Political dissent and terrorism in Southern Africa

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INTRODUCTION

The post-Cold War period has witnessed an increase in conflicts within a number of African countries along ethnic, religious or tribal lines. The continent has been undergoing a process of political transition from colonial, totalitarian and authoritarian rule to more democratic political systems, often accompanied by considerable turmoil. Religious dissent, mainly in the north and the east of the continent, has sometimes contributed to the instability experienced during these periods of transition. It has increasingly also become an important vehicle for voicing political grievances, something which has led to governments stepping up their monitoring of religious dissent. In the Southern African sub-region the difficult relationship between mainland Tanzania and Zanzibar serves as an interesting example of how political dissent can indirectly contribute to acts of terrorism: suspects implicated in the US Embassy bombing in Dar es Salaam are said to originate from Zanzibar.

Political and religious grievances within a country tend to arise from authoritarian rule and repression, maldistribution of resources, inequity and the absence of representation in the political system. The role of pressure and interest groups in openly articulating political issues is a relatively new one in many emerging democracies. Such groups have sometimes been regarded as a threat to state security, especially when they are based on tribal, ethnic or religious grounds. Many governments and security forces in Africa are attempting to develop an understanding of the nature and role of dissent and to develop best practices that could effectively address it.

The liberation struggles that were fought against colonialism constituted a form of dissent and were primarily aimed at the colonial power, a 'foreign enemy'. Since the end of colonialism governments and their citizens have been confronted by new forms of legitimate as well as illegitimate dissent, often fuelled by a desire for control over political power or ideological, ethnic and religious movements.

A better understanding needs to be developed about the nature of religious dissent and how it impacts on stability and state security. In addition, more attention needs to be focused on state terrorism and on the often-undermining impact that counter-terrorism measures undertaken by states have on human rights. In Africa, the threat of transnational terrorism is a reality, but state terrorism and the implementation of democratic principles present even greater challenges. In other words, state terrorism, associated with a disregard for human rights and with the oppression of ethnic and tribal groups, presents a much bigger threat than transnational terrorism. Misconceived counter-terrorism measures can instead result in fuelling terrorism and providing justification for the involvement of those associated with transnational terrorism.

> State terrorism and the implementation of democratic principles are greater challenges in Africa than transnational terrorism.

Dissent has often led to violence and to acts associated with terrorism. This paper aims to contribute towards a better understanding of dissent and its role in democracy. The challenge for governments is to manage dissent in such a way that it remains within levels that are regarded as legitimate and normal for healthy democracies and to prevent it from developing into violence and terrorism. In addition to considering the Tanzanian example, this paper also briefly looks at Pagad in South Africa and at the political situation in Zimbabwe, Swaziland and Mauritius. It concludes with observations on why states react differently to dissent and points to some pitfalls that ought to be avoided.

UNDERSTANDING POLITICAL DISSENT

It is important to differentiate between levels of dissent, thus enabling researchers and governments to distinguish between legitimate and illegitimate forms of dissent. This is significant especially since countries in both Asia and Africa are experiencing a period of rapid political development. In the aftermath of 9/11 there have been attempts to curb dissent because it has been equated with terrorism. The all-out protection of political power raises serious questions about the right to govern. This recalls the philosophical relationship between government and the populace, the 'social contract' or the belief that political structures and the legitimacy of the state derive from an (explicit or implicit) agreement by individual human beings to surrender (some or all of) their private rights in order to secure the protection and stability of an effective social organisation or government. Although Hobbes, Locke, Rousseau, Hume and Hegel presented different versions of the contract and its terms,[1] in philosophical terms it offers a background to the relationship between those in power and the populace and thus to when rebellion or dissent can be considered legitimate. The basic principles of the 'social contract' can be summarised thus: Governments were formed for only one reason—to protect individual rights to life, property and liberty. When a government fails to preserve these rights (not honouring its part of the contract), citizens have the right to overthrow it. According to Locke:

> whenever the legislators endeavour to take away and destroy the rights of people they put themselves into a state of war with the people, who are thereupon absolved from any further obedience and have a right to resume their original liberty, and by the establishment of a new legislature provide for their own safety and security, which is the end for which they are in society.[2]

Dissent can be defined as an action to "express disagreement with a prevailing or official view".[3] It is a broad term, covering a variety of political behaviours, including objectives and behaviour involving the use of non-governmental channels to register opposition to government decisions or government inaction. The question could, however, be asked: does dissent include opposition? Although opposition is often associated with political opposition (challenges to the existing order through legitimatised political channels, such as creating a legal opposition party, running for political office against the ruling leader/party, or other legal activity), opposition is a form of dissent. The difference is that regimes accept, or even encourage, opposition, but regard dissent as either illegal or unjustified and usually both.

Citizens engage in dissenting behaviour for a variety of reasons involving both the nature of the cause and the nature of the government. History has shown that dissent has evolved especially against authoritarian or semi-authoritarian governments that refuse their populace access to political power or the space within which to voice their dissatisfaction with government policies and practices. Dissent also forms when the position of the dissenters is so far from established political norms that there is little possibility, if any, that society will adapt to and accept their values. No action of the government will deter them from pursuing dissent. Anarchists and religious extremists, for example, are likely to be dissenters in almost any society. Those involved in dissent may wish to change policy or leadership, or to change the existing political order.

Most political dissenters aim their actions at a desired outcome, but others may wish only to dissent, viewing any existing order as wrong. The latter may be highly alienated from their society, choose dissent as an expression of this and remain dissatisfied with any outcome that brings stability. Such dissenters are so extreme that governments rarely respond positively to their actions.

Types or categories of dissent include:[4]

- *Indiscriminate pathological dissent:* This includes violent revolution/assassination/bombing campaigns, motivated as much by hatred, revenge, or similar emotions as by a purposeful campaign to change government policy or actors. Revenge killings carried out for no other purpose fall into this category.

- *Discriminate violent dissent:* This includes violent actions directed at changing either a regime or its policy, such as the assassination of government officials, bombings of government facilities and disruption of government public functions such as official public speeches.

- *Passive dissent:* Included in this type of dissent are non-violent protest, labour and student strikes, marches, pressures or campaigns against a regime, directed at changing its leaders or policy.

- *Systemic dissent:* This encompasses civil society opposition, the formation of illegal opposition parties or groups, letter writing campaigns, etc. Such dissent may couple with semi-legal or legal opposition and those engaged in it may move from opposition to dissent.

