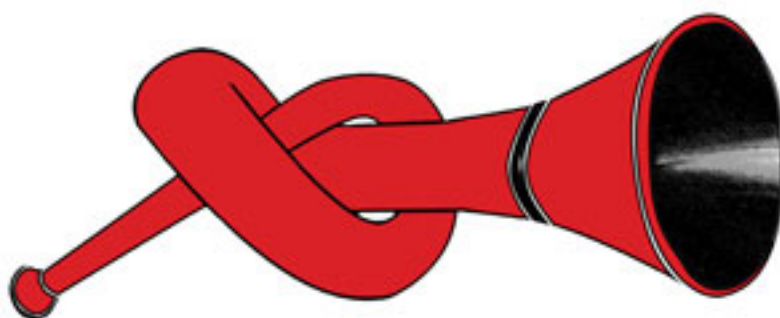


APPENDIX 1: Right2Know 2011/12 Progress Report



RIGHT2KNOW

2012 REPORT

Prepared by the National Working Group

For presentation at the 2012 Right2Know National Summit

Johannesburg 3 – 5 March 2012

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1. INTRODUCTION

It is a mere 18 months since the launch of the Right2Know Campaign at the end of August 2010 in Cape Town. It is a remarkable short period of time our campaign has attained a place in the popular imagination. We've been the subject of cartoons, editorials, parliamentary debates, and many passionate discussions in thousands of homes and public spaces across South Africa. We have put the 'right to know' on the national agenda and put the securocrats in the government and ruling party on the back foot, forcing parliamentary delays and public hearings. In a period where we have seen a decline in many progressive civil society organisations, including NGOs, CBOs, and social movements, the Right2Know has emerged as a progressive force that carries the hopes of many.

It is just over 12 months since we formally constituted the campaign at our first National Summit in Cape Town on 2-3 February 2011. We are gathered at the 2012 National Summit in Johannesburg to take stock of the mandate we gave ourselves a year ago – to celebrate our victories and acknowledge our limitations – so that we can build on the foundations we have laid to ensure 2012/13 is another year of advancing the Right2Know.

Before we get into the meat of our report, we must acknowledge the greatest defining characteristic of our campaign: The right to know is in (almost) everyone's interest and our campaign has united people across geography, across sectors, across South Africa's segregated landscape of race, class, and language.

The campaign has drawn on many struggles and many activists have contributed to make the Campaign what it is today. After all, it is our RIGHT TO KNOW!

This document aims to give a report of the progress made and challenges faced since our last Summit. It could never be an accurate reflection of all that has happened under the Right2Know banner – three days would not be enough time to present such a report, let alone allow time for engagement. We trust this report gives a fair reflection and will be strengthened by additions from Summit delegates.

2. THREE LEGS OF THE CAMPAIGN

The 2011 National Summit noted that the Secrecy Bill is only a symptom of a broader threat to the free flow of information that is the foundation of the South African democracy and a prerequisite for the realisation of other social, economic, and environmental struggles.

The 2011 Summit resolved that the Campaign should broaden its focus from the Secrecy Bill to include other aspects on access to information as well as defending and enhancing the dissemination of information – media freedom and diversity.

These have become referred to as the three legs of the campaign.

2.1 SECRECY BILL

As per the resolution of the 2011 National Summit, the Secrecy Bill has continued to be a strategic priority for the Right2Know campaign, with a range of parallel activities to continue shaping the discourse around the Bill both inside and outside Parliament, raise public awareness of the issues in all sectors of society, and influence drafting of the legislation itself.

Throughout the year the campaign continued its Parliamentary monitoring efforts, sending delegations of between two and 20 people to every sitting of the ad hoc committee. While some of these were campaign leaders who lobbied individual MPs to make amendments to the Bill in line with the Right2Know demands, many were members of the

public and representatives of community-based organisations within the campaign who were studying the contents of the Bill. The Parliamentary sessions were followed by a debriefing and reflection session facilitated by one of the Right2Know coordinators.

The Campaigns efforts have gone through several phases in response to shifting dynamics in the Parliamentary process. The start of year saw MPs stalling deliberations on the Bill in the lead-up to the local government elections in May 2011.

In this period the Campaign engaged in the Nelson Mandela Foundation Roundtable on the Bill held at Wits, where we made a critical intervention ensuring that the deliberations (intend by some to build a false consensus and present the R2K as unreasonable) focused on the R2K Freedom Test and adopted positions consistent with the Campaign.

