



# RIGHT2KNOW

## 2014 Organisational Report

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within our 2013-15 strategic framework<sup>1</sup>.

### 1. Introduction

The bold decision of our first National Summit in 2011 to expand the scope of the Right2Know campaign beyond opposition to the Secrecy Bill has laid the foundation for the R2K to grow into a multi-dimensional movement taking on a wide range of challenges to the free flow of information. As the report on our programme below shows, 2014 has been a busy period for the Right2Know and we have made good progress implementing our 2014 National Summit resolutions

The democratic activist-driven nature of our organisation has ensured a vibrant and action-orientated programme for the year. Apart from a number of important statements covered in the press, we have organised over 24 popular education workshops, 36 public meetings and 18 protests: a total of more than 79 actions averaging over 6 events per month!

Standing together for access to information and freedom of expression, our strategy of integrating popular education, mobilisation and advocacy has borne fruit. On the legislative front we made a submission on the

<sup>1</sup> See the 2014 National Summit Report: <http://www.r2k.org.za/wp-content/uploads/R2K-2014-Summit-Report-pdf>

ICT Green Paper, the Amendments to the Protective Disclosures Act and USAASA consultations on subsidies for Set Top Boxes. In court we won an important victory for the right to protest in the Tshwane High Court, forced the publication of secret documents in a SANRAL court case and won a court order for the Minister of Police to release the list of National Key Points.

Most importantly, we have continued to root the campaign in the network of progressive and popular organisations. We've maintained an exemplary internal democracy ensuring the campaign where our vision of a transparent, accountable, and participatory democracy find real expression.

There is not enough time or space to acknowledge every comrades contribution that has made 2014 such a successful year for the Right2Know. This report is a small attempt to capture our achievements and flag some critical questions we must confront going forward. As you read the report please know that we are all collectively grateful for your contribution and ongoing support.

## 2. Secrecy

2014 has seen continued economic stagnation, deepening poverty and inequality, and the resulting increases in social protest and political polarisation. As we have said many times in the past, rather finding democratic solutions, government is responding to the deepening crisis with further economic austerity, greater repression and securitisation. This trend found its fullest expression in 2015 when the Ministers in the Security Cluster justified the use of riot police to suppress opposition parties in the National Parliament. In this context we work to ensure secrecy legislation is limited and aligned to the South African Constitution and its underlying values.

### *The State of Secrecy*

Throughout the year we have given regular briefings and inputs on secrecy-related matters from the use of riot police in Parliament<sup>2</sup> and the heroic action of national security whistleblower Edward Snowden<sup>3</sup> to launching Jane Duncan's book, *The Rise of the Securocrats*<sup>4</sup>. We

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<sup>2</sup> See statement on use of riot police in Parliament: <http://www.r2k.org.za/2014/11/15/r2k-statement-south-africa-needs-answers-about-parliaments-undemocratic-tendencies/>

<sup>3</sup> See details of our participation world wide Snowden reading: <http://www.r2k.org.za/2014/09/04/r2k-invites-you-to-the-worldwide-reading-for-edward-snowden/>

<sup>4</sup> See details of Rise of the Securocrats: <http://www.r2k.org.za/2014/11/18/rise-of-the-securocrats->

have also provided regular advice and guidance to journalists, researchers and civil society activists on an ad-hoc basis.

We published the highly influential annual State of Secrecy Report<sup>5</sup> that provides empirical measures of transparency and potential abuse of secrecy in the state and private sector.

### *Secrecy Bill*

The Protection of State Information Bill – the Secrecy Bill - has now been sitting unsigned on the President's desk for over a year. Until it is signed the even more draconian 1982 Apartheid secrecy law and MISS remain in place and we cannot challenge the Secrecy Bill in court. We have continued to call on Zuma to “Scrap the Bill “and begin redrafting in Parliament, or sign it and send it to the Constitutional Court for review<sup>6</sup>.

In anticipation of the Secrecy Bill being signed into law in the coming months, we have completed the preparations of our legal challenge and are preparing a pamphlet and an information road-show to ensure the legal challenge is supported by popular mobilisation.

### *National Key Points*

Two years ago we lodged a PAIA request to the South African Police Service for a list of sites protected by the apartheid-era National Key Points Act. We did this after numerous complaints that the Act has been invoked to shield certain institutions from scrutiny and criticism, often far beyond the actual powers of the law.

This information is needed to challenge abuses of the NKPA more effectively and to highlight oversight problems inherent to expansive national-security practices – and most importantly, it needs to be in the public domain for the purposes of the upcoming Parliamentary review of the National Key Points Act.

We highlighted the abuse of the Key Points Act by the SABC to gag staff<sup>7</sup> and by the Executive's challenge Public protector report on Nkandla<sup>8</sup>.

