CENSORSHIP IN SOUTH AFRICA IN AN ERA OF GLASNOST

by Christopher Merrett

It is generally agreed that since February 1990 South Africa has experienced a period of glasnost, allowing a degree of freedom of expression absent from political life since the late 1950's. President de Klerk in his 2 February speech to Parliament expressed the "...Government's declared intention to normalise the political process in South Africa without jeopardising the maintenance of good order." Some degree of normalisation has certainly taken place, but there is evidence to show that the variable tactics of censorship have made change more apparent than real.

All thirty-two organizations adhering to various ideologies ranging from Marxist through the Congress Movement to Africanist banned under the Internal Security Act were unbanned. Political prisoners convicted of membership and promotion of the aims of formerly banned organizations were made eligible for release. All publications banned specifically under the Internal Security Act were unbanned, although of eight titles proscribed from 1952 to 1977 only one (African Communist) is still being published. About one third of the 530 names appearing on the Consolidated List were removed. This automatically lifted the proscription of their publications and permitted the free circulation of classic left-wing South African works after many years. Once the negotiation process had started the authorities granted a temporary indemnity, until mid-August, from prosecution for past political offences for forty high-profile exiles such as Joe Slovo, Steve Tshwete and Max Sisulu. This was later extended to the end of 1990, but was granted at the sole discretion of the State President.

The State of Emergency was significantly amended in February, most notably in the sphere of the media, allowing publication of news about unrest, although controls were maintained over printing of visual material. All organizations and most persons restricted under the Emergency were de-restricted, but some individuals still had to report periodically to a police station. The conditions under which Emergency detainees were held were ameliorated with a time limit of six months and extended rights of access to lawyers and medical
practitioners. Subsequently, on 8 June the Emergency was lifted altogether, except in the province of Natal where it remained until 18 October 1990.

In all the "independent" bantustans, except Bophuthatswana where a state of emergency was declared on 14 March after the Garankuwa Uprising, a parallel opening up occurred. In Transkei organizations were unbanned, political prisoners released and charges dropped in all political cases except those involving violence. In Ciskei two overlapping emergencies existed for a while, but after the coup which toppled Lennox Sebe in March all security detainees were freed, and by the end of the month organizations were unbanned. In Venda Colonel Ramushwana unbanned organizations after the April coup.

In previous work on the structure of South African censorship the writer has identified six components: apartheid; apartheid education; security legislation; emergency regulations; publications control; and statutory censorship. Recent events have justified the addition of a seventh: informal repression. This model is used here to assess whether recent developments amount to more than a slight crack in the monolithic structure of South African censorship.

Apartheid as an institution has lain largely undisturbed except for the abolition of the Separate Amenities Act which segregated civic and provincial facilities. The crisis in black education has worsened because of unrest, particularly in Natal, and disputes with the Department of Education and Training on the part of pupils and teachers countrywide. Until apartheid and its educational system are abolished there can be no end to the South African censorship system.

Security legislation remains entirely unaltered, although the Minister of Justice hinted at possible amendment in March and at the Pretoria talks with the African National Congress (ANC) in August there was mention of doing away with the newspaper registration fee. The Internal Security Act of 1982 is a comprehensive piece of legislation which amounts to a declaration of war on the anti-apartheid movement: it continues to provide the government with the ability to crush all real opposition. Although no organization or publication is presently banned under its provisions, the power to do so remains. While the South African Communist Party (SACP) is
now legal for the first time since 1950 (when it was called the Communist Party of South Africa) it is still an offence under the Act to promote the aims of communism. Both the SACP and the ANC are severely constrained by the Act as a whole. Nearly 300 names remain on the Consolidated List of “banned” and “listed” persons. At least one, Buyiswa Jack, an employee of the Western Province Council of Churches, convicted in December 1989 of assisting a member of the ANC, has been added since February 1990.