After the local government elections the ruling party initiated an aggressive campaign to finalise the Bill before its 24 June deadline through clause-by-clause voting. R2K campaigned successfully to have the deadline extended beyond the 24 June. On this date the R2K picketed the Ministry of State Security in Pretoria.

The extension gave the campaign a crucial gap to escalate public awareness activities around remaining problems with the Bill. By September, when the Parliamentary ad hoc committee adopted a final draft of the Secrecy Bill and prepared to table it before the National Assembly, there was sufficient groundswell to host a series of protests.

The Bill was scheduled to be voted in the National Assembly on 20 September. In the run-up R2K intensified our campaign with a 13 August public meeting at Wits followed by a march to the Constitutional Hill and, on 17 September, a massive march to Parliament coinciding with the ANC NEC meeting in Johannesburg.

In a dramatic turn of events, on 19 September, the ANC Caucus withdrew the Bill 'for further consultation' (which never took place). This was a major victory for the Campaign, one of the few times in post-apartheid history that the government has made such a major and public retreat in the face of popular pressure.

On that evening R2K candlelit vigils planned in Cape Town, Durban, and Johannesburg to mourn the Bill's passing turned into spontaneous celebrations of this victory attended by hundreds of people.

On Black Tuesday (22 November) – when the securocrats had finally managed to instil sufficient discipline within the ANC to pass the Bill in the National Assembly – the Right2Know held pickets in the streets of Durban, Luthuli House, Hector Peterson Museum in Soweto, ANC offices in Pretoria, ANC offices in Vereeniging, and outside Parliament.

The public outcry at the passing of the Bill forced the National Council of Provinces (NCOP) to concede to holding public hearings on the Bill across the country.

It is testimony to the capacity of the Campaign that of the 21 hearings scheduled, and despite attempts to disorganise us by changing dates and venues, we ensured a campaign presence in at least one hearing in every province, barring the Northern Cape, and in the four existing R2K provinces, our members and affiliates dominated the meetings. Even more noteworthy is that reports from all the hearings suggest that communities have heard and embraced R2K's objections to the Secrecy Bill.

We have seen outrageously partisan practices at these hearings, with ANC branches bussed in en-masse to cheer for the Bill, while the Chairpersons of the meetings consistently tried to dismiss or shut down any community members who came forward with critiques of the Bill. However, attempts by the ruling party to use the hearings to "rubber stamp" the Bill have backfired. If anything, the meetings have shown how far our message has spread – people across the country are coming out to speak against secrecy!

Over the course of 2011, the Right2Know campaign saw a number of crucial victories regarding the content of the Bill – particularly with regard to limiting the scope of the Bill, tightening its definition of "national security" which is the justification for classifying information, and the appointment of a panel to review and potentially overturn decisions taken to classify information.

None of these important victories would have been possible without the tireless work of R2K activists on the ground conducting popular education and mobilisation.

Despite the important amendments to the Bill, the outstanding concerns around the scope and harshness of penalties will continue to galvanise civil society opposition to the Bill, and there is a great deal of work to do as the NCOP committee processes the Bill. In February the Right2Know submitted a 25-page document to the NCOP (available at www.r2k.org.za) which outlines in detail the remaining problems in the Bill and refutes the false information about the Bill being supplied by the Ministry of State Security. A number of member organisations and individuals in the campaign made written submissions in support of our demands. In addition to the R2K demands with regard to the draconian contents of the Bill, on the issue of process we will campaign for an extension of the committee's deadline, and will extend popular education and capacity-building for Right2Know supporters in all provinces to attend and participate in any public consultation.

Public awareness of the Bill, and opposition to its provisions, has reached unprecedented levels – a welcome contrast to periods in 2011 when any media coverage of the Bill was hard-won. Another encouraging development has been greater cooperation and communication with COSATU, whose steadfast opposition to the Bill will make them an invaluable voice and potential ally going forward. Efforts led by the Gauteng Working Group to forge a closer working relationship with both COSATU and SANEF are ongoing.

While the campaign will continue to exert its energies on the Parliamentary process, a long-term legal challenge is also being prepared, through attorneys from the Legal Resources Centre. Discussions are ongoing with other civil society players who may wish to join in a legal challenge, to ensure that any such application to the courts continues to be broad-based and inclusive.