Civil society is the aggregate of independent interest groups existing within a country who may organise by affinity (women's groups, labour unions, professional

Governments' challenge is to manage dissent in such a way that it does not develop into violence and terrorism.

associations, religious societies), or merely temporarily come together, as in a public demonstration or private gathering in pursuit of common ends. The level of development of civil society is often regarded as an indicator of how democratic a country is. Authoritarian regimes often attempt to give the illusion of a thriving civil society by creating their own official organisations specifically to mobilise the population in public support of regime-formulated goals.[5]

Categorising acts associated with terrorism in this way could separate them from emotional or sentimental reactions, enabling both students in this field and security agencies to deal with the impact of the acts rather than focusing on issues of who is right or wrong. However, most campaigns of dissent do not lend themselves to easy categorisation and most involve elements of both legitimate and illegitimate forms of dissent. History offers many examples of groups structured around specific objectives that have resorted to a dual strategy including both a covert and violent campaign (associated with the first two categories above) and an overt or peaceful strategy (referring to the last two categories).
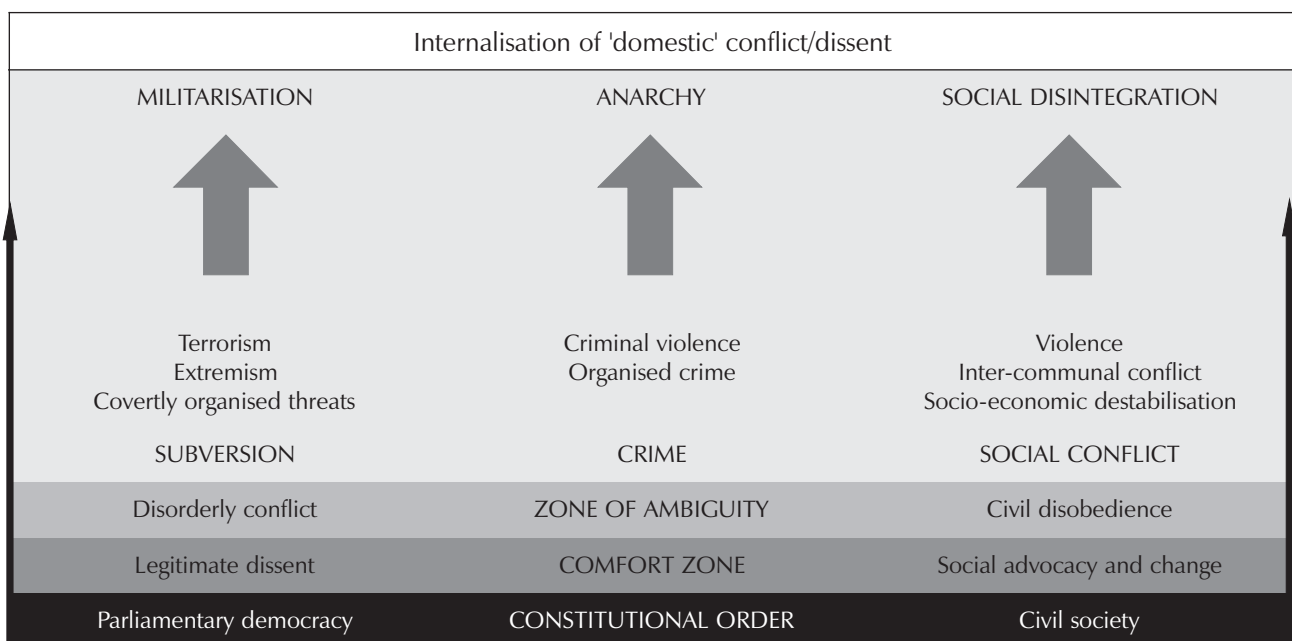
DEVELOPMENT OF DISSENT: LEGITIMATE AND ILLEGITIMATE

Figure 1 serves as a relatively uncomplicated depiction of the different 'zones' in the development of dissent.

In the first zone, 'constitutional order', elections, as an expression of democracy, can act as an effective tool for conflict management. However, at the same time, they can also deepen the degree of dissent and instability if not properly managed. The threat of intimidation and political violence in protecting political power serves as an example.

The second level is the 'comfort zone' of usual activity, involving legitimate dissent and protest, both within and outside parliament. According to Wilkinson[6] protest is more than just a safety valve: it should be regarded as a valuable mode of political communication, criticism and democratic consultation in its own right. In a liberal democratic government, peaceful protest and agitation should be regarded as a legitimate and vital part of the engine of social reform. According to Franks[7] there is a tension between the forces for change and the desire for change. Among the most important forces for change is dissent by individuals and groups who disagree with government either because they want more change, or because they want less. But there are limits in all states on what those in power consider to be acceptable dissent. These limits vary from country to country. Modes of conflict exist which are essentially non-violent, un-institutionalised and spontaneous and which can provide even the most disadvantaged groups in society with powerful levers of political, moral and even economic pressure on government leaders and elite groups. Such means include, for example, strike action and go-slows. Time-honoured and powerful modes of political and moral pressure include the mass campaign of marches, processions, demonstrations and mass meetings, inevitably coupled with media publicity and pressure on government personnel and political parties.

As mentioned, a pressure group can be defined as "any organised group, which attempts to influence government decisions without itself exercising the formal powers of government". The latter part of the definition is usually intended to distinguish a pressure group from a political party or conspiratorial group, while the emphasis on organisations distinguishes it from a mob or other spontaneous collections of individuals.[8] Open

Figure 1: Levels of dissent

	Internalisation of 'domestic' conflict/dissent	
MILITARISATION	ANARCHY	SOCIAL DISINTEGRATION
Terrorism Extremism Covertly organised threats	Criminal violence Organised crime	Violence Inter-communal conflict Socio-economic destabilisation
SUBVERSION	CRIME	SOCIAL CONFLICT
Disorderly conflict	ZONE OF AMBIGUITY	Civil disobedience
Legitimate dissent	COMFORT ZONE	Social advocacy and change
Parliamentary democracy	CONSTITUTIONAL ORDER	Civil society

action includes, first of all, the demand for the fulfilment of promises made by candidates during election campaigns. These actions include the sending of delegations to parliamentary groups, to government commissions and to ministers of state, as the most open, most public manner of exerting pressure at the level of power.[9] For example the initial Pagad campaign in the Western Cape was directed through protest marches against the lack of government's response to crime in the province. When this concern was not sufficiently addressed, this strategy was replaced by a more violent approach.

According to Moodie & Studdert-Kennedy,[10] the better the group is organised, the more effective it is likely to be, whatever its membership or purpose. The greater proportion of the population the group represents, the greater its impact. With respect to ideas and beliefs, it has an effect in three different ways:

> Certain groups are organized around a particular set of beliefs. Secondly, any group gains in cohesion and hence in strength, where there is a sense of mission, a distinctive rationale or a strong sense of commitment on the part of the members exists. Thirdly, a group will be stronger or weaker depending on whether it is swimming with or against the tide of socially acceptable standards and beliefs.

