Defending Rights in Hostile Contexts

Understanding and Confronting the Crackdown Against Activists and Democratic Space in Southern Africa
Defending Rights in Hostile Contexts:
Understanding and Confronting the Crackdown Against Activists
and Democratic Space in Southern Africa

December 2019

Acknowledgements

We would like to thank everyone for an inspiring, informative and provocative gathering. Moving forward, we will produce two publications (an adapted interactive web page and longer booklet of analysis and reflections) to share key learnings from this gathering, which will inform our ongoing cross-regional and global program (power and protection of activists and movements) and shape the tools and methodologies we are developing and refining for feminist leadership schools and dialogues in different contexts.

Special thanks to the Ford Foundation for supporting this important gathering and publication.

Layout and Design: WE Designs
# Contents

Introduction  
2

**CONTEXT: What makes the context hostile?**  
6

**POWER: “When we talk about power, power is within people”**  
10

**ELECTIONS ≠ DEMOCRACY: “We make 90% of the change, not politicians”**  
13

**OUR HISTORY: To go forward, we must look back**  
16

**DEVELOPMENT: “We aren’t anti-development; we want the development that develops us.”**  
17

**BODIES: The body is the first site of struggle and is central to resistance**  
19

**Commitments, conclusions and ideas for going forward**  
21
In June 2019, JASS Southern Africa (SNA) convened a diverse group to begin that conversation. With partners, Amnesty International and Oxfam South Africa, JASS SNA brought together 40 grassroots activists, human rights defenders, lawyers, journalists, and faith leaders alongside donors, and national and global NGO’s working on human rights. Focusing on Zimbabwe and South Africa, we spent three days analyzing the shifting political and power dynamics, rethinking our strategies, and exploring how to improve activist safety. This unusual gathering allowed those most directly impacted by political repression to speak with others across sectors, issues, and borders. It was an opportunity to learn together and to better align strategies and coordination.

This convening builds on the thinking and approach of a multi-year initiative co-led by JASS and the Fund for Global Human Rights entitled “Defending Rights in Hostile Contexts.” Through cross-sectoral gatherings, we seek to get under the skin of the conversation about “closing civic space” by analyzing what is driving the increasing repression of activism and dissent, the rejection of human rights standards, and the activation of fear and “othering” of those who defend their rights against injustice. These dialogues center the questions of power, gender, narratives, movements, and safety while asserting that civic space is changing but for many on the margins, civic space has always been closed.

"This is the first-time I have experienced a sustained conversation across borders and there was no blood on the floor.”

– Zimbabwean activist leader

---

1. To learn more about our Power and Protection initiative see, https://www.jass-fghr.org/power-and-protection
A different starting point

To create the conditions for this cross-border conversation, we sought to make the convening a safe space to:

- Raise critical questions rather than provide answers
- Center the voices and knowledge of those at the frontlines of crisis – often absent in these spaces – to facilitate deeper cross-sector learning
- Understand and interrogate the assumptions around closing civic space, protection/safety, human rights, power, and violence
- Recover and learn from our distinct but shared histories, especially our respective liberation struggles

Our guiding questions included:

- What does "closing space" look like here? What is closing, for whom, and who is benefiting?
- What spaces are opening (e.g., new opportunities for change and organizing)?
- What makes our contexts hostile – what are the power struggles about, what’s at stake, how does it impact us personally?
- How are women and LGBTQ people, rural and urban poor communities, youth, and labor activists impacted, and how are they resisting?
- What's the "official" narrative about what’s happening – particularly in relation to specific conflicts over gender identity and sexual orientation, land and labor rights and other issues drawing fire. What is our narrative?
- What are the strategies for community self-defense and activist safety that are emerging?
- How can we strategize and organize ourselves to better integrate self-defense and safety in order to be stronger and safer in our pursuit of justice, truth and basic rights?
Over three days we took a deep dive into a power analysis on what is making our contexts hostile, for whom and why, and what we can learn from both our past and present that can help our justice efforts prevail, resist and thrive collectively. We looked at the questions from many angles to get the full picture. We organized the key insights into clusters of reflections and quotes. Below are the themes we covered:

