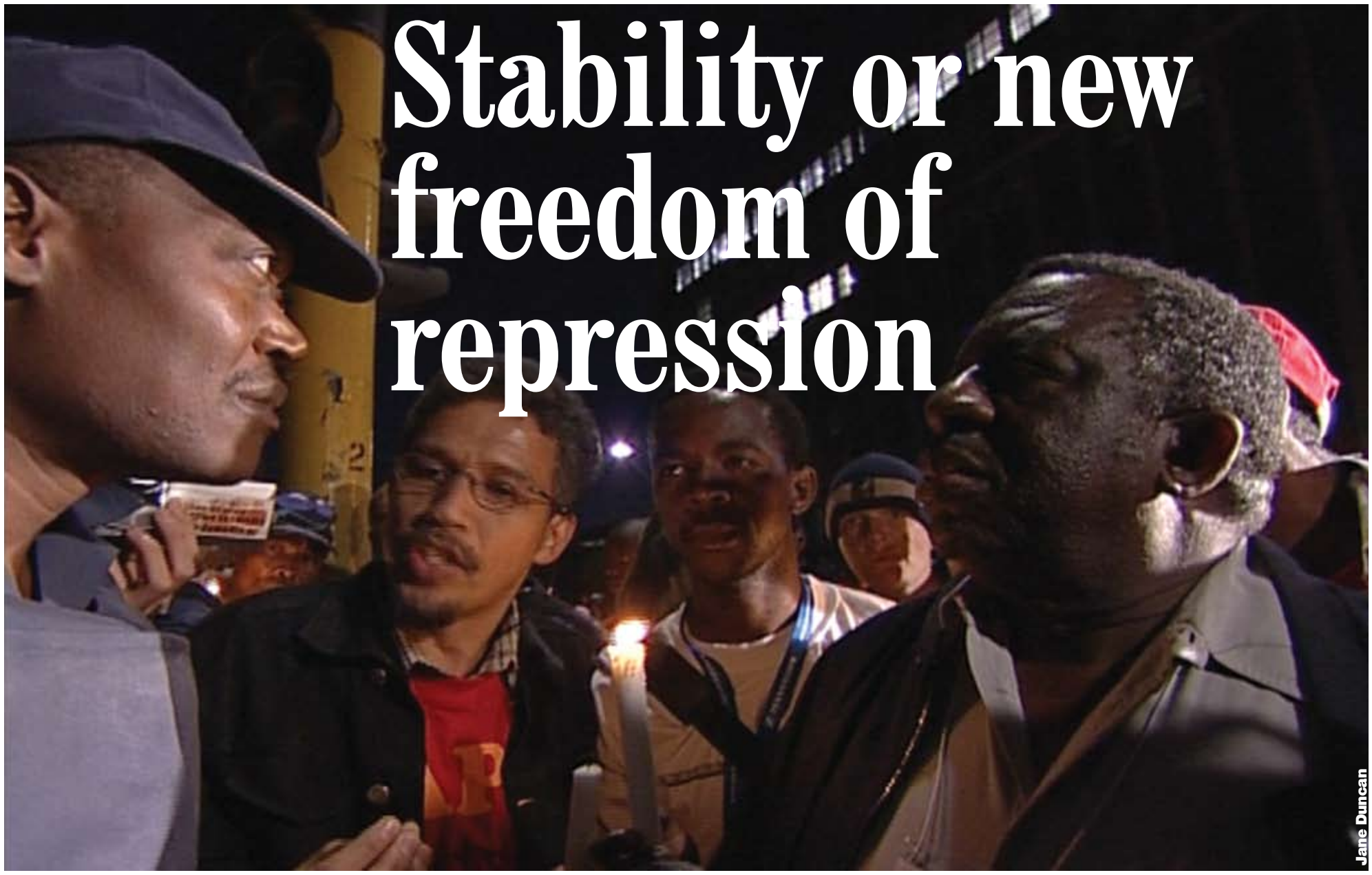

Stability or new freedom of repression

Jane Duncan

***Jane Duncan** takes a critical look at 10 year's freedom of expression and finds a lot to worry about. South Africa, eager to demonstrate normalised relations with the world, takes old-style measures against internal conflicts and dissent.*

In 1991, on the eve of the Gulf War, then-US-President, George Bush Senior, promised a "new world order" without dictatorships and wars. Since then, the opposite has happened, as the US have used military means to extend their economic influence on many parts of the world. The only potential competition for this global supremacy has emerged from the European Union (EU).

However, US and EU inter-imperialist rivalry has been at the expense of the African continent. By 1996, Africa accounted for 10% of the world population, yet enjoyed less than 1% of global trade and 2.4% of the global GDP, 40% of which was produced by South Africa and Nigeria. It was in this context of heightened continental marginalisation that South Africa, in 1994, held its first democratic elections.