The third zone of public action is the 'zone of ambiguity'. This can be regarded as a 'grey' area where contentious issues in society and the behaviour of individuals and groups result in disorderly conduct and acts of civil disobedience and conscientious objection, although the initial objective does not involve a comprehensive rejection of legal authority. Although it is a non-violent means of individual resistance to authority it may, on occasion, stimulate a repressive response by the authorities or by members of the community hostile to the objectors' position.[11]

Peaceful acts of civil disobedience may on occasion be infiltrated or even taken over by those who have no inhibitions about the use of violence, or who have an ulterior motive. In other cases the demonstration, however peaceful in intent, may provoke a violent response. A peaceful campaign of civil disobedience can thus result in violent confrontation, especially if one bears in mind that protesters may be swept into more dangerous and destructive emotions and actions. There is a tendency for such demonstrations to become more aggressive, partly because of the rising threshold of shock needed to attract media attention and partly because, when peaceful demonstrations fail to achieve results, frustration usually leads to more violence.[12] According to Wilkinson[13] collective rage and violence are not necessarily a summation of individual frustra-

tion but may be, in a large part, a function of changing ideologies, beliefs and historical conditions, which materially affect social conceptions of justice and legitimacy. A sense of suddenly worsening deprivation, injustice or oppression is often a major precursor to political violence.

EXAMPLES OF DISSENT IN SOUTHERN AFRICA

Colonial administrations in Africa created highly authoritarian and repressive systems of government. Authoritarianism can be defined as a political system:

> with limited, non-responsible, political pluralism, without elaborate and guiding ideology, without intensive or extensive political mobilization and in which the leader exercises political power within formally ill-defined limits, but actually quite predictable ones.[14]

After independence, many of those in power in African countries failed to introduce more representative political systems and retained many authoritarian powers. The situation was exacerbated when new ruling elites wanted to prolong their stay in power because of the benefits that it offered, including wealth, prestige and employment opportunities for relatives and friends. The possible formation of competing political parties represented a threat and the potential for loss of all these benefits. To avert this possibility governments were prepared to repress opposition and dissent. Many governments in Africa used their coercive powers to deny political opponents the opportunity for opposition. The suppression of political dissent through state power can ultimately lead to the government in question relying on totalitarianism to govern and remain in power.

Totalitarianism can be identified by the presence of six interrelated traits:[15]

i)   an official ideology to which everyone is supposed to adhere, especially passive adherence;

ii) a single mass party, led by one strong leader;

iii) a system of terror, through party and/or police control;

iv) a monopoly or near-monopoly of control over the media;

v) a monopolistic control over the armed forces; and

vi) a monopolistic control over the economy.

Limiting access to political power has led people to realise that the only way to win political concessions is not through peaceful negotiations but rather through

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more violent forms of dissent. The possibility of one regime peacefully succeeding the previous one is limited. It comes as no surprise that regimes that have themselves seized power often make sure that political challenges from any quarter are prevented. Autocratic presidents have often installed submissive legislatures and ensured submissiveness by personally appointing the legislative candidates. Although one-party rule has become less acceptable, such parties have attempted to remain in power by rigging elections. In such situations, independent civil society organisations have often proved to be ineffective as a counterweight to the power of the political elite. They have sometimes been banned, forced underground, or carefully monitored to ensure that they do not enter the political arena.

Legislation

Legislation provides the first indication of the extent to which a state will allow legitimate dissent as a fundamental right before regarding such dissent as terrorism. For example, Mozambican legislation defines terrorism as follows:

(a) To place, or cause to be placed, on any ship or aircraft, in public or private places or premises, as well as inside equipment for public or private use, any artefact or device capable of destroying or damaging them, putting at risk the safety of property, places and human or animal lives, with the purpose of creating social insecurity, terror or panic among the population, or of pressuring the state or any organisation of an economic, social or political character to undertake or not to undertake certain activities;

(b) To adulterate foodstuffs or other products intended for human or animal consumption, or for socio-economic units, in order to cause death or serious damage to health or to economic life, with the purpose of creating social insecurity, terror or panic.

Clearly rioting and insurrection do not fall into the above definition and so the Renamo members arrested in connection with the 9 November 2000 bloodshed in Montepuez were charged with 'armed rebellion'.

In the Algiers Convention on the Prevention and Combating of Terrorism, 1999, a terrorist act is defined as:

(a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or

causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

(ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

(iii) create general insurrection in a State.

(b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to(iii).

This definition made provisions for individuals, groups and states to be regarded as agents of terrorism.

In Zimbabwe the Public Order and Safety Act (January 22, 2002) defines an act of insurgency, banditry, sabotage or terrorism as an act "committed for the purpose of causing or furthering an insurrection in Zimbabwe or causing the forcible resistance to the government or procuring by force the alteration of any law or policy of the government". Included in the Act are killing or injuring a person, damaging or destroying property, inflicting financial loss on another person, obstructing the free movement of traffic in Zimbabwe and disrupting or interfering with an essential service. The following acts are banned:

i) training a person to be a terrorist, as defined in the Act;

ii) training as a terrorist;

iii) supplying weapons to terrorists, as defined;

iv) possessing weaponry for purposes of terrorism; and

v) harbouring, concealing or failing to report a terrorist.

Also criminalised is the publishing and communication of false statements prejudicial to the state. The same relates to any act that undermines the authority of, or insults, the President. Part (iii) of the Act—which deals with public violence and undermining police authority—and part (iv)— dealing with public gatherings and demonstrations—do not address the issue of terrorism. Part (v) makes it mandatory for a person to carry identity documents and gives the police powers of stopping and searching. Section 35 of the Act gives the

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police the power to enter any aircraft that has landed in Zimbabwe and search both the inside of the aircraft itself and any persons within. Any person at the aerodrome or airstrip can also be searched without a warrant. Property used in the commission of an offence under this Act is also subject to seizure.

It is clear, therefore, that the Public Order and Safety Act is geared primarily at preserving the Zimbabwean government. Even though it uses the term 'terrorism,' it has nothing to do with combating global terrorism. It makes no mention of the various conventions against terrorism and it makes no attempt to consolidate the various segments of relevant provisions in earlier Acts into one all-encompassing anti-terrorism Act.