- “The liberation “honeymoon” has ended!”
- CONTEXT: What makes the context hostile?
- POWER: “When we talk about power, power is within people”
- ELECTIONS ≠ DEMOCRACY: “We make 90% of the change, not politicians”
- OUR HISTORY: To go forward, we must look back
- DEVELOPMENT: “We aren’t anti-development; we want the development that develops us.”
- BODIES: The body is the first site of struggle and is central to resistance
The region’s national liberation movements became increasingly aware that after decades in power they were losing popularity. They were confronting a crisis of legitimacy. The rule of liberation movements in southern Africa rule has been increasingly challenged by economic failure, rising popular discontent, the alienation of young people and yawning internal divisions.” ²

“The unfinished business of liberation movements” arose as a central theme of our conversations. Liberation movements that led inspiring struggles for independence in the region have been in political power for nearly 40 years in the case of Zimbabwe and since 1994 in South Africa. During the anti-colonial and anti-apartheid struggles, they held up a transformative vision of systemic change – political, economic, and social – in which everyone could thrive. However, today, these aspirations remain unrealized, and many important human rights gains are in jeopardy. Many people question whether the political parties and governments that grew out of liberation movements can achieve the unfinished liberation project given high levels of corruption and the ease with which violence is used to silence critics or challenge land grabs. In Zimbabwe, the promise of change in 2018 has disappeared in the wake of political violence and economic crisis in that country.

² Roger Southall, “Southern Africa's liberation movements: can they abandon old bad habits?” The Conversation, August 12, 2018
What makes a context hostile?

- Rising inequality, poverty and scarcity
- Attacks and criminalization of activists and organizing
- Polarizing and delegitimizing activists and their justice agendas

Hostility demobilizes the communities we work in and leads us to subcontract our decisions to other people.”

– South African activist leader
A. Attacks and criminalization of activists and organizing

Anything that seeks to engage and access people at the grassroots level is considered a threat.”

– Zimbabwean activist

To different degrees in Zimbabwe and South Africa, governments and their allies are cracking down on dissent, protest, and activism. There are increasing restrictions on civil society organizations, including new stringent regulations on funding.

- In South Africa, the government has targeted specific sectors and communities particularly students and mining communities (e.g., The Marikana massacre in 2012 when miners and their families demanded better wages and conditions3.) Private security companies, often better equipped than the local police, also use violence to protect mining companies’ interests against communities who defend their land against companies.

- In Zimbabwe, the government’s strategies to suppress opposition and citizen organizing include increasingly blatant surveillance, legal restrictions on efforts to secure basic livelihoods (e.g., cross-border and informal trading), and unlawful detentions and abductions of people who speak out or are perceived as opposition – all with impunity. An estimated 50 people4 including teachers, doctors, trade unionists and opposition activists, were abducted in 2019 alone. While protesting is still relatively safe in South Africa, in Zimbabwe, it is now a dangerous and possibly ineffective way to demand accountability from the government. The same people affected by the worsening economic situation also face the harshest reprisals for speaking out.

---

B. Polarizing and delegitimizing activists and their justice agendas

The media is used to demonize people and ensure they never have a voice.”

– Zimbabwean activist

Governments and powerful interests are manipulating public narratives to delegitimize and silence activists that challenge them, to create conflict within movements, and to stir up the kind of fear and doubt that leads citizens to accept command and control tactics.

- In South Africa, social media fueling xenophobia and existing prejudice toward other Africans is polarizing people along predictable fault lines (around ethnicity, gender, location, and sexuality.) As illustrated by the August – September 2019 xenophobic attacks, blaming and scapegoating of “Others” for social and economic problems has led to an escalation and justification of violence and further rifts along these fault lines. Persistent discrimination and divisions within civil society organizations and communities on gender and sexual orientations as well as ethnicity and class leave us open to these kinds of “divide and conquer” tactics.

- In Zimbabwe, the government discredits the opposition with misinformation to undermine their support and to control and silence civil society. Human rights organizations for example, are called “enemies for the state” or accused of “destabilizing the government” to justify the use of police and armies to quell protest. Any attempt to publicize is the government’s role in the suppression is quickly dismissed by, for example, shifting blaming to a “Third force”.