The "new South Africa" had to address the legacy of apartheid in spite of mounting hostility to radical redistribution projects from the dominant players in the new world order. Its initial response was the Reconstruction and Development Programme (RDP), superseded by the Growth, Employment and Redistribution Plan (Gear). It put redistribution on the backburner until the economy was stabilised through austere fiscal measures. The government adapted its notion of the "developmental state" to what it considered an inevitable economic path. However, two events called this into question: The first was the rise of global resistance to neo-liberalism and US imperialism. The anti-globalisation demonstrations of 1999 in Seattle had led to the establishment of the World Social Forum, which brought together Northern anti-globalisation organisations and social movements in the South.

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Since Seattle, it has become impossible for the captains of global order to meet unchallenged. The war in Iraq led to the largest demonstrations in recent memory, with over 30 million people marching against US intentions to invade Iraq.

The second event was the September 11, 2001 terrorist attacks, which the US used as an excuse to pursue its foreign policy objective of increasing (military) control over strategic oil supplies. It also used its global leverage to persuade more and more countries to promulgate anti-terrorist legislation, and enhance their surveillance capacities. So while resistance to imperialism and neo-liberalism have increased globally, so has repression.

Meanwhile South Africa embraced democracy with high hopes for freedom of expression. Many assumed that censorship was consigned to the dustbin of history. This was, however, not to be. Gear's imposition succeeded in stabilising aspects of the economy, but at the expense of economic equality. Apart from massive unemployment (currently at approximately 42% of the population), recent statistics released by the Labour Research Services point to a widening wage gap; what the *Sunday Times*, on 9 May 2004 called the "club of the super rich" – people worth more than R200 million – has grown fourfold since 1994.

These wealth gaps placed freedom of expression under new pressure. Conflicts around economic policy emerged between the ruling African National Congress (ANC), the South African Communist Party (SACP) and the Congress of South African Trade Unions (Cosatu). They led to the expulsion of several members of the alliance for criticising Gear and its Igoli 2002 plan. Conflicts surfaced in Cosatu over whether the alliance with the ANC should continue, considering its labour-displacing policies like privatisation. For instance in 2003, the Wits region of the Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CEPPWAWU) called for a referendum on the alliance, following a dismal turnout at the Cosatu strike against privatisation. This call led to a lengthy struggle between the National Executive Committee and the region, eventually

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suspending the regional office bearers of the union. In response, the entire Wits region broke away and joined an independent union.

On 26 July 2003, the chairman of the Anti-Privatisation Forum (APF) and former head of the CEPP-WAWU Wits region, John Appolis, was assaulted by Cosatu members at a regional congress in Johannesburg, after it was announced from the podium that "there are reactionaries outside". These incidents showed that the spaces for changing policy through debate within the alliance were closing up.

The government was eager to mask dissent as well, to bolster its international image. It pursued events that would demonstrate it had normalised its relations with the world, like the World Conference Against Racism (WCAR) in Durban in 2000 and the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002. These events intersected with the establishment of new social movements, which in fact, were local manifestations of the global movement against neo-liberalism, and led to the formation of the Anti-Privatisation Forum. Thousands of landless people converged on the WCAR for the Landless Peoples' Assembly, which rapidly grew into the Landless Peoples' Movement (LPM).

For the first time the government was under pressure from a left-wing force outside the control of the alliance. It reacted with increasing hostility, arguing that some of these movements engaged in illegal activities – such as electricity re-connections – as a reason to clamp down on civil liberties.

During the "Week of the Landless" preceding the WSSD, the entire leadership of the LPM were systematically harassed by the National Intelligence Agency (NIA). Activists were warned against participating in the week's activities, and their movements were tracked. Some received visits from the NIA, whose operatives also attended LPM meetings to monitor discussions. Key activists were arrested during a series of actions against LPM demonstrations, as the state attempted to scupper the mobilisation against the WSSD.

The state also used excessive force against an impromptu but peaceful demonstration outside the University of the Witwatersrand, trying to ban all marches during the WSSD period, including a march planned by the Social Movements United (SMU), which was eventually allowed.

The WSSD also highlighted the growing divide between sections of the mainstream media and the social movements. *The Star* newspaper published an editorial claiming the aim of the SMU march was "thuggery, disorder and damage to property". The *Sunday Times* quoted the NIA and caricatured the protestors as a potpourri of opportunistic tin-pot radicals, inspired by international anti-globalisation activists to close down the summit.

In total, of the 196 people arrested in the run up to, and during the WSSD period, all of them had the charges against them dropped. These newspapers and the government have still to answer the question why this was the case if these activists posed such a threat to the security of the WSSD.

State actions against social movements did not stop at these high profile events. The APF and its affiliate, the Soweto Electricity Crisis Committee, are now routinely prohibited from marching on highly contestable grounds, on issues related to eviction notices, billing problems and disconnection of water and electricity in poor households. Arrested APF members have also been subjected to similar bail conditions to the ones imposed on members of the Khayelitsha Anti-Eviction Campaign, who were ordered to refrain from involving themselves in any public gathering relating to evictions, or communicating with any person who has been evicted. In Phiri, arrested APF members are banned from participating in any meeting or gathering dealing with the controversial Soweto-wide Operation Gcin'amanzi. The plan involves the installation of pre-payment water meters to encourage water conservation, and is opposed by the APF on the grounds that it violates the right of poor residents to access sufficient water.