Zimbabwe

The government of Robert Mugabe is currently threatened by both legitimacy and authority crises. Legitimacy broadly means that a government is generally recognised as being the legitimate authority and as having the authority for its actions. Recognition could come from its own citizens and/or from the international community. Being recognised as the legitimate authority provides it with the necessary authority for its actions. In Zimbabwe both could be questioned. As a result of a crisis of legitimacy, which presented a serious challenge to the continuity of the rule of ZANU(PF), it began to refer to the opposition as 'terrorists', therefore legitimising the use of counter-terrorism legislation. The Zimbabwe government's reaction, rooted in its fear of losing power, took two forms:

- *Political state-sponsored intimidation:* Parliamentary and presidential elections held in 2000 and 2002 respectively were marred by politically motivated violence, intimidation and attacks, largely on members of the political opposition. This strategy included unlawful arrests and torture perpetrated by the police, ruling party supporters, youth 'militia' and other state agents. The main targets for repression were those most vocal and critical of the government's human rights record, namely the independent media, the opposition Movement for Democratic Change (MDC) and civil society organisations attempting to protect human rights. In 2002 alone, approximately 44 media workers were arrested while five were physically attacked. Two media houses were petrol-bombed in 2002, bringing the total number of bomb attacks on the physical infrastructure of the independent press to four since 2001. In February 2002 the Bulawayo offices of the *Daily News* were petrol-bombed, the third occasion in two years that the offices of this independent daily paper had been bombed. In August 2002, the office of one of Zimbabwe's two independent broadcasting organisations, *Voice of the People,* was petrol-bombed. In addition the sale of independent newspapers has been banned altogether in many rural areas. The government's *de facto* monopoly on radio broadcasting has enabled total government control of the form of communication most commonly used in Zimbabwe's rural areas, where the majority of the population lives.[16]

- *A controversial land reform programme*, which often sparked illegal occupations of commercial farms and resulted in, among other things, the forced eviction of thousands of farm workers, farmers and their families.

Zimbabwean authorities have employed a range of techniques to cover up state involvement in politically motivated violence and to prevent perpetrators of human rights violations from being brought to justice. These include:

- the use of state-sponsored 'militia' to obscure the identification of the state's agents as the perpetrators of human rights violations;

- preventing human rights defenders and the independent media from investigating and publishing accounts of human rights violations;

- politically manipulating the police;

- manipulating the judicial system through restrictive legislation designed to suppress dissent and threaten the rights of freedom of expression, association and peaceful assembly. The most commonly used pieces of legislation include, in the order in which they were introduced, the Broadcasting Services Act, the Public Order and Security Act 2002, the Access to Information and Protection of Privacy Act 2002, the Private Voluntary Organisations Act 1967 and the Labour Relations Amendment Act. Many provisions of these and other Acts directly contravene Zimbabwe's national Constitution and international human rights standards, which enshrine and guarantee the rights of Zimbabweans to the freedoms of expression, association and assembly. For example:

- The Emerging Powers Act Chapter 11:04 makes exceptional provision for the protection of the community in cases where a declaration of emergency has been made. The President makes such a declaration for purposes of public safety, maintenance of public order, maintenance of any essential service or the preservation of the peace. Further, the President may make regulations for preventive detention.

- The Foreign Subversive Organisations Act Chapter 11:05 provides for the punishment of certain acts hostile to other states or territories. Any person who organises or sets up or advocates

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the setting up of a body with a view to overthrowing a government by unlawful means or conducting a campaign against the lawfully established government of any state is covered by the operation of this Act.

- The Law and Order (Maintenance) Act Chapter 11:07 1971 makes further provision for the maintenance of law and order in Zimbabwe, to provide for the prohibition, in the public interest, of the printing, publication, dissemination and possession of certain publications. The history of this Act is that it was used for the suppression of national liberation movements during the War for Independence. The Act did not exclude the operations of such movements from the ambit of terrorism in general.

- The Unlawful Organisations Act Chapter 11:13 1980 makes provision, in the interest of defence, public safety or public order, for certain organisations to be declared unlawful. In terms of the Act the President may declare any organisation to be unlawful if it appears to the President that the activities of that organisation, or of any of the members of that organisation, are likely to endanger, disturb or interfere with defence, public safety or public order in Zimbabwe. In reality this Act has been used in the past by government in its political battles against perceived political enemies. There has been no focus whatsoever on global terrorism. In any case, as the preamble clearly states it is geared towards preserving public order in Zimbabwe and thus bears very little relevance to other countries.

- The Post and Telecommunication Services Act Chapter 12:02 1988 criminalises the unlawful interception of communications and at the same time provides for by-laws, legalising certain interceptions, particularly for purposes of national security, as a diversion by the President. The Act has extra-territorial application. Experience has shown that such powers are open to abuse, particularly when a state uses them in monitoring perceived political opponents.

The constriction or abolition of civil society is a grave violation of civil and political rights in itself, but official abuse may worsen if people step forward to disrupt the deceptively calm atmosphere that can be engendered by effective repression. The Zimbabwe example proves that some governments will take whatever measures they deem necessary to protect themselves.

Swaziland

In Swaziland the opposition demanded an end to the 27-year ban on political parties and to the State of Emergency and called for the creation of an interim government. In April 2001 Mario Masuku, President of the outlawed People's United Democratic Movement, was arrested under the Political Order Act on a charge of sedition after allegedly uttering seditious statements at an unauthorised rally in Mbabane. In addition, labour unions have joined Masuku's party in the Swaziland Democratic Alliance, an umbrella organisation that resorted to dissident activities in stimulating political reform. Royal Decree No. 2, promulgated on June 24, gave the King the power to ban any book, magazine or newspaper, prohibit anyone from impersonating or ridiculing the King, prevent legal challenges to any of the monarch's executive decisions and eliminate bail for a range of crimes, including holding illegal public demonstrations.

Dissent is permitted in Swaziland, but not on an organised scale. Political rallies and marches may not be held without permission from the Commissioner of Police, who routinely denies such requests under the State of Emergency promulgated in King Sobhuza's 1973 royal decree, through which King Mswati's father endowed the Swazi monarchy with ultimate executive, legislative and judicial power.[17] In the proclamation issued on 12 April 1973, subsection 11 dissolves and prohibits all political parties and similar bodies that "cultivate and bring about disturbances and ill feelings within the Nations". No meetings of a political nature and no processions or demonstrations may be held or take place in any public place unless with the prior written consent of the Commissioner of Police. Consent will not be given if the Commissioner has reason to believe that such meeting, procession or demonstration is directly or indirectly related to political movements or other riotous assemblies which may disturb the peace or otherwise disturb the maintenance of law and order (subsection 12). Any person who forms or attempts or conspires to form a political party or who organises or participates in any way in any meeting, procession or demonstration in contravention of this decree is guilty of an offence under subsection 13.[18] Under the Public Order Act, a public gathering is described as "a public meeting, a public procession or any other meeting, gathering or concourse of ten or more persons in a public place". The onus is on the accused to prove that the public meeting concerned did not fall within this category.[19] Subsection 13(1) prohibits political dissent in the form of boycotts, especially under the following conditions:

(a) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of the Government or a local authority, or of persuading such body to alter any law or by-law, to appoint a commission or committee or to take any action which it is not by law required to take; or

Dissent is permitted in Swaziland but not on an organised scale.