S. Ibid
C. Rising inequality, poverty and scarcity

People can’t organize when they are hungry”
— Zimbabwean journalist

Contributing to the sense of hostility in these contexts, are the underlying difficulties of day-to-day survival including basic services and making ends meet. Zimbabwe is in the midst of a full-blown economic crisis while inequality is rising in South Africa and life is increasingly difficult and precarious.

- In Zimbabwe, hyperinflation is causing daily price hikes in food and fuel amid cash shortages, while essential services such as electricity and water remain elusive for the poor. With the high unemployment rate, many citizens make ends meet through an informal economy (much of it illegal), while those employed (mostly civil servants) are paid very low wages that are devalued by the soaring inflation.

- South Africa is among the world’s most unequal countries. Unemployment is gradually rising, as the state’s capacity to deliver decent public services falls. The legacies of apartheid are evident as many black and brown communities continue to struggle for basic needs, jobs and services, and wait on critical redress, including access to land. With economic tensions high, it is easy to drive divisions between “us” vs. “them,” and many Zimbabwean migrants living in South Africa face targeted violence. Amid these struggles, both countries are introducing austerity policies with the stated goal to “recover” the economy, but the mandated public service cuts harm those in most need.

It’s been 25 years since the end of Apartheid and we’re still one of the most unequal countries in the world”
— South African activist

---

POWER: “When we talk about power, power is within people”

What do we mean by “power”? Feminist scholar and JASS longtime advisor and former board co-chair, Srilatha Batliwala makes understanding power quite practical, explaining that: ‘power is the capacity of individuals or groups to determine: Who gets what, who does what, who decides what, and who sets the agenda. This includes what is considered “normal” and what ideas count. Dr. Martin Luther King, a key leader in the US civil rights movements of the 1950s and 60s, asserted, ‘power, properly understood, is the ability to achieve purpose. It is the strength required to bring about social, political or economic changes. In this sense power is not only desirable but necessary in order to implement the demands of love and justice’. Power comes from many different concrete and intangible sources including economic and material resources, human and emotional resources, and all types of knowledge from lived experience to expertise.

Key insights

- As power changes, so should our strategies. “To what degree does the state have the political will or capacity power to enforce rights? Our strategies still look like the world 25 years ago before the wave of deregulation and liberalisation that came with neoliberalism and shifted the focus of government.” For example, after a wave of pioneering gains in human rights in South Africa, policies and institutions have exhibited less interest and capacity to implement these laws and greater focus on facilitating private investment and serving as enforcer to capital. In both countries, the full power of the state is thrown behind protecting corporate interests (often involving state officials as stakeholders) and access to minerals, labor, land and more.

7. South African activist
● “When power over is threatened, there is violence.” We must organize with the expectation that we will face backlash and repression. Our organizing strategies should integrate strategies for our safety.

● “When we talk about power, power is within people.” Communities and social movements can also have power. Transformative forms of power (power within, power with, power to and power for) are a counterbalance to power over.

We can’t understand the hostility and violence in our contexts, without understanding the power dynamics driving them. Some of the ways in which shifting power dynamics are evident in this region include:

● Land grabs, state collusion, and corporate impunity are primarily linked to the mining and extractive sectors. Under the guise of attracting foreign direct investment and creating new jobs, governments, local elites, and multinational corporations work together to exploit resources, violate labor and environmental laws, and displace communities – to maximize profit over public benefit.

● Use of police and military to silence dissent: “The role played by the military in individual countries’ politics and the region is something that feminists have yet to grasp and grapple with fully. The clearest example where the military is firmly in the driving seat is that of Zimbabwe. Since the country’s independence in 1980, the Zimbabwe Defense Forces (comprising the National Army, Air Police, and Prison Service) collectively and individually have played quite significant roles in decision making.”

● Disinformation or slander to delegitimize activists and their agendas: Whether it’s calling women activists, hure (prostitute) or communities fighting extractives, “anti-development,” these narratives turn those who speak out for justice or rights into outcasts who threaten social order and the future of the country. Labeling women activists as whores can bring shame to their families – which is a very serious threat to the one place of belonging for many women – and can cause divisions within movements.