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[cape-town/](http://www.r2k.org.za/cape-town/)

<sup>5</sup> See the 2014 Secret State of the Nation report here: [www.r2k.org.za/secrecy-report-2014](http://www.r2k.org.za/secrecy-report-2014)

<sup>6</sup> See our Call to scrap Secrecy Bill on International Right to Know Day: <http://www.r2k.org.za/2014/09/25/international-right-to-know-day-2014/>

<sup>7</sup> See our statement on the SABC's use of National Key Points: <http://www.r2k.org.za/2014/04/13/open-letter-to-sabc-chair-on-the-national-key-points-act/>

<sup>8</sup> See statement on Executive's to the challenge Public protector report on Nkandla here: <http://www.r2k.org.za/2014/05/20/r2k-statement-nkandla-abuse-of-national-security/>

SAPS refused to release the information, citing national security concerns. We sought to challenge that decision in court and after two years of preparation we finally got a hearing and the North Gauteng High court handed down a judgment in our favour<sup>9</sup>. Securing the list of Key Points is a great victory – we must build on this victory to ensure the Apartheid Act is scrapped in its entirety.

### **State Surveillance**

Following years of delay, our activists successfully petitioned the Joint Standing Committee of Intelligence to publish its overdue annual reports from 2011 to 2013. Based on the reports released we published an op-ed on the internal turmoil within the state security services, the gross mis-expenditures by the spy agencies and poor oversight and evidence of abuses of state surveillance.<sup>10</sup>

We've reasserted the right to privacy by ensuring that the interception of communications is on the ICT Policy Review agenda. These issues were workshopped in Gauteng and the Western Cape and included in R2K's *Preconditions for a Democratic Broadcasting and Telecommunications System*<sup>11</sup>. These preconditions formed the basis of our submission on ICT Green Paper<sup>12</sup>.

### **Police militarisation and activist support:**

The year has given us an opportunity to root activism against the security state in the security state's most public manifestation: the militarisation of the police and criminalisation of protest. We have identified a pattern of infringements on freedom of assembly from local government officials and police, and an increasingly hostile environment for protest more generally.

In response, we have undertaken national awareness-raising in the media through statements and talk-radio discussions<sup>13</sup>, hosted twelve screenings of the *Miners Shot Down*<sup>14</sup> documentary and a high-profile rally against police brutality at Johannesburg Central Police

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<sup>9</sup> See details of the legal challenge to access list of National Key Points: <http://www.r2k.org.za/2014/11/23/statement-r2k-and-saha-go-to-court-over-national-key-points-secrecy/>

<sup>10</sup> See op-ed here: <http://www.r2k.org.za/2014/03/16/r2k-analysis-signs-of-a-deep-rot-in-state-security-structures/>

<sup>11</sup> See our *Preconditions for a Democratic Broadcasting and Telecommunications System*:

<http://www.r2k.org.za/2014/03/28/right2know-releases-preconditions-for-a-democratic-broadcasting-telecommunications-system/>

<sup>12</sup> See our submission on ICT Green Paper:

<http://www.r2k.org.za/2014/03/30/right2know-submits-response-to-ict-green-paper/>

<sup>13</sup> See for example R2K's statement on police brutality and growing attacks on the right to protest, 19 January 2014, available at [www.r2k.org.za/?p=2745](http://www.r2k.org.za/?p=2745)

<sup>14</sup> See details of screenings:

<http://www.r2k.org.za/2014/04/25/freedom-week-mds/>

Station on Human Rights Day<sup>15</sup> and co-convened two marches against police brutality at Cape Town police stations on the anniversary of the Marikana Massacre. We also won an important legal victory defending the right to protest in the North Gauteng High Court. The case concerned the abuse of the NKPA and also to directly mention the Seriti Commission<sup>16</sup>.

We have increasingly been identified as an organisation that can provide advice and support to activist organisations, and there is growing demand for information on protestors' rights and we continue to distribute the popular R2K Activist Guide to the Gatherings Act and "your right to protest".<sup>17</sup> We also hosted four provincial workshops exploring the right to protest that have been condensed to one-hour information sessions that have been held in smaller community meetings and rural outreach.

The scale and geographical spread of protest is well beyond our capacity to offer the support required. For this reason we are working with a range of paralegal organisations to explore setting up telephonic advice centre for protests in every corner of the country.

### **Intelligence Policy Review:**

In preparation for our response to the Intelligence Policy Review we have initiated consultations with the Open Society Justice Initiative to develop an overview of international best practice. This work will begin in earnest when Parliament undertakes the review.

## **3. Access to Information**

Our opposition to secrecy is not limited to keeping a check on the police and intelligence agencies. Activists are denied access to information at every turn in their quest for social, economic and environmental justice. Together we continue to work towards ensuring that public and private sector information is easily accessible to all citizens.