(b) endangering public order; or

(c) endangering the economic life of Swaziland; or

(d) raising discontent or disaffection amongst His Majesty's subjects or the inhabitants of Swaziland, or engendering feelings of ill-will or hostility between different classes or different races of the population.

Subsection 9(1) limits freedom of speech and association:

> No person shall display, at a public meeting, or at a public procession or at a school, any flag, banner or other emblem signifying association with a political organization or with the promotion of a political object.

Subsection 13(3) also limits these rights:

> Any person, with intent to further a designated boycott who by word of mouth publicly, or by making a publication, advises, induces or persuades or attempts to advise, induce or persuade any person or class of persons to take any action which has been specified in relation to such boycott, shall be guilty of an offence.

South Africa

In South Africa, an organisation known as People Against Gangsterism and Drugs (Pagad) came to the fore during 1996 in a campaign against gangs and drugs in the Western Cape. Although Pagad regarded itself as a pressure/vigilante group, there was clear evidence that some of its later activities could, in the conventional sense, be classified as acts of terrorism. The high crime rate, moral decline and inadequate legal system opened the way for Pagad as an anti-crime structure (a form of vigilantism), concentrating on the following:

1. *Initiatives to combat crime:* Pagad argued that its actions were a natural response of citizens feeling the brunt of the state's failure to protect them, a fundamental right in any society and upon which a state's legitimacy depended. Initially Pagad had a two-pronged strategy in this respect:

   • *Confrontation against government incompetence:* if a government does not fulfil the mandate of the people and is unwilling to be challenged or criticised, people have a moral right and obligation to defend their own lives and their property.

   • *Confrontation against those who perpetrate crime:* Pagad's leadership believed that pressure on the government was insufficient and decided they should deal with the crime situation in the Western Cape themselves. They began to visit drug dealers and gang lords, issuing ultimatums

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to them to stop their illegal activities or to face the consequences in the form of shooting incidents, pipe- and petrol-bombs and hand grenade attacks.

2. *Dissatisfaction with the way government dealt with crime*, with special reference to gangsterism and drug trafficking. As a pressure group Pagad intended to induce the authorities to rid the Western Cape of gangsters, drugs and crime.

Between May 1996 and December 1997 Pagad supporters marched twice to Parliament and issued suspected drug-dealers with ultimatums as mentioned above. Though there is probable justification for this campaign, vigilantism is disorderly and unpredictable. Vigilante punishment has the potential to be worse than the crime itself, with vigilantes becoming criminals themselves. Ironically, the original motive or objective of vigilante action is to strengthen state institutions. However, it often has the opposite effect: "the further weakening and undermining of official criminal justice channels and the creation of alternative centres of power—and by definition, coercion—outside State security apparatus".[20]

Pagad's activities from December 1997 through 1998 can be divided into overt and covert actions. The argument can be made that Pagad crossed the border from legitimate dissent into the 'zone of ambiguity' and the 'security zone,' especially on the covert level, with the establishment of the G-Force and cell structures that were responsible for attacks on alleged drug lords and gangsters. On the other hand, on the overt level the Pagad structure gradually moved away, past the limits of acceptable protest, to the status of a vigilante group. Pagad never hesitated to use violence against gangsters and drug dealers and its supporters also regarded the police as fair game, as shown by several clashes between them. After the shooting of five policemen during a battle at the Bellville court the then-Acting National Commissioner, Zoli Lavisa, said:

> Pagad's aggression, especially against the police, shows quite clearly that it has embarked on a policy of deliberate criminality. As far as the South African Police Service is concerned, Pagad has degenerated into just another gang and is now firmly part of the crime problem in the Western Cape.[21]

Lavisa further commented that it was clear that Pagad had distanced itself from its original goal of combating crime. Its aggression, especially towards South African Police Service members, indicated that it had openly embarked on a policy of deliberate criminality.

Its conduct, especially its violent campaign (often referred to as a campaign of urban terror) could be classified within the category of illegitimate dissent.

The problem with a system that relies on popular justice is the fact that structures such as Pagad are formed without differentiated roles. There is also a lack of rules (violence is not ruled out), norm dissent, no focus on the past (in terms of the law) or the future (in terms of mediation for problem solving) and nor is there a concept of the restructuring of social structures (whether of formal authority or public opinion). This situation can lead to anarchy: such structures are preoccupied with maintaining control and thus 'forget' about individual freedom (including the right to a fair trial). Within the notion of popular justice there are no safeguards—such structures may legitimise penalties that are more severe than necessary, on the basis that the crime was more serious or that the offenders are unrepentant.

Using Figure 1 in relation to Pagad, the organisation can be located in different zones. Its overt activities fall within the framework of a pressure group. Through protest marches, the issuing of ultimatums to the government and the South African Police Service, Pagad's aim of was to put pressure on government to take a harder approach to crime and drugs in South Africa, in particular in the Western Cape. However, the covert activities of the Pagad cell structures (the G-Force) were not limited to issuing warnings to drug dealers as reflected in the incidents that took place between June 1998 and October 2000 (see table at right). These incidents were attributed to the G-Force by the police:

The public is naturally averse to organisations that are seen to promote chaos on the streets. Peace is a universal aspiration and in normal circumstances the brandishing of guns and flaunting of masks is almost guaranteed to rob an organisation of support. The fact that Pagad continued to flourish reflected a deep-rooted frustration with the then state of affairs. In turn, Pagad's operations were divided between overt actions within the 'zone of legitimate dissent', such as public meetings and the issuing of ultimatums and covert actions (within the zones of 'ambiguity' and 'security'), for example, the formation of covert cell structures and attacks on alleged drug dealers. This strategy was confirmed in an article in *The Cape Argus*:[22]

> They marched on the homes of dozens of known drug dealers, and staged protests at the city's points of entry, saying there were not sufficient control mechanisms in place to stop drugs from entering the country. Later the police alleged that smaller Pagad units were bombing and shooting up drug dealers' homes.

Each area had its own Pagad cell structure and these were responsible for acts of violence, each under the leadership of an *Amir* who reported to a broader structure.

