

# Silence in wake of student's arrest shows a lack of commitment to free speech

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IN A RECENT interview, President Jacob Zuma expressed regret that, contrary to the urgings of Nelson Mandela for us to live in harmony, we have "not taken that discussion further".

But it is untrue that the discussion in question has become dormant. In the context of the divisive rhetoric emanating from some quarters of his party, as well as the incoherence of the moral leadership offered by Zuma himself, it can be argued that we have in fact taken that discussion further – further towards a rejection of the sorts of values implied by Mandela's wish for us to live together in harmony.

Stable and lasting harmony is premised on a recognition and tolerance of opposing viewpoints, which of course requires the freedom for citizens to express their points of view – regardless of whether those views conform to those of any other

citizen, or to the views of any political party. The starkest alternative to this – that of a society of repression and the stifling of dissenting views – is not at all in keeping with the values expressed in our constitution.

While our general commitment to free speech does permit (rare) justifiable exceptions, it does not, and cannot, allow for the suppression of views simply because we find them uncomfortable to hear. And it is in this context that the case of UCT student Chumani Maxwele may end up setting a most unfortunate precedent, if it is not firmly dealt with in a manner which reinforces our right to criticise our political leaders.

The details of the case appear to be that on the evening of February 10, Mr Maxwele was subjected to unlawful harassment and intimidation by members of Jacob Zuma's security detail, after they allegedly spotted him giving the finger to the presidential convoy. According to Maxwele, men with guns pulled a

bag over his head, and drove him to a police station where he was arrested for crimen injuria, interrogated as to his political views, and held overnight while his house and personal possessions were searched.

While a constable at Mowbray Police Station has confirmed the charge of crimen injuria, little about this case is known for certain – Maxwele claims that he merely "waved the convoy away", as it was making noise, while the commander of the arresting officers, Captain Sandisile Mafunda, said Maxwele "was showing gestures with his right-hand with his middle finger pointing up-right (sic) with the remaining fingers folded, uttering the remarks towards the president's convoy saying 'f\*\*\* you Zuma – you are disrupting traffic'."

In light of the existing attempts to soften the media impact of this story, as well as the spin that will certainly follow, it is important to remind ourselves of some crucial

details. First, and most importantly, it is not illegal to be rude, and nor is it illegal to indicate dissent or displeasure with the ANC or the nation's president.

Second, police spokesperson Zweli Mntsi's claims that Maxwele had apologised (a claim later disputed by Maxwele) are utterly irrelevant to the wrongfulness of Maxwele's arrest and harassment.

Maxwele may have been rude, but we have no plausible evidence – from Maxwele or the police – of any illegal actions on the part of Maxwele. Whether or not Maxwele believes himself to have been in the wrong would also have no bearing on the wrongfulness of the actions of the police.

On the evidence available to us, it seems far more likely that it was the police who were engaging in illegal actions in their detention of Maxwele and the searching of his house. Unfortunately, in light of the absence of any apology for their

actions, one cannot help but suspect that they were looking for evidence of something that could be retrospectively used to justify their abuse of power.

Third, the revelation of Maxwele's criminal record by police is nothing if not a transparent, and embarrassing, attempt to save face by trying to present Maxwele in a negative light, thereby shifting public attention away from the apparently criminal actions of the police themselves.

The hypersensitivity to perceived criticism evidenced by this case is deeply troubling, as it demonstrates a lack of commitment to free speech, and to allowing dissent. Furthermore, the reactions of the police following the incident (with the exception of Police Minister Nathi Mthethwa, who has asked the ICD to investigate the matter) are also troubling, in that no further comment has been offered in justification of the arrest itself, besides the admis-

sion that it was simply for insulting the president.

Most troubling of all, perhaps, is that we have had no comment from the Presidency itself, affirming a commitment to free speech, and apologising to Maxwele. The statement would ideally also include recognition of the fact that the police seem to have taken their personal commitment to the ruling party too far given that their actual job has nothing to do with defending the interests of any particular political party, and that Maxwele's political allegiances were irrelevant to the alleged criminality of his actions.