### **Political Party Funding Secrets**

In the run-up to the General Elections the total lack of transparency around political party was a focus of our access to information work. While all political parties

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<sup>15</sup> See our Human Rights Day statement on Police Brutality:

<http://www.r2k.org.za/2014/03/11/human-rights-day-2014-rally/>

<sup>16</sup> See statement on High Court victory defending the right to protest <http://www.r2k.org.za/2014/06/12/court-victory-4-protest/>

<sup>17</sup> See R2K's handbook on the Gatherings Act and your right to protest: [www.r2k.org.za/protestguide](http://www.r2k.org.za/protestguide)

receive a small amount of public funding, the majority of their funding comes from private donors with no disclosure requirement – it creates an environment for corruption and influence-peddling and is one of the most pressing ‘secrecy’ issues in the nexus between the private-sector and public politics. In the lead-up to the elections, R2K held a well-attended political party funding public event at Wits and was a founding signatory of a joint letter calling for parties to disclose their donors (over 60 organisations signed)<sup>18</sup>. During the election period we did a lot of media work to ensure that this issue becomes a talking point in the broader society, including an op-ed<sup>19</sup>. We have established collaboration with My Vote Counts (MVC), a campaign for party-funding reform. MVC has approached the Constitutional Court to compel Parliament to enact a law to regulate money in politics and ensure transparency.

### **Arms Deal Secrets**

We also focused on secrecy surrounding the Arms Deal commission where documents vital to exposing large scale corruption are being withheld from the public. We published an Arms Deal information portal<sup>20</sup> – a website that curates all the evidence submitted to the Commission by the LHR clients – this provided proof of substantial evidence of wrongdoing in the Commission’s possession, and dispelled the popular myth that Arms Deal critics have ‘nothing but allegations’. We held public meeting in Durban, Cape Town and Johannesburg<sup>21</sup> and picketed outside the Commission on three occasions and published an op-ed on the matter<sup>22</sup>. After much debate we concluded that the Commission was a whitewash<sup>23</sup> and supported the withdrawal of witnesses<sup>24</sup>.

### **Secrecy and workers struggles**

The first half of 2014 also saw increased campaigning in the labour movement and the longest ever strike in the Platinum industry. The Right2Know joined the Numsa-led marches for youth jobs in an effort to build solidarity across various struggles and recognise that South

Africa’s jobs crisis can only be addressed through a national dialogue on economic policy that is shaped by the maximum participation of those most affected, in this case workers and the unemployed<sup>25</sup>. We participated in the Gauteng Strike Support Committee, helping with material/food aid to miners and families and organising pickets at the Chamber of Mines. We also released a statement in support of platinum strikers highlighting secrecy in the pricing of platinum<sup>26</sup>. In the second half of the year we supported the Save Our SAMWU (SOS) workers and their campaign for greater transparency and accountability within their union.

### **Western Cape E-Tolls**

We intervened in a secret court battle between a range of government agencies regarding South African Roads Agency Limited (SANRAL) plans to put tollgates in the Western Cape<sup>27</sup>. SANRAL argued that crucial parts of the plan are "commercially confidential", and successfully obtained a court order that sealed the entire court file. We intervened as amicus curiae to challenge the blanket secrecy.

While we won the release of a redacted version of the information<sup>28</sup>, unfortunately the resulting judgment actually extended the role of confidentiality in court processes – effectively giving even public bodies the right to claim that their court papers are ‘confidential’ and preventing the public from accessing them. This is an aspect of the case that we continue to challenge.

### **The impact of secrecy on communities**

We held public meetings in Cape Town and Johannesburg on the cost of secrecy in our lives, focusing in specific on the Arms Deal, electricity prices and basic services<sup>29</sup> as well as community meetings on secrecy & service delivery in Delft, Blikkiesdorp and Meadowlands<sup>30</sup>. In Durban we’ve highlighted the impact of secrecy on campaigns for clean environment<sup>31</sup> and stood in solidarity with hostel dwellers right to

<sup>18</sup> The letter is available at [www.r2k.org.za/?p=2879](http://www.r2k.org.za/?p=2879)

<sup>19</sup> Read the op-ed here: <http://www.r2k.org.za/2014/02/11/party-funding/>

<sup>20</sup> See the arms Deal Information portal: <http://armsdealfacts.com>

<sup>21</sup> Details of the Johannesburg public meeting here: <http://www.r2k.org.za/2014/04/09/panel-discussion-on-party-funding-secrecy/>

<sup>22</sup> See arms deal oped: <http://www.r2k.org.za/2014/10/21/arms-deal-inquiry-puts-whistleblowers-on-trial/>

<sup>23</sup> See R2K call to dissolve arms deal Commission <http://www.r2k.org.za/2014/09/29/joint-statement-why-arms-deal-commission-must-be-dissolved/>

<sup>24</sup> See statement in support of Arms Deal whistleblowers withdrawal: <http://www.r2k.org.za/2014/08/28/statement-r2k-supports-arms-deal-whistleblowers-withdrawal/>

<sup>25</sup> See statement in support of Numsa led marches: <http://www.r2k.org.za/2014/03/19/support-marches-for-youth-jobs/>