Mauritius

Mauritius experienced the development of groups with some similarities. During the 1990's extremist ethnic groups began to exploit social tension, which had been

26/6/98	A pipe bomb exploded outside the Mowbray police station—no-one was injured.
6/8/98	A street vendor died and another was injured in a blast in Bellville outside the building housing the special police task team probing Pagad.
25/8/98	A bomb exploded in the Planet Hollywood Restaurant in Cape Town, killing one person and injuring at least 24 others—including nine British citizens —and causing major damage. The Muslims Against Global Oppression (MAGO) claimed responsibility in a phone call to a local radio station, stating that the bomb was in retaliation for the US missile attacks on terrorist facilities in Sudan and Afghanistan.
1/1/99	A car bomb injured two at the Waterfront.
8/1/99	Five unidentified assailants firebombed a Kentucky Fried Chicken restaurant in Cape Town, causing major damage but no injuries. No-one claimed responsibility.
28/1/99	A bomb injured 11 outside Caledon Square police headquarters.
30/1/99	A woman was injured and a police car destroyed in a blast at the Woodstock police station.
9/5/99	A car bomb exploded outside Athlone police station.
6/11/99	Nine people were injured in a blast at Blah Bar, a gay nightspot, in Somerset Road in central Cape Town.
28/11/99	48 people were injured in a blast at St Elmo's restaurant in Camps Bay.
24/12/99	Seven police officers were injured by a bomb planted in a refuse bin outside Mano's restaurant in Main Road, Greenpoint. A cellular phone detonated the device remotely.
12/1/00	A bomb attached to a motorbike exploded in front of the Wynberg magistrate's court, injuring one person.
10/6/00	Three people were slightly injured when a bomb, placed inside a Toyota Corolla, detonated outside the New York Bagels restaurant.
18/7/00	A small explosive device planted in a dustbin at Cape Town International airport caused minor damage.
11/8/00	Two people, including a 10-year-old boy, were injured when a bomb planted in a Toyota Conquest, detonated at the Constantia Village shopping centre in Cape Town.
19/8/00	The doorman of the Bronx nightclub in Greenpoint suffered minor injuries when a car bomb detonated outside the club.
29/8/00	Seven people were injured when a car bomb exploded in Adderley Street in central Cape Town during the afternoon rush hour.
8/9/00	A car bomb detonated outside the Obz Cafe, a student bar in Observatory.
14/10/00	Demonstrators vandalised a McDonald's restaurant in Cape Town. No-one was injured, but significant damage was caused to the restaurant and to customers' vehicles.

fuelled by a general feeling that the police were not able to deal with the growing threat presented by organised and violent crime.

The Hezbollah (Party of God) was founded in 1991 by Mohammad Fakeemeeah (alias Meeah), a Muslim who had studied in Saudi Arabia. First, he recruited thousands of militants through the establishment of an Islamic students' organisation in Plaine Verte, in the capital city of Port Louis. This had as its objective the provision of clothes, food, shelter and Islamic education to the poor. The social organisation then turned into a pressure group to fight for social change in the Port Louis suburbs and throughout the whole country, but concentrated on areas where young Muslims were most exposed to drugs. After this process, Meeah's group became an openly sectarian political party, which took the name of Hezbollah. Meeah ran for a by-election in 1992 and was narrowly defeated by the government party's candidate.

Hezbollah established a Death Squadron as a covert/para-military wing of the political party. After a raid on the residence of Kadhafi Oozeer in Port Lois on 22 November 2000, investigations revealed that extremist movements in Pakistan, Saudi Arabia and Qatar were responsible for training Mauritians for the Death Squadron. Its members were allegedly responsible for six murders, seven hold-ups against individuals and banks, two acts of arson and an attempt to kill Prime Minister Navin Ramgoolam in December 1995. Through the bank robberies and hold-ups, Hezbollah was estimated to have collected about three million Mauritian Rupees. According to his former lieutenants, this sum was allegedly given directly to Meeah. The money, added to funds received from foreign organisations, was used to buy real estate and to finance the party's activities.[23]

Meeah's singular philosophy has given birth to even more radical splinter fundamentalists groups, such as Zam Zam, Al Mujahiroun and Grey Wolves. These organisations are deeply rooted in the impoverished area of Port Louis, which is a fertile ground for radical ideas and are in contact with sister groups in London and Pakistan. Members are suspected to have engaged in a terror campaign against restaurant and bar keepers in the Muslim area of the capital city, wanting to force them to close because they served pork and alcohol. In April 1999, in the wake of a riot following a football match in which a Muslim-based team lost a final, a mob burned down the oldest traditional Chinese gambling house on the island. Five adults and two babies died in the attack. Seven young Muslims were sentenced to 45 years imprisonment on conviction. Evidence against them showed that they wanted to 'purify' that part of Port Louis, where a gambling house neighbours a mosque.

The following graphical presentation indicates the development of social based organisations into extremist groups and, eventually, into groups that resort to terrorism:

Figure 2
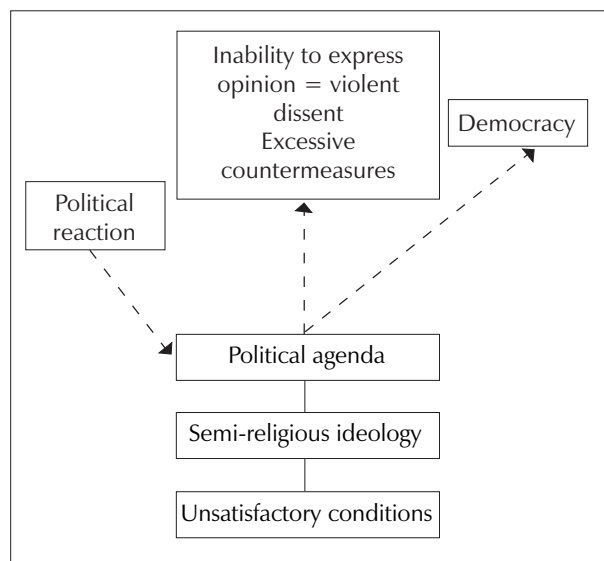
Like Pagad, Hezbollah's initial aim appears to have been fighting drug gangs in the name of God and religion, but only in Muslim areas and also using violent methods. Its first strategy was to invest extensively in social and sustainable economic development in the poorest areas.