● Continuing growth of evangelicalism: “Evangelical churches…are transforming politics like no other force. They are giving conservative causes, and especially political parties, new strength, and new constituencies.” At a time of instability, they attract members with their offer of a sense of belonging that creates hope – and use that opening to spread an anti-gay, anti-gender and anti-feminist agenda.

---

9. Everjoice Win, Between Jesus, the Generals and Invisibles, JASS, 2013
And yet, **Power can be positive and even transformational.** Power isn’t only domination and repression but also collaboration, collective action and transformation. We don’t have to replicate dominating forms of power, we can cultivate patterns of power rooted in equity, inclusion and liberation. JASS calls this transformation power.\(^\text{12}\)

- **Energized political mobilization:** Despite the risks, new and old formations and people from all sectors of society (students, teachers, doctors, nurses, lawyers) are mobilizing to challenge corruption, sexism, inequality, and violence – online and off-line – despite increasing surveillance. These mobilizations are happening outside the NGO sector, creating new pressures and opportunities for cross-movement movement building beyond business as usual.

- **At the same time, civil society organizations are struggling to break out of their issue and organizational boxes:** “We are failing to unite our struggles. We are not seeing the power in uniting. Silos are weakening us. We are fighting the same thing. We need to use our numbers, come together, and get it done.” – South African activist.

---


\(^2\) Ibid
Elections ≠ Democracy: “We make 90% of the change, not politicians”¹³

“...we habitually overstate the importance of elections. We have a way of talking about elections as though they were synonymous with democracy. They are not: they are merely a very imperfect way of creating the possibility of democracy, which is the government of governed. Ideally, democracy is what would happen between elections.”¹⁴

Key insights:

● Democracy is built from the local level and collectively. “When we talk about democracy, we are really talking about creating space for people at the local level to come together and speak freely and to act collectively. We have called this deliberative democracy because of that routine of coming together to discuss issues, surface new priorities, and work to co-create solutions.” (Zimbabwean activist)

● Elections may not deliver change in the ways they've been mythologized to do, but they are a critical moment for citizens to organize around common priorities and demands for the long-haul. They matter. “Elections are extremely consequential. If you are not getting excited about elections, somebody else is. If we have all given up and elections are going ahead, then we are digging ourselves a bigger hole.” (South African activist)

---

States have been captured by private economic and other interests who seek to control political power to increase their take. "States have become vehicles of accumulation at the service of a small band of elites." (South African activist)

The public is increasingly frustrated at the failure of political parties that delivered independence to deliver on their promise of economic security and access to land. While much longer in Zimbabwe, those parties hold on to power and recycle leaders from a nationalist elite using authority to cut profitable deals. The extent to which Robert Mugabe essentially looted the country over his decades in office is still unknown. As one participant explained, “The election is an event that doesn’t bring lasting change for people.”

In Zimbabwe, the ousting of Robert Mugabe after 37 years in power provided a window of hope for change, but that has since closed as economic hardship and repression have worsened. South Africa’s ANC (African National Congress), once popular, narrowly won the 2019 election due to the increasing economic insecurity. The Mnangagwa government has declared Zimbabwe, “open for business” – a phrase that many activists feel indicates a willingness to sell off assets and look the other way on human rights and environmental degradation – as an attempt to attract foreign investment. While Ramaphosa’s government in South Africa has vowed to tackle the deep corruption that mars the ANC’s legitimacy, neither of these pledges are likely to improve economic and political conditions in the near term.

Confidence in elections is like putting tequila in a blender and expecting to get healthy smoothie”

— South African activist
OUR HISTORY:
To go forward, we must look back

History, based on our lived realities, is a powerful teacher. Reflecting on our countries' trajectories provides insights that can inform our current efforts for the future. More importantly, it allows us to learn – see recurring patterns of power and what how we can build effective strategies for resistance.