Hundreds of political prisoners remain in jail, convicted under the Internal Security Act or its predecessors for acts of insurgency or treason against the apartheid state. From February to June 1990 there were 104 releases or only 5% of the suspected total. Some of those released were unknown to monitoring groups. Some have been restricted, with a fortnightly report to the police or an obligation to inform them of changes of address. Exiles who left South Africa illegally or were members of unlawful organizations have been turned back or detained at the border. Mary Benson, house arrested in the 1960’s for anti-apartheid activity and allowed an exit visa to go into exile, was granted a visa for only three months on the condition that she undertake no professional activity, which presumably included writing.

Up to the beginning of September 188 detentions had been noted under various sections of the Act, most notably section 29 which allows for detention for interrogation. A small group of these detainees comprised right wing elements suspected of acts of violence, but the remainder were attached to anti-apartheid organizations. In March and April two members of the Media Workers Association of South Africa (MWASA) were detained. Significantly in July prominent members of the South African Communist Party like Billy Nair and “Mac” Maharaj (also on the National Executive of the African National Congress) were held. It was suspected that the government was bending to right wing pressure and pursuing an old tactic of trying to drive a wedge between communists and nationalists in the Congress Movement. Whatever the motive, the South African government has clearly not lost its predilection for locking up opponents without trial in order to suppress their opinions.

Also under the Internal Security Act it renewed the ban on outdoor gatherings which has been an annual feature of the South African political landscape from 1976. Since 2 February over 200
people have died and 2000 have been injured in the dispersal of gatherings declared illegal under security legislation. Under other legislation controlling organizations, two—the United Democratic Front (UDF) and the National Union of South African Students (NUSAS)—remain "affected" and unable to receive foreign funding; while another—the Wilgespruit Center—is a "reporting" organization, whose financial links are under close scrutiny.

While Emergency controls over the media were gradually lessened, the police retained the power, under security legislation, to exclude journalists from unrest areas. Indeed it has been argued that the Emergency powers in force from 1986 to 1990 were simply a reiteration of existing security measures amplified by the arbitrary powers granted to the authorities. In early April Farouk Chothia of New African was ejected from the Mpumalanga area near Durban by police, whose powers over journalists' access to unrest areas seemed not to be diminished by the lower-profile Emergency. Before police opened fire at Sebokeng on 26 March photographers were forced to leave the area. The film of others was confiscated, although some reporters and photographers managed to blend in with the fleeing crowd. In the Transvaal journalists were excluded from Thabong (Welkom) at the time of the consumer boycott and from the Lonehill squatter camp which was being demolished.

The authorities continued to use Emergency regulations in March to pursue the radical Afrikaans weekly Vrye Weekblad over six supposedly subversive statements published from December 1988 to February 1989 on conscription. One of the charges related to a speech from the dock by Charles Bester, sentenced to prison for his conscientious objection. Max du Preez, editor of Vrye Weekblad, speculated that this case might have been pursued by conservative elements in the bureaucracy trying to embarrass the government. It remains an offence to publish archival material formerly proscribed under the State of Emergency.

Recent surveys of the mainline Press suggest that attitudes framed during the Emergency linger on. They found that establishment newspapers were too ready to accept the statements of the security forces, for instance in the exposure of Operation Vula, an alleged plan by SACP members to overthrow the state by force should negotiations fail. This suggested that they lacked the ability to examine critically information from agencies known to have lied
in the past, for example over supposed infiltration by SWAPO into Namibia just before independence. Coverage of the Pietermaritzburg war at the end of March 1990 was found to be simplistic, sanitized, partisan, again too reliant upon official sources, and lacking in investigative or follow up material.

Under the Natal Emergency, gazetted on 8 June, persons could be excluded from a designated area, detained for up to six months, restricted or restrained in various ways by an indemnified security force. The latter also had powers of entry, search and seizure; and the right to control activities in a given area. This Emergency was lifted on 18 October, but had already been joined in August by the declaration of Unrest Areas under the Public Safety Amendment Act which covered 18 magisterial districts and 27 townships in the Transvaal. In November certain areas of Cape Town were added. This mini Emergency had the same basic characteristics as the Natal version. In September it was suggested that an old pattern of widespread detention of youth was returning in the Transvaal.