Tanzania

Dissent in Tanzania manifested itself after the *Baraza Kuu za Waislam wa Tanzania* (National Association of Koran Readers in Tanzania, or Balukta) was founded in the late 1980s. Its primary aim was to spread Islam through concentrating on education and religious affairs. Its activities also included the building of mosques and schools, developing health services (clinics) and providing financial assistance to Muslims in need.[24] All this was in co-operation with the government. Balukta especially excelled in its efforts to foster fluent reading of the Qur'an in Arabic. It then began to adopt a more extremist position and called for the establishment of an Islamic state in Tanzania. Among other things, it:

- developed clandestine ties with Iran,[25] which offered financial assistance, and with Sudan. In 1993, the Tanzanian government investigated reports that youths received military training at an Iranian-funded rice project at Ikwiriri, approximately 100 km south of Dar es Salaam.[26] Sudan was accused of being involved in giving military training to Tanzanians to topple the government. In the aftermath of the riots in April 1993 three Sudanese nationals were expelled for their alleged involvement;[27]

- demanded that only Muslims serve in key positions in the government and its apparatuses—Balukta claims that Tanzania Muslims, who make up 33% percent of the country's population, are marginalised by Christians, who constitute 34%;[28]

- called for a *jihad* against the government when it did not grant these demands, arguing that the gov-

ernment discriminated against Muslims and that it planned to task the Catholic Church with the responsibility for health and education services in the country, as a means of reducing government expenses; and

- participated in riots in April 1993 in the streets of Dar es Salaam, where butcheries selling pork were attacked. Over 50 Muslims were arrested and charged with inciting religious conflict between Christians and Muslims.[29]

Against this background, Balukta members were suspected and accused of plotting through the mosques to topple the government by force,[30] of inciting against it, of trying to stir up riots between Christians and Muslims by disseminating cassettes and of intending to destroy churches. It was leaked to the media that Balukta had recruited at least 500 young volunteers to join an Islamic army, which was to mount a *jihad*. Countering this threat, the government banned Balukta, using the directives governing its registration as an association in justification of this move.[31] According to the Department of Information, Balukta failed to adhere to a registration directive that it should involve itself only with the propagation of the reading of the Qur'an. Its activities extended beyond this framework.[32]

Before the presidential elections of October 1995, the organisation demanded that only a Muslim should be allowed to become president. Balukta supported Muslim candidates in the elections. Political tension and human rights violations in Zanzibar increased in the build-up to elections scheduled for 29 October 2000 for the Presidents of Tanzania and Zanzibar. After the wakening of Islamic consciousness, sporadic clashes between government forces and Muslims, particularly on Zanzibar and Pemba, became more frequent and violent. Eight policemen and six civilians were wounded in Dar es Salaam.[33]

Although one might speculate on the reason for this development, the reality was that resentment was on the increase, which not only contributed to sporadic clashes but also raised the possibility of acts of terrorism. Although a direct relationship between these developments and the subsequent bombing of the US Embassy in Dar es Salaam in August 1998 cannot be proved, one can safely assume that without polarisation between the Muslim community in Zanzibar and the government on the mainland, the foundations for dissent might not have existed. This is especially so since those implicated in the bombing all came from Zanzibar.

Political violence during elections

Tanzania's image was badly tarnished by serious abuses that took place on the semi-autonomous islands of Zanzibar and Pemba during late January and early Feb-

ruary 2000. Police blocked a demonstration by opposition supporters against the much-criticised 2000 elections, which were marred by serious violence and were described by the Commonwealth as a "shambles". A climate of harassment and repression of political activity continued for the better part of the year. On October 9, 2001, the Zanzibar authorities and the opposition signed a deal on tension-reducing measures, including electoral reform, provision of equal access by all parties to the state media and the holding of by-elections for seats that remained vacant after the disputed 2000 elections. This deal served as a preventive measure for illegitimate dissent.

During January 2001 violent clashes between Tanzanian police and demonstrators disrupted on Zanzibar, leaving 20 dead, including a security force member in Pemba.[34] Members of the police fired repeatedly at supporters of the Civic United Front (CUF), who demanded a re-run of the 2000 elections. In one incident on Pemba, a policeman was decapitated with a machete. Violence appeared to have started when the police tried to prevent the demonstrations from taking place. After demonstrators threw stones and petrol bombs, members of the police returned fire, which included the use of teargas and live rounds.[35] As a result 300 people were arrested on charges ranging from murder to unlawful assembly and the destruction of property.[36] In addition to violent clashes between demonstrators and authorities, a series of explosions was also recorded. Nine bombings were recorded for the period between October 2000 and February 2001. The ninth detonated at the office of the ruling Chama Cha Mapinduzi Party in the Chakechake area in northern Pemba.[37]

In February 2002 a civilian and a policeman died in riots in Dar es Salaam. Several others were injured when rival groups of Muslims held running battles with armed riot police, over use of a mosque. The conflict dated back to religious riots between the authorities and the local Muslim community in 1998, sparked by the arrest of a popular Muslim leader for allegedly violating a law that prohibited incitement against other religions through preaching. Following the unrest, a faction that became the Ponda group moved away from the area, refusing to recognise the new government-appointed mosque administration. The latest confrontation arose from the group's refusal to ask the Mwembechai mosque leaders for permission to hold special prayers in commemoration of two Muslims who died in the 1998 riots.[38]

Although different from the South African example, the activities in Tanzania share some similar trends:

- both started from a broad community support base, later narrowed down to covert, violent activities that included a few individuals; and

> Tanzania's image was badly tarnished by serious abuse on Zanzibar and Pemba in 2000.

- domestic conditions were easily manipulated as a recruitment ground for extremism, with the possibility that this might lead to acts of terrorism.

REACTING TO DISSENT

Government reaction to dissent varies in relation to both the type of dissent and the type of regime. However, governments' responses may be determined by factors outside of the type of dissent. These factors include:

- *The security of regime continuance.* Dissent is more likely to be directed against intolerant regimes that repress or restrict certain groups or persons because of their identity. Toleration involves both accepting and protecting divergent practices and valuing the rights and contributions of persons regardless of inherent characteristics. Tolerance may vary with the homogeneity of the society, with more homogeneous societies either more tolerant because minorities pose little threat, or less tolerant because there is little threat involved in repressing minorities.[39] Regimes established through military coups are particularly vulnerable to being ousted, either by a rival coup, or by demands for open elections. The Nigerian coup of October 1993 is an example, where leaders found themselves constantly under pressure, particularly from citizens who were angered that the coup had derailed the results of a democratic election. Consequently, the coup leaders cracked down hard on dissent, fearing that it would further weaken their position. This offers a very important lesson in understanding the relationship between government strategy and communal dissent and eventually terrorism—the greater the necessity to control through imposing strict measures, the higher the risk of escalation. In other words, democracies might be more lenient towards dissent than totalitarian or autocratic regimes, accepting it as part of the political process. However, dissent might be more likely in authoritarian countries where governments generally close other avenues to legitimate opposition.

- *The ability of the regime to adapt to pressures from dissent.* Regimes vary in their ability to adapt to dissent. Regimes installed through popular mandate are much more likely to tolerate non-violent dissent, at least, than non-accountable regimes. Inclusive regimes are also more likely to tolerate non-violent dissent than exclusive regimes dominated by a single group. Social and economic transformation makes it increasingly difficult for local governments to either control their populations or to mobilise them in support of social and economic development, which leads to several cultural and behavioural problems. Governments facing dissent frequently accuse dissenters of weakening the state in the face of either internal or external opposition.