“
We must not forget to celebrate our history. It helps us reweave our social fabric, remember our vision of change and build solidarity among each other”
— Zimbabwean activist

Key insights:

● We’ve been here before. Despite the sense of alarm felt by many CSOs, political violence, repression, misinformation, and polarization are not new to our movements. Learning from older activists who navigated brutal dictatorships, we can draw lessons to adapt for the present on under-the-radar organizing strategies, self-defense, and global solidarity. History also reminds us that our own political gains will always be met by cooptation and backlash to neutralize and reverse our gains.

● We need to reclaim and rebuild international solidarity. Never has it been more urgent that we bring back the ideals around Pan-Africanism. What does it mean to be “African” from a Pan-African perspective? If we cannot relate to other people and other Africans humanely, we will never be able to fight the ills in our society or the forces of injustice that we are up against. We cannot make solidarity a kumbaya song. We must give content to what real solidarity means.
● Youth discontent and alienation could become a source of hope and organized power: “One other thing to address is the existence of this epic standoff between the nationalist elite who feel entitled and young people who are very clear they haven’t been given a fair chance and that is the biggest polarization we are faced with.” (Zimbabwean activist)

● Everyone has a role to play: “We have a lot to learn from liberation struggles, including strategies we can adapt to our current problems. One strategy is song and dance. Shemurenga, an album co-produced by JASS, energizes and mobilizes women’s organizing in Zimbabwe. It raises the visibility of women’s role in liberation struggles, but also claims liberation as a struggle for everyone. Everyone had a role to play – singing, contributing food and resources, or fighting on the frontlines.” (Zimbabwean activist)

What is informing where we are is the global economy, rise of right-wing fundamentalists and access to information. Technological developments are displacing what used to be collective labor. We have maintained the same approaches and methods for mobilizing ourselves and freedom.”

— Zimbabwean pastor
Extractive industries in Southern Africa, especially mining, are central to the region’s historical struggles and even today are promoted as a pathway to “development” by governments who assert that to grow the economy, we need to attract foreign direct investment, which will, in turn, create new jobs and improve lives. In places such as Marange, in Zimbabwe, communities say that mining has come at a dire cost with minimal benefit to them. Mining projects have violated labor laws, exploited and polluted their land and water, destroyed their sources of livelihood, and displaced them. In places such as Xolobeni in South Africa, communities have fought for years to protect their land, livelihood, and culture from an Australian mining company, its South African partners, and the government and traditional leaders who enable and directly benefit from extractive industries.

This model of development is backed up by violence. Often, governments disregard a community’s rights concerning the use of their land and resources, neither sharing information nor requesting consent. When communities resist, they are labeled as “anti-development,” and threatened and attacked by state and private security forces.

Anti-development labeling is used to dehumanize us. We are speaking the same language of development through the construction of roads and clinics as a collective effort…”

— Zimbabwean leader fighting to defend her community against mining companies
Key insights:

- **Access to, control and care of resources – from labor to land – are a key area of conflict in a moment of increased economic inequality and precarity.** The focus of human rights NGOs on political and civil law over the last 20 years have ceded this territory to others and there is a need to re-energize economic rights efforts.

- **Women are among the most affected by land and resource grabs and experience gendered forms of violence:** “The military’s search for diamonds on women’s bodies includes inserting gloved fingers in women’s vaginas, and sometimes the same glove is used on many different women. Our health has also been greatly compromised by the mining activities, and this has seen some women giving birth to children with deformities” (Zimbabwean community leader)

- **Communities fighting extractives are the ones taking us forward, not backwards.** “We are feeding the country… That is why [we fight] the mining; because mining is a foreign thing; it’s not for us. We’re not going to eat minerals. Minerals are going to be extracted and go to Europe, and we’re left to starve and in poverty...” (South African community leader)

- **We must redefine what real development means:** “People in my community are living a good life, and they are self-employed, but the government doesn’t recognize that. They want us to be the slaves of somebody else – they don’t recognize that people can sustain themselves. When they push for extractivism, it’s just short-term, and after that, the land is gone – it’s irreversible, damaged.” (South African community leader)

---

The extraction of diamonds in Chiadzwa has come at a cost, particularly for us as women. [It] is more of a curse than a blessing to us. Before the discovery of diamonds, we were also benefiting from our trees that produced fruits and sometimes we used the trees to make wooden doors for sale. We could also farm in our gardens, but now we are no longer allowed. Our roads have also been destroyed.”

