity and cooperation amongst intelligence members and stakeholders, misplacement of personnel and cyber security challenges. The information was received from both interviews and secondary sources. Amongst other things, the respondents were very firm on the fact that politicization of intelligence services undermines the constitution of the Republic and this leads to lack of morale on agents to effectively carryout their duties. Underfinancing of agents and operations was also cited as a serious problem that opens up loopholes for recruitment of agents by foreign intelligence services (FIS). The continued working in silos amongst intelligence organizations and stakeholders were amongst issues that respondents highlighted as fundamental problems. This is based on the notion that in order to have a solid intelligence function, unity and solidarity in the entire intelligence community is necessary. However, at this stage the study found that such unity does not exist.

On misplacement of personnel, the study found that agents in operations are very disgruntled due to being "thrown into the deep end". This involves the placement of agents in areas that they are completely

unfamiliar with. Amongst other things, language barrier becomes the fundamental challenge and this hinders operations to a great extent. Also the appointment of personnel into positions which they have not been trained for, in some instances on the basis of political affiliations. This is a fundamental problem that needs to be addressed urgently.

It was also found that there is a challenge within the cyber security space. In most cases, the intelligence officers or agents themselves engage or interact with internet sites and social networks in particular. There are no adequate or stringent controls that regulate how agents should interact or engage on social networks. This leaves the entire intelligence community vulnerable and susceptible to infiltration by hostile terrorist organizations like ISIS. It has been found that ISIS uses, amongst other things, cyber space to infiltrate intelligence services of the countries in order to weaken counter-terrorism measures put in place. When these measures have been weakened, it becomes easy for a terrorist organization to conduct recruitment through social networks within the cyber space.

Finally the study discussed poor intelligence tradecraft as one of the factors that weaken the counter-measures and legislation that are put in place. The study discussed critically lack of innovative thinking amongst the intelligence officers. It finally brought to the fore the lack of formal intelligence education training or academic qualification or degree in intelligence as possible intensifiers of poor intelligence tradecraft.

6.4 Recommendations of the study

Recommendations to the intelligence community

- The study recommends that the intelligence officers and organizations should begin to work in uniform in order to achieve common intelligence goals

- The intelligence structures should develop common national intelligence objectives so that each of these structures can work towards achieving those objectives

- The study recommends that the intelligence community should develop central training programs where all intelligence officers share experiences and aspirations

- Stakeholder engagements within the intelligence community should be strengthened and encouraged

- Counter-terrorism programs should be amongst the programs that receive priority from the government

- Funds should be made available in order to finance counter-terrorism programs

- Remuneration incentives for hard working intelligence officers should be strengthened in order to boost work morale

- Appointments should strictly be done on the basis of merit

- A proper and stringent cyber security policy should be developed in order to protect critical intelligence of the country and regulate the use of internet and social networks by intelligence officers, especially those that are involved in key counter-terrorism operations

Recommendations to the government and policy makers

The following recommendations on border management are put forward. It should be noted that these recommendations are inspired by the work of Steingberg (2005):

- The government should strengthen its border management by:

    (i)   Establishing a single ministry of border management. This will help to ensure that border function has its own corporate identity, its own canons of pride and own distinctive vocational mission. The reason for this recommendation is that government departments that are peripherally involved in border management, do not perform this function as their core mandate. Border management requires its own corporate identity.

    (ii)   Lead Agency Model. This is a set-up whereby the government would appoint a single department that will bear the overall responsibility of the entire border management. At the moment all stakeholders equally participate in border management and there is no single department that bears the entire responsibility. This leaves border management without any accounting officer, and it is easy for any department or stakeholder to shift responsibility and refuse to account. Under lead agency model, a single department will be entrusted with the responsibility of managing the overall function of border

management and will account and take responsibility for any failure or success.

The South African Ministry of Education, and Intelligence organizations should create ties with academic institutions towards the creation of a formal intelligence qualification or degree.

These recommendations are given cognizant of the fact that the process of change is gradual and it will necessitate patience and determination on the part of policy makers and government.

6.5 Suggested Areas for Future Research

A research that would specifically look at the effectiveness of South Africa's intelligence tradecraft in the 21st century is suggested. The research would possible assist intelligence officers and policy makers to make a determination on whether the current intelligence tradecraft of South Africa is relevant in today's world and weather it is effective enough to counter terrorism, espionage and sabotage amongst other things. The research could possible further explore the available intelligence training institutions in the country and their link with academic institutions. This is whereby the researchers would explore the courses that are being offered to South African intelligence officers and determine the level of their reliability.

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APPENDIX ONE: ETHICAL CLEARANCE CERTIFICATE

University of Fort Hare
Together in Excellence

ETHICAL CLEARANCE CERTIFICATE
REC-270710-028-RA Level 01

Certificate Reference Number: FER071SMAT01

Project title: **An appraisal of the effectiveness of South Africa's counter-terrorism architecture since 2001.**

Nature of Project   Masters in Political Science

Principal Researcher: Myalezo Mato

Supervisor: Dr V Ferim
Co-supervisor: N/A

On behalf of the University of Fort Hare's Research Ethics Committee (UREC) I hereby give ethical approval in respect of the undertakings contained in the above-mentioned project and research instrument(s). Should any other instruments be used, these require separate authorization. The Researcher may therefore commence with the research as from the date of this certificate, using the reference number indicated above.