<sup>26</sup> See statement on platinum pricing: <http://www.r2k.org.za/2014/06/12/platinum-strike/>

<sup>27</sup> See statement on SANRAL secrets: <http://www.r2k.org.za/2014/08/04/sanral-refuses-veil-of-secrecy/>

<sup>28</sup> See details of this victory here: <http://www.r2k.org.za/2014/08/05/revealed-redacted-papers-from-the-sanral-secrecy-application/>

<sup>29</sup> See public meeting invitation here: <http://www.r2k.org.za/2014/04/25/cost-of-secrecy/>

<sup>30</sup> See Meeting details here: <http://www.r2k.org.za/2014/10/24/r2k-to-host-a-public-dialogue-on-how-secrecy-affects-our-lives/>

<sup>31</sup> See impact of secrecy on Durban oil refineries: <http://www.r2k.org.za/2014/10/08/read-engen-refineries-national-key-points-threat-to-community-activists/>

organise<sup>32</sup>. We are working with communities taking up various housing struggle in Gauteng and the Western Cape and anticipate that this will become an important focus of our information access work in the coming months.

### **The Open Government Partnership**

In 2015 South Africa becomes chairperson of the International Open Government Partnership (OGP). The eyes of the world will be on South Africa, watching to see how government and civil society can work together to achieve greater transparency – including mechanisms for the proactive release of information. The 2015 National Summit must identify the potential risks and opportunities this processes represents for our campaign or access to information.

## **4. Advancing the Right to Communicate**

South Africa's deepening social crisis has again pointed to the need for a free and diverse media to inform citizens and facilitate a new social consensus. Again our media have been found wanting: we seen continued political interface at the public broadcaster, a commercial press dominated primarily by the concerns and voices of an economic elite, and community media remains trapped in resource strapped survival. The democratising potential of telecommunications and the Internet remains frustrated by the profiteering of telecoms corporations.

We have continued to campaign towards ensuring that South Africa enjoys a free and diverse range of public, and private non-profit media and open and affordable access to the internet and telecommunications.

### **National Day Of Action for the Right to Communicate**

A highlight of 2014 was the National Day of Action for the Right to Communicate<sup>33</sup> held on 18 October to commemorate the banning of anti-apartheid publications in 1977. The National Day of Action saw a mass meeting in Durban, a Johannesburg march from Media24 to the SABC and a Cape Town march from Vodacom to Independent newspapers.

The Day successfully challenged the dominant idea that media freedom is under threat from the state alone and highlighted threats to journalists from media owners and the general commercialisation of the media with

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<sup>32</sup> See details of picket at Glebelands Hostel: <http://www.r2k.org.za/2014/09/23/statement-r2k-kzn-to-host-a-glebelands-hostel-solidarity-peace-picket/>

<sup>33</sup> Find details of the National Day of Action here: <http://www.r2k.org.za/2014/10/13/action-4-communication/>

memorandums delivered to Independent Newspapers and Media24. We also focused on the critical role of the SABC and the process of digital television with our call for free Set Top Boxes.

We placed access to telecoms (phone & internet) into the media freedom agenda with memorandums delivered to cell phone companies. This is a critical shift in understanding as technology is leading us to a convergence of traditional and new media - and the SA media, civil society and government have been battling to break down media/telecoms silos and engage these issues in an integrated fashion<sup>34</sup>.

The Day of Action was also a milestone for building the R2K. It was the first time we held events simultaneously in our different centres, the first time we had the luxury of many weeks to prepare - and we used these well to hold workshops and meetings in many communities ensuring people were familiar with the issues and shaped our demands, and the first time we produced a popular mobilisation tabloid to support our work.

### **Digital Free Set Top Boxes**

The migration from analogue to digital television will have far reaching implications for the future of the media in South Africa and direct impact on every household in the country.. Of particular concern is the cost of set top boxes that everyone will need to access digital TV. Together with the SOS Campaign we held workshops of digital TV in provinces and adopted a Call for Inclusive Digital Television and Free Set-Top-Boxes<sup>35</sup>. We made a submission on STB subsidies at a picket outside the Universal Service Agency<sup>36</sup>.

We anticipate that the campaign for a just migration to digital TV will be a major focus in the coming year.

### **Exposing problems with new government communication policy**

Not surprisingly in the run-up to a general election, there was little movement regarding regulation of ownership or editorial content of the press. The new cabinet appointed after the elections saw the Communications Ministry split into two separate entities – one focused on broadcasting and government communication, the other on telecommunications. R2K raised concerns

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<sup>34</sup> See all memorandums delivered on the National Day of Action here: <http://www.r2k.org.za/2014/10/18/communication-memorandums-2014/>

<sup>35</sup> See the R2K & SOS for Inclusive Digital Television and Free Set-Top-Boxes <http://www.r2k.org.za/2014/10/15/call-for-free-stbs/>

<sup>36</sup> See Details of USAASA picket: <http://www.r2k.org.za/2014/11/25/statement-set-the-top-boxes-free/>

regarding both the delinking of telecoms and broadcasting and telecoms (undermining the ICT Policy Review) and the emphasis on government propaganda<sup>37</sup>. The new Minister of Communication has already announced intentions to pursue regulation regarding media ownership and has hinted at the need for a more 'loyal' print media.