— Zimbabwean community leader
Bodies, sexualities, and gender expression are at the heart of gender equality, and because of that, our freedom and control over these areas of our lives are continually contested. Conservative social norms about women, gender and sexual orientation are slow to change despite legal progress in these areas especially in South Africa. Indeed, legal gains are under threat by the increased influence of evangelical and conservative political groups who blame insecurity on the breakdown of the family due to changing gender roles and norms. These norms, gaining energized traction through the well-financed efforts of groups such as the World Congress of Families who promote an anti-feminist, anti-LGBTQI, anti-reproductive rights agenda contribute to the normalization of violence against women and LGBTQ people. This targeting of particular bodies – notably women’s and LBGTQI – serves as a form of social control and warning to others who might diverge from the imposed social order.

Key insights:

- “My struggle is your struggle and our struggle”: LGBTQ activists, feminists, sex workers, and more – are still leading critical human rights battles for who counts, what is “normal” and bodily autonomy. They remind us that how sexuality and bodies are treated is not a specific interest or issue; it is fundamental to all our liberation and rights. By resisting repressive social control and scapegoating, they are also resisting the power of narrow conservative agendas that polarize society and hurt social justice movements.

- Breaking siloes among struggles is critical: “From a sex worker perspective, one of the key reasons why sex worker activism has fallen behind is because people want to separate body and work.” (South African activist)
● **Using creative arts to break taboos:** for example, writing and art are a safe way of talking about taboo topics in a context of growing repression and breaking shame and stigma around sex and sexuality.

● **Self and collective care and wellbeing matter.** “It’s important to look after these bodies for the resistance to be effective. The struggle weighs down on you…” (South African activist)

Bodies have always been very important in the struggle not only as sites of struggle but as channels to move action forward”

— South African activist

● **Our bodies feel the direct impacts of inequality and discrimination.** Women tend to (literally) carry the burden of their families’ care and survival, while contending with limited access to education, health care, and reproductive choices.

● **States criminalize some bodies.** In Zimbabwe, homosexuality is illegal, so just being a LGBT person makes one a criminal. Trans, intersex, and gender non-conforming people are seen as transgressive and anti-social, and thus criminals.

● **Norms and values dictate which bodies matter.** Some bodies are seen as inherently inferior because of their gender, sexuality, skin color, ethnicity, and class. As a result, they are excluded from equal health access, human rights protection, and fair treatment. And even in South Africa where the constitution protects LGBTQI people, they are targeted for violence, including rape and killings justified as “corrective” to their sexual and gender expression.

● **Policing of women’s bodies and movements:** in both private and public spaces, women’s bodies are policed – what we can wear, where we can go, what we can do. Those that are LGBTQI, sex workers or women who dare to defy gender norms and limitations are particular targets of sexual harassment, rape, violence and unlawful arrest for “loitering” and solicitation

● **Bodies are also digital:** “When we go online, we go with our bodies. We are impacted not only by surveillance by the state but by cyberbullying as well. We need to imagine a feminist internet.” (South African activist)

Another part of my struggle is being a lesbian. I was taught that being a lesbian is wrong and unnatural and that I needed to get a husband”

— Zimbabwean activist

● **States criminalize some bodies.** In Zimbabwe, homosexuality is illegal, so just being a LGBT person makes one a criminal. Trans, intersex, and gender non-conforming people are seen as transgressive and anti-social, and thus criminals.
Commitments, conclusions and ideas for going forward:

1. Create and invest in more open-ended spaces for structured political dialogue and historical reflection to inform our reorganization and movements, and to better understand the interconnected web of economic and political interests making our context violent.

2. Build joint initiatives between faith-based and activist groups to challenge the assaults on gender justice.

3. Improve information sharing and activate urgent response networks to support communities fighting for land and resource rights.

4. Invest in community organizing and old-fashioned conscientization to enable people to actively drive the economic, political and social justice agendas for the future.

5. Develop stronger cross-border ties and communication between Zimbabwe and South Africa focused on pushing back against attacks on immigrants, tolerance for police violence, etc.