2011 will be remembered as the year that the Right2Know campaign went from being ignored by the securocrats in government to being vilified as 'public enemy number one'. We were accused of many things from misinforming the public about the content of the Bill to being infiltrated and paid by foreign spies!

Moving forward we can take heart in the words of Ghandi: "First they ignore you, then they laugh at you, then they fight you, then you win."

2.2 INFO ACCESS NOW!

The 2011 National Summit resolved that the campaign should engage issues of access to information to highlight the existing culture of secrecy in South Africa and illustrate the impact of secrecy on the lives of ordinary people.

This is the leg of the Campaign that lends itself best to ensuring the R2K is rooted in community struggles. While a lot of work has been undertaken in this regard, there has not been an opportunity for systematic review and strategising. We hope that this Summit will provide that opportunity.

The Western Cape R2K held Access to Information testimonies in April 2011. These testimonies were organised to highlighting existing limitations with Promotion of Access to Information Act (PAIA) which is said to have less than 25 percent positive response to access to information. Testimonies focused on environmental issues, nuclear power, GMOs, and communities' attempts to access the housing list. After the testimonies R2K worked with four communities to submit PAIA request targeting Cape Town City Council and Provincial government. Two months later these communities received feedback from the City of Cape Town. But the kind of information that communities got was not helpful regarding what they expected from the authorities. Communities felt that they were given a lot of documents with technical information in them that did not address their concerns.

R2K Gauteng collaborated with the FXI to hold community meetings in Sebokeng, Orlando, Harrismith and Durban in the early months of 2011. These meetings served to inform people about their rights to access information, to understand community challenges and experiences around accessing information, and to identify struggles for information that the R2K could support and use to highlight the prevailing state of secrecy.

A big Human Rights Day event was held in Zone 17, Sebokeng and attended by approximately 170 people and received good media coverage. A further event at Schubart Park in Pretoria was held on Freedom Day.

Ongoing work in Gauteng to support communities in struggle is taking place with the Vaal Community Assembly,

Soweto Forum, LPM in Protea South, SECC, Thembelihle Crisis Committee, Voice of the People-Concerned Residents in Diepkloof, Motsoaledi Concerned Residents, Informal Settlement Network, Golcom in Freedom Park, and others.

Another critical area of work for the campaign in its broader programme of action has been a list of 'Climate Secrets' surrounding the energy sector. In the months leading up to COP17, the campaign drafted a series of demands for greater transparency around the climate change talks, and tabled a list of demands for access to information from Eskom, the nuclear sector and the petro-chemical industry. Drawing on long-running struggles in the environmental sector in Durban, which forms a critical support base for the Right2Know KZN, these demands were the basis of mobilisation leading up to COP17. Armed with flyers and other material publicising the demands, a large Right2Know support base joined other civil society movements at COP17 itself.

Lastly, in February 2012 R2K joined forces with 26 other organisations to hold a night vigil and deliver a Call for Budget Justice outside Parliament. The Call recognises that currently South Africa is one of the world leaders in budget transparency at a national level and demanded more disaggregated budget information as well as for communities struggle to obtain specific budget information about their local clinic or school.

While all the demands are a long way from being met, the Right2Know's public participation along these lines has strengthened the campaign's ties to broader social justice issues.

In many instances the campaign has been able to use its profile to provide direct advocacy for community-based organisations seeking information from government, without resorting to PAIA. For example, at the request of the Imizama Yethu branch, Right2Know Western Cape supported Sanco's call for greater transparency around housing allocation, and partnered in a march to the councillor and subsequent meetings with City officials, with sustained coverage in metropolitan newspapers. While the process is still underway and residents' concerns have not yet been fully addressed, it seems that the Right2Know's participation has made the matter a priority for municipal officials.

R2K's Info Access Now campaign has the potential to be the lifeblood of the Campaign as it contributes to struggles of our supporting organisations and can offer them solidarity, publicity, and technical assistance. This Summit must develop the strategy to ensure that we build on this work consistency so that we can further build the base of the Campaign and claim information-access victories in the coming year.

2.3 MEDIA FREEDOM AND DIVERSITY

In February 2011 the Right2Know Campaign National Summit resolved to campaign for a free and diverse media as well as accessible and affordable telecommunication services that can serve the information needs of all living in South Africa.