### **Promoting democratic broadcasting and telecommunications**

Much of our work in this period has focused on the ICT Policy process – a review of all law relating to broadcasting and telecommunications. After hosting consultative workshops in Johannesburg and Cape Town in partnership with the SOS Coalition<sup>38</sup> we adopted a set of *Preconditions for a Democratic Broadcasting and Telecommunications System*<sup>39</sup>. These preconditions formed the basis of our submission on ICT Green Paper<sup>40</sup>.

### **The cost of communication**

The cost of telecommunication continues to be a concern with SA costs remaining amongst the highest in the world.<sup>41</sup> In this context we welcomed ICASA's reduction in the interconnection rate<sup>42</sup> and called on MTN and Vodacom to drop the legal challenge to Icasa's regulations<sup>43</sup>. The court ruled in ICASA's favour for the reducing of interconnecting rates; however, the ruling exposed serious weaknesses in ICASA's regulatory capacity<sup>44</sup>. The new interconnection rates sparked a wave of deceptive advertising and R2K called for real savings to be passed on to all users<sup>45</sup>.

To deepen our capacity to campaign on this front we have concluded research on alternative models to the privatised provision of telecommunications, produced an activist guide to internet access, and undertaken a series

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<sup>37</sup> See our statement on the appointment of new ministers: <http://www.r2k.org.za/2014/05/26/new-zuma-cabinet/>

<sup>41</sup> See our statement on new global research benchmarking SA telecoms costs: <http://www.r2k.org.za/2014/06/03/rates-among-worst/>

<sup>42</sup> See statement on ICASA cost cutting: <http://www.r2k.org.za/2014/01/30/icasa-cost-cuts/>

<sup>43</sup> See statement on MTN/Vodacom legal challenge: <http://www.r2k.org.za/2014/02/27/r2k-calls-on-mtn-vodacom-to-drop-case-against-icasa/>

<sup>44</sup> See statement on court victory: <http://www.r2k.org.za/2014/04/01/mtn-vodacom-icasa-partial-victory-for-right-to-communicate/>

<sup>45</sup> See statement on price war: <http://www.r2k.org.za/2014/08/20/statement-icasa-must-end-phoney-price-wars-and-cut-cost-of-communicat%E2%80%Bion/>

of popular education workshops with campaign supporters in provincial nodes<sup>46</sup>. We have also concluded research on the lived cost of communications<sup>47</sup> in partnership with Wits Link Centre that will form a basis for ensuring prepaid communications users have a 'voice'.

We also published two op-eds, one on RICA and the interception of communications<sup>48</sup> and another explaining interconnection ruling<sup>49</sup>. We commemorated the June 16 youth uprising with a march and public meeting demanding the provision of basic telecommunications as a basic right<sup>50</sup>. On our National Day of Action we delivered memorandums to the cell phone operators<sup>51</sup>.

### **Promoting Freedom of Expression:**

On World Press Freedom Day we released a statement highlighting the importance of media freedom and the challenges it faces in the country<sup>52</sup>. We commemorated Press Freedom Day with a protest at the SABC with a wide range of other allied CSOs, media organisations and NUMSA in Johannesburg and public meetings in Durban and Stellenbosch. We also protested attacks on Press Freedom on Swaziland<sup>53</sup> and Gaza<sup>54</sup>.

We also supported students of the University of KwaZulu-Natal (UKZN) who faced disciplinary charges after they wrote an open letter to the Vice-Chancellor raising a range of concerns around the management of the University and decisions affecting students. The charges were dropped after the outcry.<sup>55</sup>

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<sup>46</sup> See workshop details here: <http://www.r2k.org.za/2014/07/03/invite-vula-ma-connexion-community-workshops/>

<sup>47</sup> See the research Terms of Reference here: <http://www.r2k.org.za/2014/05/26/call-for-researchers1/>

<sup>48</sup> See our op-ed on interception of communications here: <http://www.r2k.org.za/2014/06/19/rica-in-south-africa-how-big-is-big-brother/>

<sup>49</sup> read the op-ed here: <http://www.r2k.org.za/2014/04/09/groundup-what-really-happened-between-icasa-vodacom-mtn/>

<sup>50</sup> See details of June 16 commemoration here: <http://www.r2k.org.za/2014/06/12/june16action/>

<sup>51</sup> See memorandums here: <http://www.r2k.org.za/2014/10/18/communication-memorandums-2014/>