Moments like these provide an opportunity for President Zuma to demonstrate to South Africans – and to the world at large – that we are not simply another country in Africa, where stereotypes regarding trust, cronyism and a lack of respect for democratic processes come easily to mind. In the case of

Maxwele, a statement condemning this sort of behaviour on the part of police would go a long way towards damage-limitation. But what we get is silence.

If Maxwele did in fact disrespect Zuma, our president should perhaps be reminded that respect is something that is earned, rather than a perk that comes with the job. And if he truly believes that "it's time to talk about our moral code", this belief would strike South Africans as far more plausible if he were to demonstrate a commitment to it in cases like these, by denouncing these erosions of Maxwele's – and our – freedoms.

● *Rousseau is chairperson of the Free Society Institute, which aims to "encourage intellectually honest debate on topics which are vulnerable to influence and/or suppression by the entrenched interests of pre-scientific traditional dogmatism, as well as debate on the nature and role of reason and rationality itself".*

POLICY FRAMEWORK AND LEGISLATION VITAL FOR SUCCESS

# Laws put Germany first in renewable energy

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IT IS something of a surprise when travelling through Germany in the bleak, grey winter to see so many rooftops covered with solar panels.

On railway stations, shopping malls, parking lots and houses, solar panels are dotted on roofs all over the country.

It is even more surprising to learn that of the almost €13 billion Germany invested in new renewable-energy installations in 2008, almost half was spent on photovoltaic systems to generate solar power and that Germany has the highest number of installed photovoltaics in the world. How does a northern country with long winters achieve this type of success? What did Germany get right?

According to Kai Schlegelmilch of the renewable energy division in the German ministry for Environment, Nature Conservation and Nuclear Safety, it all depends on getting the policy framework and legislation right.

"Germany's success is because of the right policy framework and legislation. You have to have this for the renewable industry to succeed," explained Schlegelmilch.

Germany introduced legislation governing electricity generation from renewable sources in 1991, and there was a gradual increase in this sector, but it was not until the promulgation in 2000 of its Renewable Energy Act, known as the EEG, that the industry really took off, rising from 30 billion kWh in 1999 to 90 billion kWh in 2008.

Not only has the German legislation resulted in the upsurge of renewable energy in that country, but the legal framework itself has become a top German export, with many countries now using similar frameworks.

"There are about 40 countries in the world that have adopted a similar system, because it works," Schlegelmilch said.

Three elements make the German renewable energy law a success: the connection of all renewable energy systems to the power grid is guaranteed, even if it is only a few solar panels on your roof; the purchase and distribution of the electricity is guaranteed and there are fixed tariffs that will be paid for each type of renewable energy sold on to the grid and the tariffs are guaranteed for 20 years.

What this means for prospective renewable-energy producers is that they can work out a firm business case, which the banks consider secure enough to release substantial funding.

"And the owners of the grid are



SHINING EXAMPLE: Workers set up photovoltaic panels in in Goettelborn, near the German city of Saarbruecken. Germany has the highest number of installed photovoltaics in the world.

obliged by law to connect the renewable energy producer to the nearest grid point and they have to pay for that connection. At first there were big legal battles but not any more," Schlegelmilch said.

That explains all the solar panels on rooftops – most of them are generating electricity that is sold back into the grid. This can be a small business on the side, which more or less runs itself.

It is not only in towns and cities that one sees solar panels but also in the countryside.

In Freiamt, a rural district in southern Germany, farmers have become involved in solar and wind generation in a fairly big way.

According to Freiamt's mayor, Hannelore Reinbold-Mench, their interest began in the mid 1990s when a private company asked farmers if they could put up wind turbines on their land.

"At first the farmers were a bit sceptical about this but they decided to ask some local engineers if the windmills would work and they said

they would. So the farmers thought: 'Why should we let someone else do this and reap the profits from using our land? Why not do it ourselves?'" Reinbold-Mench said.

The farmers formed an association and with the help of experts, plus input from the local community and tourism bodies, as Freiamt is in the Black Forest region which attracts many visitors, they decided on the best places to put the windmills. They then founded a company and once they had the necessary environmental and other approvals, put up the first three wind turbines in 2001, got income from feeding this power into the grid, and carried on farming on the land around the windmills.

"That was the beginning of the process in this community where people started looking for other ways to profit from renewable energy," she said.