Media freedom and diversity are two sides of the same coin. Without media freedom the media would become the voice of the government, without a diversity of ownership and economic models (non-commercial and commercial) the media would be the voice of an economic elite. Therefore R2K should link the threats to existing media freedom to the need to extend media freedom to a greater section of people living in South Africa. We must campaign to defend and extend media freedom for all!

To take forward this commitment to the right to communicate for all the NWG established a Media Freedom and Diversity Working Group. The working group facilitated a process of unpacking these issues, building a consensus on campaign positions, and establishing the basis and focus of R2K's campaign on this aspect of the free flow of information.

Working Group members researched and produced discussion documents on the media appeals tribunal (MAT), media ownership and control, community media, and the public broadcaster (the SABC). These papers were presented at national seminars attended by R2K leaders and supporters where the issues were unpacked and consensus was established.

The key aspects of the consensus are summarized in the discussion document produced in November 2011. This document was circulated to R2K supporters and discussed in Provincial Summits. It is the task of this Summit to finalise the consultative process and develop a compelling campaign for media freedom and diversity.

In addition to this preparatory work the R2K has also participated in a number of related processes including the Press Council's review of the Press Code, the Law Commission's review of competition law, Parliament's Media Transformation Indaba, and the Press Freedom Commission.

While these long-term policy discussions take shape, the Right2Know is also responding to more immediate threats to media freedom, such as legal action taken against campaign member amaBhungane and the Mail & Guardian by presidential spokesperson Mac Maharaj. In terms of the National Prosecuting Act, Maharaj seeks to have amaBhungane reporters charged with an offence carrying up to 15 years' imprisonment. While it seems unlikely that the targeted journalists are guilty of any crime, the Right2Campaign rebuked Maharaj through a press statement, and will continue to monitor the situation and take further action if necessary to respond to attempts to silence amaBhungane's reporters through legal sanction.

These engagements have enriched the perspectives and following proposals to the 2012 National Summit. The National Summit must engage the documents analysis of – and proposed positions on – the SA media and telecommunications landscape and develop a strategy to take forward this leg of the Right2Know.

A free media is a public good – a constitutional right that is key to the realization and defense of other rights. If media consumption and production opportunities are mainly distributed by a market mechanism, with a limited public service top up, they will continued to be enjoyed disproportionately by economically powerful sections of the population and ownership will continue to move towards greater concentration. In a country with such high levels of poverty, unemployment and inequality, it is untenable that the production and distribution of media goods should be dominated so overwhelmingly by market forces. There must be less concentrated ownership and control of the media and a greater diversity of commercial and non-commercial media, and forms of journalism, that can serve all sections of the population and enable a greater diversity of voices.

Lastly, journalist and other media workers are a critical constituency for this leg of the campaign and every effort must be made to engage them as active supporters. We must be more specific about the types of media and not use the generic phrase “media” to describe the dominant media. We must talk about monopoly media, small and medium commercial media, community media, state media, and the public broadcaster in a way that acknowledges their respective strengths and limitations in contributing to a free and diverse media.

3. Implementing the Campaign

While we rely on the activism of all members, the campaign has a National Working Group and four Provincial Working Groups supported by the following staff members: a national coordinator and national administrator based in Cape Town, a full-time Western Cape coordinator in Cape Town, a part-time Gauteng coordinator and part-time administrator based in Johannesburg and a part-time KZN coordinator based in Durban (after a period without a host organisation, which meant no coordinator could be employed, KZN is now seeking to hire two part-time coordinators). Over the course of 2011 we also saw the launch of a Right2Know structure in the Eastern Cape – while this was a great success, it has put additional strain on our national budget and there has been no provision for an employed coordinator. In addition the Eastern Cape Right2Know is still seeking a host organisation.

Implementation of the Right2Know has been built on vibrant leadership in its four provinces, each stacked with leaders from across civil society and activists from across a broad range of struggles. Most decisions taken at the National Summit 2011 with regard to coordination have been fulfilled or partially fulfilled, but it is clear that we need to increase our capacity to improve communication and coordination, and ensure that the campaign is an open and democratic initiative driven by all stakeholders.