<sup>52</sup> See the R2K/SOS Press Freedom Day Statement: <http://www.r2k.org.za/2014/04/23/press-freedom-day-2014/>

<sup>53</sup> See Swazi picket details: <http://www.r2k.org.za/2014/07/29/statement-r2k-to-protest-picket-outside-swazi-embassy-in-pretoria/> and <http://www.r2k.org.za/2014/03/31/attacks-swaziland-press/>

<sup>54</sup> See statement on attacks on media in Gaza: <http://www.r2k.org.za/2014/08/08/statement-the-right2know-campaign-condemns-the-targeted-silencing-of-journalists-in-gaza/>

<sup>55</sup> See R2K letter to UKZN defending the free speech of students: <http://www.r2k.org.za/2014/03/09/ukzn-must-drop-charges-against-students/>

## 5. Whistleblowers

Our work on promoting and defending whistleblowers has developed from a largely abstract level looking at the broad enabling environment to a more practical level of supporting various whistleblowers on the ground. As we become more effective in communicating our support for whistleblowers we receive increasing requests for support. We need to be realistic as to what we can do and what we cannot. While there are a number of legal and procedural guides available for whistleblowers, Right2Know will develop a political guide that spells out the real risks and give appropriate guidance.

### *Celebrating whistleblowers*

We began the year by distributing our 2014 Whistleblower calendar<sup>56</sup>. The calendar – profiling 12 courageous whistle blowers - was distributed through our networks as well as sent to all subscribers of the Mail & Guardian newspaper. By the end of the year the 2015 Calendar was produced and ready for distribution<sup>57</sup>.

We held a public meeting in Soweto on whistleblowers with whistleblower Mike Tshishonga as speaker and shared a platform at Whistleblower Roundtable in Stellenbosch with the Public Protector and Dept of Justice on fighting corruption and proposed amendments to Protective Disclosures Act (PDA).

We joined the South African leg of a worldwide reading acknowledging the contribution made by NSA whistleblower Edward Snowden<sup>58</sup> and in August, Women's Month, we held a public meeting celebrating women whistleblowers<sup>59</sup>.

We also held six public screenings of the film “Crumbs: Toppling the Bread Cartel” – the documentary film that tells the story of Imraahn Mukaddam, the whistle blower who exposed corporate bread price fixing<sup>60</sup>.

### *Empowering our Whistleblowers*

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<sup>56</sup> 2014 Whistleblower calendar

<http://www.r2k.org.za/2014/01/01/2014-whistleblower-calendar/>

<sup>57</sup> 2015 Whistleblower calendar:

<http://www.r2k.org.za/2014/12/09/presenting-r2ks-2015-whistleblower-calendar/>

<sup>58</sup> See details of the Snowden reading here:

<http://www.r2k.org.za/2014/09/04/r2k-invites-you-to-the-worldwide-reading-for-edward-snowden/>

<sup>59</sup> See details of celebration of women whistleblowers:

<http://www.r2k.org.za/2014/08/22/right2know-western-cape-salutes-women-whistleblowerswomandla/>

<sup>60</sup> See details of screenings of Crumbs

<http://www.r2k.org.za/2014/09/04/crumbs/>

We published ‘Empowering our Whistleblowers’<sup>61</sup>, a publication that is the culmination of a process where we brought together different civil society organisations who work on whistleblower issues to reflect on the state of whistle blowing in South Africa. The publication shines a light on the silent crisis facing whistleblowers today; they face hostility in the public and private sectors, undertake risks to their safety and freedom, and there are gaps in the law that is meant to protect them. The report also presents practical and political interventions that will create an enabling environment for whistleblowers to come forward.

### *Amending the Protection of Disclosures Act*

The long awaited drafted amendments to the Protection of Disclosures Act (PDA) were gazetted for public comment after the General Elections and we made a R2K submission on the amendments<sup>62</sup>. The draft amendments have a number of positive changes that will help extend protection for whistleblowers in the workplace, but in our submission we also pointed out shortcomings, including the concern that these positive amendments will be seriously undermined by the Secrecy Bill (if it passes into law) as it contains penalties that can be used to criminalise whistle blowing.

## 6. Strengthening the Right2Know

We continue to build the Right2Know Campaign as a free, independent, vibrant, democratic and supporter driven coalition.

### *Democratic governance:*

We continue to mature as an activist-driven campaign and develop institutional systems. Our 2014 National Summit in Cape Town affirmed and refined our strategic framework<sup>63</sup> and elected a NWG included a good mixture of continuity and new leadership from provinces. National and Provincial Working Groups met monthly throughout the year to develop and coordinate the Campaign's programme and the NWG held a successful Mid Term Review meeting<sup>64</sup>. Thematic Focus

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<sup>61</sup> See the publication here:

<http://www.r2k.org.za/2014/04/01/empowering-whistleblowers/>

<sup>62</sup> See R2K Submission on the Protected Disclosures Amendment Bill.