It was a small step to putting up solar panels as well. Freiamt has a fortunate geographical location, on the western side of a mountain in an

area that has relatively few cloudy days.

Farmers in the region were approached and asked if they would lease their rooftops for solar panel installations. Again they decided they would rather do it themselves.

"They almost compete now, so if one farmer put in an €80 000 solar panel installation, the next door farmer gets a bigger one. And now when they build a barn, it is always in a southwest direction. First the panels on the roof and then the cows in the barn," Reinbold-Mench said.

It takes about 10 to 12 years to reap a profit from a €100 000 (R1.05 million) solar installation, but farmers are prepared to invest the money because they know these returns, unlike those from farming, are guaranteed and will not fluctuate with world markets as their profits from milk and meat do.

While renewable energy in Germany is growing, it is still small in comparison to the bulk of Germany's energy consumption, which is fossil fuel-generated.

In 2008, 35 percent of total energy consumed was from mineral oil, 22 percent natural gas, 13 percent hard coal and 11 percent lignite. Nuclear power, which Germany plans to phase out by 2020, accounted for 12 percent of energy. Renewable energy sources accounted for 9.5 percent of energy consumed and 15.1 percent of electricity consumed.

Unpublished figures for last year are that this has increased to 10 percent and 16 percent, respectively.

"The government target is 30 percent of electricity from renewable sources by 2020, and the private companies say we can achieve 40 percent or more by then," Schlegelmilch said.

The blossoming of the renewable industry in electricity, heating and transport has meant a reduction in Germany's carbon emissions to the tune of 109 million tons in 2008, of which about half was from the electricity sector.

Another factor which helped stimulate the renewable energy

industry was the move in 2002 by the Green Party to put renewable energy into the environment ministry. As this is the ministry responsible for addressing climate change, it made sense.

The renewable energy subdivision had grown from three or four people "fighting against other energies", as Schlegelmilch put it, to a section with between 30 and 40 staff members.

The renewable energy industry has created a substantial number of jobs in Germany, which increased from 160 500 employees in 2004 to 278 000 in 2008. The industry reckons this number could increase to 400 000 by 2020.

Most of the jobs are in the biomass sector (95 800), followed by wind (85 100), solar energy (74 400), hydro (9 300) and geothermal (9 100).

Germany is lagging behind other European countries in offshore wind energy, where windspeeds are higher and up to 40 percent more electricity can be generated.

However, it is moving into this

sector. Within its exclusive economic zone, the authorities have identified 700km<sup>2</sup> which is outside of shipping, fishing and nature conservation areas, and 24 offshore projects have been approved so far.

Of course, the renewable energy industry has had substantial government funding. As Schlegelmilch said, the government had pumped billions into the coal and nuclear industry, so it was "only fair" that it supported renewables.

"We won't support the renewable industry forever but we have to have a level playing field," Schlegelmilch said.

There has also been substantial funding for research. In 2008, the German government released €150 million for 160 new research projects on renewable energy, with the focus on photovoltaics and wind. This funding, coupled with German innovation and its well-established industrial base, has resulted in the country becoming the world leader in renewable energy research.

Germany was instrumental in getting the International Renewable Energy Agency (Irena) established. In 2008 it invited governments to Bonn, where they negotiated a treaty, initially signed by 75 countries which has now increased to 142. Irena's purpose is to promote the widespread adoption of all forms of renewable energy and to provide advice and support to member countries in selecting and adapting energy sources, on technology, business models and regulatory frameworks.

Matthias Dehner, desk officer for international energy policy in Germany's foreign office, points out that the three main concerns around energy are security of supply, sustainability and access. Access includes affordability.

"In theory, South Africa can have security and affordability if it focuses on coal but it is not sustainable because of carbon emissions and other noxious gases," he said.

Dehner believes it is important for countries to diversify energy supplies, energy sources, energy trading partners and supply routes. Energy efficiency was becoming increasingly important worldwide, with experts saying if all countries adopted stringent energy efficiency measures, the global energy demand could be halved.

"In Europe, most of the energy industry is aware that we have to find a new basis for energy supply. But you can't cut the branch you're sitting on. It will be a long process but renewable energy is becoming more important every day," he said.