3.1. National

The National Working Group has steered the campaign, meeting every month via teleconferences and maintaining an active email list. Of the National Working Group elected at the 2011 Summit all have remained active in the Campaign

except Quinton Kippen who resigned when he ceased to serve as KZN Coordinator and Sithembile Mbete who resigned after taking up employment in government. New representatives from KZN as well as reps from the Eastern Cape (Roy Chetty and Eric Tate, and Ayanda Kota respectively) were co-opted to the NWG to ensure representation for their provinces.

The NWG also established a number of sub-committees to undertake its work. These included the Finance and Funding Committee, Legal Committee, Popular Education & Mobilisation Committee and Media Freedom and Diversity Working Group.

In the past year, the Right2Know campaign's success in mobilising broad and unified civil society action is all the more significant considering our limited resources. (While many organisations within R2K are community-based initiatives with no funding whatsoever, it is generally agreed that our budget is relatively small for a national campaign with active provincial structures, capable of large-scale mobilisation.)

Since its inception on 31 August 2010, the Right2Know's national headquarters have been hosted at the Institute for Security Studies in Cape Town. The ISS has also provided financial administration for the campaign. The campaign has its own bank account, registered in the name of ISS, and all grant agreements and staffing contracts are in the name of ISS.

We must thank the ISS for their support in this regard. The Financial Statements (tabled in a separate document at this National Summit) reflect that our finances have been well managed. By May 2012 the campaign will take over management of its own finances and staffing agreements. As the ISS financial year ends in February, an audit of R2K finances is still to take place in the coming months as per the requirements of the 2011 Summit Resolutions.

The R2K was also able to draw on resources of various supporting organisations including the AIDC, CCS, CIVICUS, DDP, Diakonia Council of Churches, FXI, ISS, Masifunde, ODAC, OSF, SAHA, SOS, and others.

The 2011 National Summit resolved that the campaign should be registered as an NPO and get its own bank account. The process of registering Right2Know as an NPO is now underway, using a pro forma constitution that recognizes the national and provincial structures of the campaign and entrusts members of the National Working Group as the legal office bearers of the organisation, to be elected every year at the national summit. The constitution can be amended every year at the National Summit and is on our agenda in the coming days. (See appendix.)

We expect the NPO registration to be complete in May 2012, although Right2Know became a legally constituted organisation when the National Working Group adopted the constitution.

The campaign activities outlined in Section 2 above speak to the extensive popular education and mobilisation undertaken by the Campaign. We have run many workshops on all three legs of the campaign and produced a variety of campaign material including t-shirts, leaflets and brochures, bumper stickers, badges, banners and placards.

However we have not succeeded in implementing 2011 Summit resolutions calling for greater coordination across provinces from developing and sharing workshop programmes and training curriculums to collaborating to produce popular education and advocacy material, and organising national leadership schools.

This National Summit must reflect on our success and our limitations and chart a new path forward in this regard.

3.2. Provinces

All R2K's provinces successfully concluded Provincial Summits in the build-up to this National Summit. Provincial Summits which were open to all campaign supporters – ensuring transparency and accountability – and developed programmes for the provinces as well as mandates to bring to the National summit.

Provincial working groups have in large been able to bring on-board important constituencies, movements, organisations and individuals and managed to facilitate a synthetic working relationship between diverse constituencies which often do not engage in civil society activism together, namely: academic, community-based organisations, NGOs, unions, social movements, etc. They also facilitated the participation of diverse communities with

uneven capacities in the campaign, for example, ensuring that hard copies of documents were provided to allow those without access to the internet to participate.

Managing the different organisational cultures and capacities and the resulting unevenness of various sections of the campaign remains an ongoing challenge.

3.2.1 Eastern Cape

In September 2011 the Right2Know campaign launched in the Eastern Cape at a high-profile rally in Grahamstown that was attended by leaders of key social movements, community groups and NGOs from Grahamstown, Port Elizabeth, East London and surrounding areas. Until a working group could be properly constituted, the Right2Know Eastern Cape was coordinated by an interim committee in Grahamstown, despite not having a salaried organiser or host organisation. In January 2012 two national working group members spent several days in Grahamstown meeting with local affiliates, including day-long meeting with more than a dozen local civil society groups, that explored the issues affecting the “right to know” in South Africa, and resulted in the election of a 10-person committee to take forward the R2K in the province.