The Publications Act of 1974, used to proscribe specific titles for circulation or possession, remains firmly entranched on the statute book. For example, while Nelson Mandela addressed the crowd on the Grand Parade in Cape Town on 11 February 1990 his book of articles, speeches and trial addresses *No Easy Walk to Freedom* remained banned for possession under this legislation, although it, and many other books by prominent opposition figures, has since been hurriedly unbanned. Nevertheless, Govan Mbeki’s classic *South Africa: The Peasants’ Revolt* remains banned for possession. In mid-May the blanket prohibition on the import of publications of the ANC was lifted, although many of its titles remain individually banned; and the late Francis Meli pointed out that his journal *Sechaba* was better known in Europe than in South Africa. Similar blanket restrictions on the International Defence Aid Fund (IDAF) and Inkululeko Publications (SACP) were lifted in June and July respectively. Louis Pienaar, former Administrator General of Namibia, took office as chairperson of the Publications Appeal Board on 1 April. There is nothing in his record to suggest that he will not serve the censorship needs of the apartheid state as readily as his predecessors. When he took office he made it known that he would find acceptable stiffer conditions following appeal, something
which had not happened under the previous chair, Kobus van Rooyen.

Statutory censorship has been unaffected by South African glasnost and was of sufficient concern to the ANC for inclusion in talks with a visiting United Nations delegation. The one threat posed to it came in March when the progressive Police and Prison Warders Civil Rights Union (POPCRU) considered revealing information about assaults and murders in prison, prohibited under the Prisons Act, if the prisons service were not desegregated. At the same time New Nation defied the law when it published pictures and an expose of degrading conditions at Johannesburg Prison. Further limitations on court reporting are feared. Examples of secrecy in South Africa’s public life abound. Information about South Africa’s secret stockpile of oil (rumoured to be three years’ worth) and the country’s consumption, a particularly pertinent topic, remain secret. The performance of South African companies in foreign markets is impossible to gauge because of secrecy engendered by the Companies Act. Max du Preez of Vrye Weekblad was convicted and fined under the Protection of Information Act for publishing news that an institute attached to Stellenbosch University acted as a conduit for information to the National Intelligence Service. The trial was held in camera. The same Act was invoked in a fraud case which revealed the fact that the Civil Cooperation Bureau (CCB) was involved in military interference in the affairs of another state. No further evidence could be led. In Pietermaritzburg in November the trial of a conscientious objector, Michael Graaf, was hurriedly adjourned when he revealed details about security force actions in Namibia as part of his evidence which infringed the Defence Act.

In late April four books were seized from a broadcaster by Customs officials at Jan Smuts Airport. Two, one on the Freedom Charter and the other by Oliver Tambo, neither of them banned, were not returned. This prompts the interesting question of how far the government is in control of its bureaucracy and police force. The latter is known to be heavily infiltrated by right wing elements loyal to the Conservative Party or fascist groups to its right. Journalists from the Star were harassed after publicizing evidence revealed by the Hiemstra Commission investigating allegations of spying by Johannesburg City Council employees on anti-apartheid activists, including David Webster, assassinated in May 1989. On 21 February
1990 the offices of *SuidAfrikaan* in Cape Town, also used by *New Nation* and *Namagua News*, were burgled with the loss of R30 000 of computer hardware together with software. In the past such burglaries, resulting in the disruption of the ability to communicate, have been linked to elements connected to the security forces. On 3 July a bomb went off at the offices of *Vrye Weekblad* after the paper had run stories on hit squad plans to assassinate ANC leaders, engage in sabotage and poison water supplies. Somewhat surprisingly it transpired that this was the first attack on a newspaper office since 1913, when the building housing the *Star* was burned to the ground by striking mineworkers who accused it of siding with capital. More serious, as it led to the loss of a life, was the parcel bomb which exploded in the Durban offices of PC Plus on 2 October. The firm was well known for supplying anti-apartheid organizations with hardware and software.