Please note that the UREC must be informed immediately of

* Any material change in the conditions or undertakings mentioned in the document;
* Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research.

The Principal Researcher must report to the UREC in the prescribed format, where applicable, annually, and at the end of the project, in respect of ethical compliance.

Special conditions: Research that includes children as per the official regulations of the act must take the following into account:
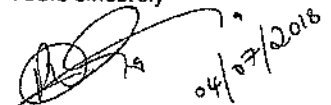
Note: The UREC is aware of the provisions of s71 of the National Health Act 61 of 2003 and that matters pertaining to obtaining the Minister's consent are under discussion and remain unresolved. Nonetheless, as was decided at a meeting between the National Health Research Ethics Committee and stakeholders on 6 June 2013, university ethics committees may continue to grant ethical clearance for research involving children without the Minister's consent, provided that the prescripts of the previous rules have been met. This certificate is granted in terms of this agreement.

The UREC retains the right to

- Withdraw or amend this Ethical Clearance Certificate if
    - Any unethical principal or practices are revealed or suspected;
    - Relevant information has been withheld or misrepresented;
    - Regulatory changes of whatsoever nature so require;
    - The conditions contained in the Certificate have not been adhered to.

- Request access to any information or data at any time during the course or after completion of the project.

- In addition to the need to comply with the highest level of ethical conduct principle Investigators must report back annually as an evaluation and monitoring mechanism on the progress being made by the research. Such a report must be sent to the Dean of Research's office.

The Ethics Committee wished you well in your research.

Yours sincerely

**Professor Pumla Dineo Gqola
Dean of Research**

27 June 2018

APPENDIX TWO: INTERVIEW GUIDE

Cover Letter

Dear respondent,

My name is Myalezo Mato, a Master of Social Science student (in Political Science) in the Department of Political Science and International Relations, Faculty of Social Science and Humanities at the University of Fort Hare. I am conducting a research on **"An Appraisal of South Africa's Counter-Terrorism Architecture since 2001"**. I am kindly requesting you to contribute towards this study by responding to the questions posed. Your responses will be used mainly for academic purpose.

Yours Sincerely,

Mato M.

Questionnaire

The questions below will provide guiding framework within which the interviewer is free to explore, probe and ask questions that will elucidate on the issue(s) under investigation, while at the same time allowing the participants latitude to supply the depth and breadth of information they are willing to divulge.

The questions comprises four sections; (a) respondents background information, (b) respondents' perceptions of legislative framework guiding institutions on counter-terrorism in South Africa, (c) the counter-terrorism mechanisms that are in place, and (d) respondents' perceptions on effectiveness of these counter-terrorism mechanisms.

A.   Respondents Background Information

1. What is the name of your organization?

2. What is your position/rank in the organization?

3. How many years have you worked with the organization?

B.   Respondent's perception of legislative framework guiding institutions on counter-terrorism

1. Are you versed with the legislative framework that is put in place to regulate your institution on counter-terrorism?

   Probe. Can you mention a few?

2. How will you describe the level of awareness and knowledge of these legislative frameworks by the following categories; (i) office bearers, and (ii) members of the public?

C. **Respondent's perception on counter-terrorism architecture that are in place**

1. Mention the counter-terrorism mechanisms that are in place in your department?

2. Can you explain the application of these mechanisms?

   Please justify your response with examples.

3. How has your organization contributed towards preventing the rise of terrorism in South Africa?

   Probe. Mention cases; for example the White Widow, the demise of People Against Gangsterism and Drugs (PAGAD) movement, etc.

4. What kinds of platforms does your organization use in order to realize its mandate? How does your organisation contribute in making sure that the public becomes acutely aware of terrorism and its contributing factors?

   Probe. Campaigns, dialogue, others, please specify

5. Do you think that there are any terrorist networks in South Africa?

   Please support your claims with examples.

6. Do you think that terrorism is imminent in South Africa?

   Please be specific and provide examples.

D. **Respondent's perception on the effectiveness of counter-terrorism architecture of South Africa**

1. What are the challenges faced by your organization in fulfilling its mandate?

   Probe. Discuss them in terms of the following:

   i. The context of the regulatory environment within which your organization operates (enabling or restrictive).

ii.   Your organization's relationship with its stakeholders in combating terrorism.

iii.   Access to resources (finance, human capacity, technical, others, specify).

2. Internal challenges (Internal policies within your organization, the level of cooperation amongst the employees on issues of terrorism)

3. Given all the answers you have provided; do you think that the South Africa's counter terrorism architecture is effective enough to successfully prevent, mitigate and/or neutralize any possible rise of terrorism?

4. Is there any other general information on counter-terrorism that you would like to provide me?

Thank you