The term 'enemy of the state' is often used, for example. The government of Zimbabwe went even further, using counter-terrorism legislation against political opponents. The purpose is to isolate dissenters from other members of society and to cause potential supporters to fear the strictest punishment for joining them. Countries in Southern Africa stand a great risk of being manipulated by dissent, coming as it does after periods of brutal dictatorships which left a lot of people in these countries disillusioned with police brutality, with war, corruption and political intolerance and with the widening gap between rich and poor. Though change is seeping into the political structures in the sub-region, it is not moving fast enough to satisfy public opinion. These conditions are made worse by high unemployment, poor socio-economic conditions and populations fragmented on religious, ethnic, tribal and regional grounds.

- *Societal perceptions of regime legitimacy.* Regime legitimacy normally springs from democratically chosen leaders. However, war heroes, resistance figures, or popular figures in society may also be granted popular legitimacy. Regimes or leaders enjoying such legitimacy may be able to tolerate dissent more than those regimes led by weak or unpopular figures. There is a reverse argument here, though. Some regimes or leaders may enhance their popularity by crushing dissent in the name of the state or by claiming that what portrays itself as domestic dissent is fomented by 'foreign powers'. Saddam Hussein suppressed Kurdish dissent and claimed that it was in fact orchestrated by the US and Israel. At the same time, he crushed Shi'ia dissent in southern Iraq by arguing that Iran instigated it and thus took credit for saving Iraq from Iran.

- *The underpinning value structure of the regime.* Regime value structures determine, to some extent, how they react to dissent. These values include *tolerance* both for diversity and for dissent, assumptions of *loyalty* between ruler and subject and regime assumptions about *civil rights and liberties* restricting regime power to curb or lessen dissent.

As presented in Figure 2, government reaction to dissent can either further democracy or stimulate violence or illegitimate dissent, including acts of terrorism. This raises the question: how should dissent be dealt with? Most governments wish to deter dissent, if possible, and quash it if deterrence fails. The range of policies available to achieve either deterrence or dissuasion from further dissent, should it occur, is wide, including:

- *compromise,* which the regime can accept as an option without weakening either its basic principles or its viability to rule;

- *anticipation,* by adopting policies that fend off dissent, or channel dissent into opposition;

> Regimes vary in their ability to adapt to dissent.

- *redirection* of dissent by targeting groups unpopular with dissenters;

- *selective repression* of the most extreme dissenters in hopes that other may reconsider choosing dissent; and

- *thorough repression* of all dissent.

It was mentioned above that the type of regime determines government reaction. From a Southern African perspective, dissent has proved difficult for some countries to deal with. In general, the protection of the following rights during public demonstrations by government and law enforcement agencies can significantly contribute towards preventing the escalation of dissent:[40]

- the right of demonstrators to speak freely and to assemble peacefully;

- the right of other people, not part of the demonstration, to freedom of movement and to privacy; and

- the right of all people to be free from violence to property or person.

It is essential that security forces responsible for maintaining political order be fair and objective in minimising confrontation. The same treatment should be applied to all demonstrations, irrespective of the cause.

Despite these factors, government reaction to dissent is often the deciding factor between legitimate and illegitimate dissent and the decision to resort to a violent campaign. Tolerance for dissent means, ultimately, the willingness of officials to permit non-violent activities, even when they are designed to bring about a peaceful transition of power to replace the government. It also means restraint in the face of offensive expressions of opinion. Tolerance also implies the willingness of an opposition to permit others to choose between groups in presenting their opinions. In other words, a society in which there is a search for true consensus and tolerance for dissent is one in which fundamental human rights are respected by all.

If community members are able to voice their concern and opposition through legitimate dissent, the possibility of violence is likely to be limited. Conversely, the more government limits freedom of speech and legitimate dissent, the greater is the possibility of violence and, consequently, acts of terrorism. If one applies this theory to Tanzania, in areas with a large Muslim concentration government actions are interpreted as being anti-Islamic, which creates a 'need' for defence of identity and religion against an 'international conspiracy'.

> The role of the vast majority of of post-independence political dissent movements in Africa has largely been ignored.

CONCLUSION

Insufficient attention has been given to the role played by many of the post-independence political dissent movements in Africa. It remains a challenge for governments and analysts to develop a better understanding of their role and of the preferred options that are available to governments when engaging with them. Many dissident organisations represent powerful forces that have a critical role in the political and social landscape of their countries. The inability of states to effectively manage and respond to dissent movements has contributed to many conflicts and led to national and regional instability. A better understanding of the role that dissent organisations play is therefore likely to lead to better management of crises in Africa and reduce the number of oppressive government responses aimed at repressing such organisations. There is a need to revisit and question the conventional dichotomy of the 'legitimate state vs dissidents and terrorists'.

Legitimate dissent is an inevitable element of a healthy political system and is often seen as a hallmark of political maturity. This does not mean that dissent does not continuously throw up new challenges to governments and social analysts. Even long-established democracies know that the appearance of radical dissent groups, especially when they express their opposition in a violent or destructive manner, serve as a serious warning to governments and their security forces that the issues raised by such groups, as well as the underlying causes, need to be considered and addressed in a balanced and constructive manner. This cannot always mean that demands made by dissenting groups are acceded to by the state but it requires that at least a balanced approach is applied in addressing their issues. Governments should appreciate that each tactical initiative or strategy will have consequences and that from government's perspective a key objective should be to minimise the support base for individuals and groups who resort to unlawful dissent. For dissent groups one objective, among others, will be to maximise the space within which they can freely express their dissenting views.

There is often a fine line between countering terrorism and creating the justification for future terrorism. A proper understanding of dissent and how to deal with it will enable governments to better recognise such fine dividing lines and therefore enhance the chances that corrective steps will in fact reduce the risk of terrorism rather than enhance it.

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About this paper

Political dissent manifests itself through expressions of political opposition in ways that can either be regarded as legitimate and lawful, or as unlawful because they contravene the laws of the state. The potentially most destructive form of political dissent is that which is expressed through acts of violence by supporters of a particular political cause. The dividing line between legitimate forms of political dissent and those violent acts of political dissent that are regarded as unacceptable and unlawful is often difficult to identify because of legal uncertainty and because governments use arbitrary criteria to draw such distinction. Why do political groups that initially employ legitimate expressions of political dissent ultimately resort to strategies of violence and terror? This paper aims to contribute to a better understanding of the nature and role of political dissent in a democracy and of how the state should respond to its various manifestations.

About the author

Anneli Botha is a senior researcher on terrorism at the Institute for Security Studies (ISS) in Cape Town. Before joining the ISS in March 2003 she was a member of the South African Police Service: Crime Intelligence for ten years. She holds an MA in Political Studies from the Rand-Afrikaans University. Her interests in Islamic studies and trends in, and the development of, terrorism led to a thesis on Pagad's structure and activities and government reaction to the organisation.

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