Informal repression, perhaps the under-estimated facet of South African censorship, is undoubtedly on the increase. On assuming office, President F.W. De Klerk made considerable play of the fact that he had abolished the National Security Management System (NSMS). In fact it has been replaced by the National Coordinating Mechanism (NCM) which is in all probability the same "military-controlled hierarchy of committees" described by IDAF. The Harms Commission, set up to investigate the Civil Cooperation Bureau (CCB) of the South African Defence Force, revealed a programme of arson, intimidation, murder and sabotage designed to disrupt the work of anti-apartheid organizations, which amounted to a covert war. Low intensity conflict theory was very much a part of the thinking of government during the P.W. Botha era. The full picture is not yet complete because of the restricted terms of reference of the Harms Commission and the illegal withholding of evidence by CCB operatives who appeared before it.

The authorities claim that the CCB was operationally disbanded on 1 August 1990. Its region 6 covered South Africa, but its operatives assigned to other, extra-territorial regions had been active in the country before it was set up in 1988. Whatever the structures, a culture of violent repression still exists in South Africa and its securocrats remain influential. It has been suggested that repression has been privatized, that pacification through so-called "black on black" violence is an underlying objective, and that there is an
attempt to re-order the political equation and the debate which surrounds it through violence and fear. The source of this pacification is complex. It can be traced to partial policing, exemplified by the Pietermaritzburg civil war of March-April 1990 in which Inkatha was aided by acts of commission and omission: large well armed bodies of men up to 10,000 strong could hardly have operated without security force assistance. The work of vigilantes politically allied to the apartheid state is another factor, with hundreds of attributable deaths in 1990, while the actions of shadowy hit squads allegedly operating within state structures, and freelance, right wing death squads have to be considered. For example in July 1990 alone, hit squads were responsible for 10 attacks and 4 deaths, right wingers for 20 attacks and 9 deaths. It is probable that membership of these two groups is not mutually exclusive. This pattern sums up the atmosphere of officially sanctioned lawlessness created by the 1985-1990 Emergency which has become an integral part of the South African condition, with severe censorship implications for the future.

Such repressive groups are allowed maximum latitude in those bantustans which have become known, curiously, as pro-apartheid (as opposed to those like Transkei, Kangwane and Venda which have shown some degree of liberalization and questioning of apartheid's future). The role of Inkatha and the KwaZulu government is particularly suspect. In the space of four days in late June the Congress of South African Trade Unions/United Democratic Front (COSATU/UDF) Joint Working Committee documented a sequence of incidents with censorship implications. At Umgababa a man was assaulted for wearing an ANC t-shirt, while at Empangeni posters protesting at the on-going conflict were confiscated, and at Umlazi possession of a pro-ANC book led to another assault by police. In the same period activists at Esikahweni wearing "Scrap the KZP" stickers were attacked by the police, while a man was arrested at Empangeni also for wearing stickers. On the weekend of 14-15 July the same KwaZulu police (KZP) broke up an ANC meeting at the AA Community Hall in Umlazi. When challenged to name the law under which the gathering was being prevented, police allegedly replied "We don't use the law when we do our work."\(^{10}\) In May 1990 during an Inkatha recruitment drive in the Ndwedwe area the "banning" of ANC t-shirts and other media was recorded. On 3 September the COSATU office at Empangeni was raided by police who were accompanied by a local warlord linked to Inkatha. In the South Coast
region of Natal around Port Shepstone the security forces act as if the ANC was still banned, and they routinely raid meetings or place restrictions upon them.