On 14 April 2004, when South Africa held its third democratic elections, 60 members of the LPM were arrested as they attempted to hold a demonstration. They were charged with contravening the Electoral Act, which outlaws any political activity on Election Day. That night, members of the LPM allege, police officers subjected them to acts of physical and psychological violence, including assaults, the lobbying of tear gas canisters into closed vans transporting them to police cells, and verbal abuse. According to a testimony by Samantha Hargreaves, at a press conference, members of the Crime Intelligence Unit singled out two white female members, and repeatedly tortured them using physical blows, strangulation and suffocation, on the basis that they were "instructing black people to struggle". What makes these allegations particularly significant is that activists have recounted incidents of torture carried out on the basis of their political views and activities. This matter remains under-reported, and few journalists have reflected on its significance.

Apart from using methods of dealing with dissent such as pre-emptive arrests, the banning of demonstrations, restrictive bail conditions and allegedly, even torture, the state is also attempting to introduce new legislative instruments using international "best practice" as the reason. Recently, the anti-terrorism bill was shelved after widespread opposition to its restrictive provisions, but it should be expected that the bill would resurface shortly.

Government has also released a draft of a hate speech bill. This move builds on judgements made in the past two years by quasi-judicial tribunals such as the Broadcasting Complaints Commission of South Africa (BCCSA) and the South African Human Rights Commission (SAHRC).

These bodies have interpreted the right to freedom of expression clause narrowly, while giving a wider meaning to the hate speech provision, including a broadening of concepts such as harm beyond its physical parameters. Most tellingly, those who have found themselves facing accusations of hate-mongering are by and large black people voicing discontent with their worsening economic situation, while perpetrators of hate-motivated crimes have largely been white people.

For example, a white farmer in Limpopo was accused of feeding his black farm worker to lions kept in captivity on his ranch, which mauled the farm worker to death. During the farmer's appearance in court, an angry crowd of black people demonstrated outside the courthouse, bearing a wide range of placards including some with the slogan "kill the boer, kill the farmer". At almost the same time, a magistrate's court in the same area fined a white farmer a paltry sum of money for killing his black farm worker by dragging him on the road behind his bakkie. Much media attention has been given to the use of the slogan rather than the underlying anger that gave rise to its use.

The latest hate speech judgement by the SAHRC was brought by the Freedom Front against the LPM's National Organiser Mangaliso Kubkheka. He was reported to have stated that, "if a farmer kills a farm worker, we will kill the farmer", and that members of the LPM should make themselves available to be trained as military cadres.

This case has exposed the developing link between hate speech and terrorism. The report led to British charities freezing their support to the LPM. They feared the risk of violating the country's anti-terrorism legislation, which prohibits the funding of organisations that advocate violence or race hatred. If the hate speech bill were on the statute books, these individuals could be facing jail sentences for their utterances.

In conclusion, there is good reason to ask what South Africa's future holds in its second decade of democracy, when it comes to freedom of expression. The achievement of relative economic stability has had perverse outcomes, exacerbating inequality, which in turn has fuelled censorship and even repression.

In this respect, two trends have emerged. Firstly, more popular and unmediated forms of expression are under particular threat, notably the right to assemble, demonstrate and picket. This is still regulated in terms of an apartheid-era law that gives the police the power to "give permission" to people to exercise this right.

Secondly, there is a mismatch, and sometimes outright hostility, emerging between sections of the mainstream media – who largely enjoy media freedom – and the poorest South Africans whose resistance to an increasingly desperate situation is being criminalised.

The state's legal arsenal is being developed all the time, drawing on international instruments honed in the war against terror. The South African experience alerts us to the possibility, that if a country enjoys media freedom, it may not necessarily enjoy freedom of expression: a telling lesson given about media freedom, which is often taken as an international indicator of the extent to which countries are free.

Social movements deserve particular focus as they, more than any other social force (including the media), are at the coalface of the contradictions South Africa faces, flowing from its domestic and international policy choices. They therefore tell us volumes about the state's understanding of the limits of dissent: after all, commitments to rights and freedoms become clear only once they have been tested.

Many have accepted lazily the state's motivation for their actions (when it is given). This can be dangerous because a failure to interrogate the efficacy of these actions may have serious consequences.

There is no evidence that the South African state will question the efficacy of its own growth path, in spite of the emergence of global social forces that are rejecting its basic tenets. There is growing evidence however, that in practice, if not in theory, the state sees these forces increasingly as the enemy, as a threat to its hard-won stability.

The danger of this turn for the worse is that South Africa has much more potential than most other African countries to export repression, given its drive towards continental dominance after failing largely to penetrate the closed markets of the imperialist powers. South Africans must not make the mistake of complacency that US citizens have, and let South Africa become the US of the continent's world order.

South Africans must take seriously the implications of the words uttered by Ronnie Kasrils following his appointment as the minister of intelligence: "We have achieved a remarkable degree of stability. Anyone stupid enough to try and upset that will be dealt with" (*ThisDay*, 30 April 2004). They already are, if recent events are anything to go by.

Jane Duncan
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