● *Gosling's trip to Germany was paid for by the German government's visitor programme.*

# Writhing praise-singers, leopard-skin tutus, pepper spray and machine-guns

THE OPENING of Parliament is as far as most of our couch-draped potatoes make it to the feverish political inaction of the year.

That's why the great, resonant speeches are muffled over and taken apart like wire windmills by their "political observers" from their comfortable erogenous zones around TV sets – with plenty of beer and sosaties – rather than actually sitting on the green, smelly benches of the Press Gallery.

Thoughtfully, as part of its amoeba-like transparency, Parliament does provide an annual trailer – with the saucy bits prominent – of impending laws and regulations.

So my odious neighbour Gatvol van der Pomp, as editor of the Mowbray Vuvuzela (formerly the Mow-

bray Bugle), gets himself over to the Company Gardens by taxi, fish-tailing bike, or ostrich to slumber on a bench in time for the morning media circus.

This year, he departed for the Big Smoke on the previous day and huddled with fellow bergies, fighting off grey squirrels, until dawn's rosy fingers strayed up his trousers.

He was soon in place, awaiting the presence of Major-General Mbabulu Springer-Spaniel to address

him and the yawning hacks on the concerns of the Crime & Security & Defence Cluster on the invasion of Zimbabwe, 2010 safety, and flogging for felons.

General Springer-Spaniel wore a fetching leopard-skin tutu with matching machine-gun.

He was accompanied by his wives and the head of the New SANDF – Lance-Corporal Bunny van der Poel, who wore a bagpipe.

The duo were introduced by a praise-singer who writhed on the tea-stained carpet and ululated to the effect that General Springer-Spaniel had created a summer camp for assorted love children and jack-ass penguins opposite Boulders Beach.

However, before the *manne* could

profess their innocence, Gatvol leapt in with his prepared questions.

"Is it government policy to shell invasive French poodles with left-over artillery pieces such as the G-5 from the 'Save Saddam Hussein Programme'?"

"And if not, why not? My homestead has been infiltrated by these evil little buggers and my spouses spend weeks picking up Royal Canin faux-boons and collecting poo in plastic Woolworths™ bags."

Lance-Corporal Van der Poel interjected: "That's the job of the Traffic Police, when they have time off from laughing at motorists pulled over for a joke or ticketing scraped vehicles repainted with pink and purple psychedelic butter-

flies.

"Hou jou bek!"

Gatvol pursued his thread: "What about press freedom? Are we to be allowed to report on the pandemic of obesity among fighter pilots?"

"Just the other day Captain Thabo Bigglesworth couldn't take off in his MIG-21 Fishbed because he weighed more than the entire Tuks Bulls front row put together, tip to bum. And that was before he had his lunch of cabbage and crocodile."

"Captain Bigglesworth is having fat counselling at Montrose Place," rapped Van der Poel grimly.

He's a great rapper, along with Apathy Slug and Black Thought. "At first he had to accept sex

addiction counselling as well because of the presence of Tiger Woods, but he got over that. You are infringing on his constitutional right to privacy, Mr Van der Pomp.

"Control yourself or I'll unleash a spray of pepper smoke.

"You are rapidly becoming a source of social unrest – and we in the Army know how to deal with that."

Gatvol pondered. Before his eyes he saw a phalanx of puffy marksmen and women taking aim with their water pistols, missing, then taking aim once more and splattering him with a noxious mixture of indelible paint and the bubbly potion you get from converted petrol pumps in the Winelands.

Yet, foolishly, my neighbour

sought to interrogate further – just like a US marine in Guantanamo: "I say, I say; Will General Springer-Spaniel tell us whether our Swedish submarine fleet will be deployed to Lake Kariba for the Big Push?"

Suddenly General Springer-Spaniel babbled rapidly in Kyrgyzstani (a language learnt in his exile years) and the praise-singer raked his red eyes across the room, focused upon Gatvol – seated between the New York Times and the BBC – and flung a spear.

This impaled Gatvol who croaked froggily and slumped. He said nothing more while the top brass bumbled on for several hours about the elimination of rabbits and big frogs from the once-pristine domain of Robben Island.