<http://www.r2k.org.za/2014/07/23/submission-whistleblower-amendments/>

<sup>63</sup> See Summit report: <http://www.r2k.org.za/wp-content/uploads/R2K-2014-Summit-Report.pdf>

<sup>64</sup> See Mid Term Review meeting report:

<http://www.r2k.org.za/wp-content/uploads/R2K-MTR-2014-report.pdf>

Groups convened via email list and teleconference on an ad-hoc basis to support various thematic focuses.

We have completed our NPO and PBO (tax exempt) registrations. We have adopted a R2K Policy and Procedure Manual<sup>65</sup> that includes our activist code of conduct (adopted at the National Summit), staff code of conduct, our financial policies, and various other policies. These documents draw from good practice across the sector and were the subject of deliberation across the campaign.

### **Funding:**

The Campaign's income has grown steadily from initial short-term project funding from a single donor to multiple donors and core and multi-year contracts. We currently have a total of seven donor partners, three of which provide province multi-year funding and four of which provide core support. Our donors are the Bertha Foundation, Bread for the World, Claude Leon Foundation, Friedrich Ebert Stiftung, Heinrich Böll Foundation, Norwegian People's Aid and Open Society Foundation of South Africa.

We continue to grapple with the tension between ensuring we have sufficient financial resources and staff to support activism on one hand and the risk of professionalising or commodifying our work and closing the space for activism. The trend towards increasing salary and overhead expenses risks a reduction in funds available for popular education and mobilisation. The 2015 Summit should endeavour to provide some direction on how best to deploy our resources.

### **Increased Capacity:**

We have sustained the Campaign as a primarily activist-driven organisation supported by a small professional staff lead by Provincial Organisers in KZN, Gauteng and the Western Cape and supported by a National Office including our National Coordinator, Administrator and recently appointed National Organiser. In 2014 we were joined by a Communications Intern to support our documentation and media liaison work as well as Murray Hunter as a Bertha Fellow to organise our work on Secrecy. Our mid-term review concluded that in 2015 we should make the Communications position permanent as it offers significant support to activists across the campaign.

Our work on the right to communicate has been hampered by a lack of coordination, research and advocacy capacity. To address this limitation we have

agreed to appoint an Organiser to drive this important aspect of our Campaign.

### **Leadership School 2014: Communicating the Right to Know**

Building on the 2013 Leadership School our 2014 R2K Leadership School was smaller, more in-depth and more focused than the previous year, in order to give more individual attention to participants and enable a more participatory and experiential approach to learning.

Critically the School was integrated into the building of the existing operational capacity of the Campaign. Provinces each selected four core activists who went through 8 days of training over two blocks and a month long 'practice session' in between the blocks where participants returned home to practice and integrate their learnings. The School developed both their analytical understanding of the campaign's focus areas as well as their technical capacity to serve as local and provincial communicators.

In 2015 we propose to build on this success by multi-block Schools in Provinces to ensure we engage a core group of provincial activists and align the school to supporting the mobilisation programme of each province.

### **Fronts and Coalitions**

Right2Know is committed to building fronts and coalitions of civil society that strive to coordinate related struggles on the ground. Our 2014 Summit resolved that we will only formally join fronts and coalitions if they meet a set of criteria including that they are democratic, action orientated and aligned to R2K's principles and programmes.

In the course of 2014 we have been engaging in the NUMSA-initiated United Front process and will continue to explore this as a space for building solidarity and linkages across struggles that is set to formally launch on the 27 April 2015. Our Summit must engage the United Front proposal and agree on the R2K position on critical outstanding debates including the ideological nature of the United Front and its' relation to electoral politics.

### **Expanding Beyond our Urban Nodes**

We remain committed to our goal of becoming a truly 'national' campaign. A critical challenge remains how to build a sustainable Campaign presence in provinces beyond KZN Gauteng and the Western Cape. Over the years we have accumulated experience of how challenging this is and are aware of the risk of setting up structures before rooting the campaign in real struggles.

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<sup>65</sup> See the R2K Policy and Procedure Manual here: <http://www.r2k.org.za/wp-content/uploads/R2K-POLICY-AND-PROCEDURES-MANUAL-May-2014.pdf>



In the course of 2014 we engaged activities and built relationships in the Free State, Mpumalanga, North West and Eastern Cape provinces. The 2015 Summit must reflect on these experiences to chart the way forward.

### ***Publications & Material***

In the course of 2014 we produced a wide range of publications and campaigning materials. Publications ranged from high level research reports and policy positions to a range of popular pamphlets and audio packages for community radio. Material included red whistles, stickers, t-shirts, vibrant flags, and ‘we have the right to know’ posters. Perhaps a highlight was our eight-page popular tabloid newspaper covering a range of R2K topics.