The Press is a major target. In Natal there have been reports of journalists fired on by the KZP and Inkatha vigilantes. Journalists on the newspaper *Umafrika* have been subjected to death threats, police harassment and legal action over their coverage of Natal politics. In particular the threats have been linked to the trial of Samuel Jamile, a KwaZulu government deputy minister appearing on 15 murder charges. In Natal there is a clear campaign, led by Gatsha Buthelezi, against the anti-Inkatha press: he told the European Community funders of *New African* (the Durban weekly) that they were financing “black on black violence” by supporting a “propaganda mouthpiece.” The future of the paper, which has publicized numerous human rights abuses by Inkatha supporters in the Natal region since April 1989, is in doubt.

In another example of KwaZulu inspired censorship, performance of a play entitled *Kosiplay*, based on the conflict between conservation and human needs in the Maputaland area, had to be called off. The cast included schoolchildren and the play was forced off the stage in Pietermaritzburg in October by the Natal Education Department after pressure from the KwaZulu Bureau of Natural Resources (KBNR). Its director had not seen the play, but objected to the fact that one of the sponsoring bodies was the Association for Rural Advancement (AFRA), which has criticized KBNR in the past. The content of the playscript seems to have been an irrelevance in what was a straightforward act of political censorship by a bantustan authority.

Inkatha has an ideology based on ethnicity, reverence of leaders and collaboration with the apartheid regime, although it has theoretically held out against “independent” status for KwaZulu. As a political movement it has required oaths of loyalty from public servants, indulged in a rhetoric of threatened violence, and practised human rights abuses orchestrated by highly placed officials, including members of the KwaZulu Legislative Assembly. Its political objective, regional hegemony and recognition in the national negotiation process, has led it to embrace violent censorship in a way similar to the actions of the South African state from 1950 to 1990. Comparable events are recognizable in Bophuthatswana, although
for different reasons. The ANC is de facto banned. Detentions, and alleged assaults, followed its launch at Modderspruit. Its chief recruiting officer was among those detained and membership cards were confiscated. The launch of the GaRankuwa branch took place at the Medical University of South Africa (Medunsa) two kilometres across the "border" with South Africa, an ironic use of apartheid’s divide and rule policy by its oldest opponent.

The government of South Africa has been forced, through its desire to legitimize the negotiation process, and its need for international approval, to be more tolerant than in the past towards the propagation of dissenting opinion. This has been a political tactic to suit the ends of the National Party government and has in no way extended the right of the South African people to gain access to viewpoints and information. Government policy is opportunistic and lacks a commitment to open government and freedom of expression. For instance, the Internal Security Act, described by the Human Rights Commission as "...a monument to the way in which loopholes and avenues of expression could be closed down one by one, until space for legitimate political opposition vanished altogether", needs to be replaced by inalienable rights to statutory freedoms. Forty years of habitual repression may have been repudiated by the National Party’s ideologues, but it is deeply entrenched in its bureaucracy. There is also considerable doubt about De Klerk’s attitude to censorship. Is he, for instance, a relative liberal who is being undermined by a congenitally conservative bureaucracy? Or is he a closet conservative weaving a liberal image who is happy to see reactionary forces in his regime preventing real change? The latter interpretation is certainly not unreasonable in the context of De Klerk’s political career as a conservative within the National Party up to mid 1989.

The government’s relationship to informal repression is not absolutely clear but there is evidence to show that it is prepared to benefit from it, particularly in Natal, to entrench its interests and those of its allies, like Inkatha. Increasing violence of various types from conservative factions seems likely to pose a major censorship threat in the near future. This is consistent with the history of South African censorship. It has never been a static institution: while one element has diminished others have strengthened. Thus, while legal censorship may be less obvious than in the past, extra-legal forms are gaining the ascendancy.
Notes


2. The Consolidated List appears annually in the *Government Gazette* indicating banned and listed persons. Among other restrictions all their published work is banned for circulation.


5. Intercepted radio messages about SWAPO military movements across the Angolan border into Namibia turned out to be a hoax perpetrated by conservative South African elements and publicized by the government.

6. In November he resigned to take up another government position.

7. One alternative newspaper has recently defied the law and published details about oil supplies and reserves: see *Weekly Mail*, 6(42) 2 November 1990, p.3.