R2K EC’s first mass activity was mobilising for the NCOP hearings in Nelson Mandela Bay. For the future, there is also interest in participating in R2K from local student organisations and research departments at Rhodes University, and Walter Sisulu University, ensuring the campaign can continue to grow in the province and have broad support from across society.

3.2.2 Gauteng

The GP working group – which is made up a diverse range of individuals, NGO activists and community representatives - meets monthly and has made a significant contribution to the Campaign as outlined above. (need to note hosting relationship with FXI)

Apart from the many campaign activities detailed above, the working group has recently formed a popular education and mobilization sub-committee to specifically take forward this area of work. In addition, R2K Gauteng organized a Gauteng Coalition meeting during 2011 with the aim of bringing together a range of Johannesburg-based organisations to broaden the support base of R2K and to develop a joint programme of action. Participating organisations included Human Rights Watch, Earthlife Africa, the Helen Suzman Foundation, Norwegian People's Aid, Business Day, Sangoco, Democratic Left Front, Market Photo Workshop, CASAC, Art at Work, Migrant Community Board, Sangonet, Khulumani Support Group, CALS, YCCF, the FHR, and others.

3.2.3 KwaZulu Natal

The KZN Working Group has been holding monthly working group meetings at Diakonia. After a breakdown with our host organisation in the province (DDP) the R2K National Coordinator held a workshop addressing issues with the working group and the provincial coordinators roles and functions.

We are currently concluding a host agreement with the Centre for Civil Society.

The province has conducted various workshops focusing on PAIA and the 7 Point Freedom Test and held a number of public meetings and protest. The highlights of the year include pickets and vigils at the President’s residence at key junctures in the Bill’s passage through Parliament, and a number of large rallies – including one in November linking secrecy and the energy sector. During the massive COP 17 Day of Action in December, Right2Know had a strong presence at the march with “Stop Climate Secrets”.

3.2.4 Western Cape

The Western Cape Working Group meets monthly to coordinate the campaign’s work in the province as well as the

engagement with Parliament. They have also done extensive capacity-building of working group members running workshops focusing on all three legs of the campaign. This work bore fruit when a number of the community-based organisations active in the campaign were able to make their own written submissions to the NCOP.

The working group also supported UCT students to organise themselves into Students Against Secrecy and organise a Secrecy Week with numerous activities on campus.

3.2.5 Other Provinces

While the limited capacity of existing campaign structures have greatly restricted our ability to reach out to other provinces, the NCOP public hearings process has presented R2K with a great opportunity to form alliances in other provinces. In February 2012 Right2Know worked closely with the Freedom of Expression Network to successfully mobilise a strong presence at hearings in Free State, North West, Mpumalanga, Limpopo – ensuring that activists in the provinces were given an opportunity to vocalise their opposition to the Secrecy Bill.

4. CONCLUSION

Since our launching in late 2010 the Right2Know Campaign has shown a remarkable capacity to unite a wide range of people to defend and advance hard-won constitutional rights to access information and free expression.

Beyond and through mobilising the R2K support base, the Campaign will need to advocate to popularise our perspective across society. We will engage tactically at every opportunity. This will see a variety of action from training and media advocacy, to lobbying and protest. The R2K must undertake all these tasks within our limited capacity and remain committed to ongoing process of building a popular movement rooted in poor and working class communities.

For all we have achieved, let us remember we only pay two national staff and a few provincial organisers. The lion's share of the work in the past year has been carried by activists giving their time and energy to selflessly build the Campaign.

Our campaign activists and supporters are our greatest strength. We must defend the participatory and activist nature of the Campaign.

This Summit, our democratic consultative and mandating process, will be another testimony of this shared ownership and commitment to building a united vehicle to take forward the struggle for the free flow of information.

Let us engage frankly and honestly, telling the truth about our strengths and weaknesses. Let us debate robustly until as we reach a consensus or compromise. Let us not compromise our unity.

But importantly let us never forget that we are all comrades worthy of respect. Let us not forget that we have much to be proud of – and much to build on – as we chart the way forward for the Right2Know.

Let us continue working together to realise the R2K vision: “We seek a country and a world where we all have the right to know – that is to be free to access and to share information. This right is fundamental to any democracy that is open, accountable, participatory and responsive; able to deliver the social, economic and environmental justice we need. On this foundation a society and an international community can be built in which we all live free from want, in equality and in dignity.”

ENDS.