While the Campaign has produced a range of effective popular education materials in the past, we acknowledge that this is a very resource intensive aspect of our work where at times we have failed to meet our ambitious targets. Developing successful popular education material is a complex process involving research, developing content in accessible language, deciding on a medium, possible translation, and technical production. All of these rely on scarce skills and we have been relying on those inside the campaign to do most of this free of charge.

## **7. Conclusion**

It is almost a natural law that as repression increases so does resistance. This is hardwired into the human condition. There is little doubt that South Africa is reaching the limits of the social contract negotiated in 1994. The process of renegotiating our future will be highly contested. Those seeking the preservation of privilege by violent and undemocratic means have access to almost unlimited resources – including the resources of the state.

But history has shown time and again that a mobilised people can face and overcome repression. But we are many, they are few. Let us take inspiration from the ground we’ve covered in 2014, from the democratic organisation we have built, from the people and communities we have reached, from the fights we have fought, and the fights we have won. Let us draw inspiration from the solidarity, discipline and comradeship we have each brought to the Campaign. 2015 promises to be an equally if not more challenging year. We proceed with the knowledge that the Right2Know Campaign, and the democratic movement of which we are a part, is up to the challenge.

## APPENDIX 1: A snapshot of 2014 Action

2014 was a full and busy year for the right2Know Campaign. Here is a quick and incomplete list of some of our outputs:

### 24 WORKSHOPS/TRAININGS

- Workshop on Whistleblowers (Johannesburg)
- Two workshops on ICT Green Paper (Johannesburg, Cape Town)
- Seven Workshop on right to protest (Durban, Cape Town, Johannesburg, Grahamstown, Malmesbury twice, and Caledon)
- Three workshops on digital television (Johannesburg, Cape Town, Durban)
- Workshop on reaching out to youth (Cape Town)
- Workshop on social grant fraud (Cape Town)
- Two workshops consolidating learning from 2013 leadership school (Gauteng & KZN)
- 2<sup>nd</sup> National Leadership School (two modules)
- Three workshops on access to telecommunications and the internet (Johannesburg, Durban, Cape Town)
- Workshop on the Arms Deal (Johannesburg)
- Workshop on National Key Points (Johannesburg)

### 36 PUBLIC MEETINGS

- World Press freedom Day (Durban, Cape Town)
- June 16 Right to Telecommunications (Cape Town)
- Arms Deal & Info Access (Johannesburg, Durban, Cape Town)
- Delft Community Meeting: Secrecy & Service Delivery
- Public Meeting on Secrecy and Freedom of Expression (Durban)
- Blikkiesdorp Community Meeting: Secrecy & Service Delivery
- The True Cost Of Secrecy In Our Lives (Cape Town).
- May Day: Youth & Freedom (Redill, Durban)
- May Day: Reflecting on 20 years of Democracy (Eshowe, KZN)
- Media Freedom after 20 Years of Democracy, Journalism Department Stellenbosch University
- Spotlight on Press Freedom, Press Freedom Day, Durban
- Briefing to the Cape Town Press Club
- Public Meeting on Party Funding (Johannesburg)
- 12 public screenings of Miners Shot Down
- Six public screenings of “Crumbs: Toppling the Bread Cartel”
- Right to Communicate National Day of Action (Durban)
- How Secrecy Affects Our Lives (Johannesburg)
- Rise of the Securocrats book launch (Cape Town)

### 18 PROTESTS

- Rally Against Police Brutality (Johannesburg, Gauteng)
- June 16 right to telecommunications (Cape Town)
- Silent Witness against Secrecy (Cape Town)
- World Press Freedom Day Protest Against Censorship at SABC (Johannesburg, Gauteng)
- Two pickets at the Arms Commission (Pretoria, Gauteng)
- March for Jobs with Numsa (Gauteng, KZN, Western Cape)
- Marikana Solidarity Picket (Johannesburg, Gauteng)
- National Day Of Action Marches (Johannesburg & Cape Town)
- SANRAL court protest (Cape Town)
- Marikana Commemoration protests (Cape Town & Marikana, North West Province )
- Protest for free Set Top Boxes at USAASA (Johannesburg, Gauteng)
- Two pickets outside the Swazi embassy for press freedom (Pretoria, Gauteng)
- Solidarity with the Public Protector (Durban)

### 13 PUBLICATIONS

- Eight-page tabloid newspaper covering a range of R2K topics
- Secret State of the Nation Report
- 2014 and 2015 Whistleblower Calendars
- Arms Deal Pamphlet
- National Key Points Pamphlet
- Empowering our Whistleblowers publication
- Right to Communicate audio (broadcast on Community Radio)
- Preconditions for a Democratic Communication System
- Activist Guide on Access to Internet
- Research on Lived Cost of Communication
- Research on alternatives to Commercialised Provision Of Telecommunications
- Call for Inclusive Digital Television and Free Set-Top-Boxes.
- Arms Deal information portal (ArmsDealFacts.com)
- Numerous statements and op-eds circulated electronically

### ENDS ###