Statement to Parliament's Ad Hoc Committee on the SABC Board Inquiry

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INTRODUCTION

On behalf of the Right2Know Campaign, I would first like to take the opportunity to thank the Committee for its work and for calling the Right2Know Campaign to make an input.

I make this statement in my capacity as a member of the Right2Know Campaign. Until November 2016, I was an employee of the Right2Know, working as an Organiser on Media Freedom and Media Diversity. In that capacity I was responsible for coordinating the Campaign's work on the SABC and a wide range of other media freedom issues, from support for community media organisations, to the cost of airtime and data. I stepped down as a staff member in November to take a traineeship in investigative journalism, but continue to volunteer as a Right2Know activist on media freedom issues. The events I describe here are the subject of the concerted energies of many people, rather than just me as an individual.

BACKGROUND TO THE RIGHT2KNOW

The Right2Know Campaign, launched in 2010, is a coalition of progressive organisations and activists across South Africa focusing on a wide range of issues of information access, secrecy, surveillance, media and communication rights and freedom of expression. Our vision states that the Right2Know Campaign "seeks a country and a world where we all have the right to know – that is to be free to access and to share information."

The Right2Know Campaign is constituted of provincial structures in the Western Cape, Gauteng, and Kwazulu-Natal, which meet at least once a month in meetings that are open to the public, and through annual provincial summits which are also open to all members of the public. The overall governance of the R2K is through an elected national working group. Beyond this, there is a much broader network of supporters and allies who participate in meetings, door-to-door campaigns, workshops, gatherings and other public processes. As a result, the Right2Know Campaign comprises a diverse range of members and stakeholders, cutting across divides of geography, class, language, race, age, gender, and ideological boundaries.

RIGHT2KNOW'S INTEREST IN PUBLIC BROADCASTING

One of the main components of our broad campaign is media freedom and diversity, and crucial to the realisation of a free and diverse media landscape is a public broadcaster that is independent, well-resourced and capable of holding power to account, be it corporate power, state power or otherwise.

In 2012, two years since the launch of Right2Know, we adopted a wide-ranging Policy Statement on Media Freedom, Diversity, and the Right to Communicate[1] that noted the vital role of public broadcasting in the current dispensation, but also noted:

> The media freedom guaranteed by the Constitution and protected by law is under threat from the state and the market. Elements in the state and ruling party who are threatened by the investigative and agenda setting power of the media are pushing for measures to constrain the work of journalists. Large media companies and the commercialization of public and community media (the dependence on advertising for sustainability) limit the range of opinions and news gathering agendas available to everyone living in South Africa.

The Campaign therefore resolved to ensure:

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[1] Right2Know Campaign, 2012: http://bit.ly/2hucvkC

> "Governance and management structures of the SABC and community media should be independent of the executive of government nationally, of municipalities, and private sector interests...
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> All people should have access to non-commercial media (alternative and community media as well as the public SABC). Such media should be funded from public and other non-commercial sources."

Over the years we have taken a number initiatives to campaign for an independent broadcaster with the resources necessary to fulfill its mandate. Some examples include:

- A protest on World Press Freedom Day 2013 to protest the SABC's abuse of the National Key Points Act[2]
- Protest the SABC's 'canning' of The Big Debate programme in 2013[3]
- MobIlising input into the ICT policy review from 2014 onwards
- Action on World Press Freedom Day 2014 against SABC censorship with the SOS Coalition, demanding the full and urgent implementation of the Public Protector's recommendations[4]
- A close collaboration with allied organisations dedicated to advancing public broadcasting, such as SOS
- Various statements and position papers on conditions and developments at the SABC

It goes without saying that as a public broadcaster - distinct from a state broadcaster - the SABC is bound by law to inform the public in a politically non-partisan manner and deliver news that fairly and accurately captures matters of public interest. The Committee no doubt appreciates the importance of public broadcasting in South Africa is further heightened by the vast inequality that continues to define our country, and which is reproduced not only in material terms but also in access to information and media. While wealthy urban South Africans have a wide range of media available to them on a variety of traditional and high-tech platforms, people in poor and rural areas rely primarily on public broadcasting to meet their information needs. Indeed, within Right2Know structures, both types of consumers are represented.

It is in this context that R2K has been fighting for a more robust, better funded and more independent public broadcaster - a broadcaster that puts the interests of the public first, that can promote a plurality of views and which produces hard-hitting news and journalism that exposes corruption, abuses of power and other wrongdoing.

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[2] R2K Gauteng statement, 29 April 2013: http://www.r2k.org.za/2013/04/29/r2k-gauteng-protest-party-at-suspected-national-key-point-sabc-offices/

[3] R2K statement, 18 October 2013: http://www.r2k.org.za/2013/10/18/right2know-plans-to-protest-the-sabcs-canning-of-the-big-debate-show-ahead-of-national-media-freedom-day/

[4] R2K & SOS Statement, 23 April 2014: http://www.r2k.org.za/2014/04/23/press-freedom-day-2014/

The events described in this statement followed a period of years of instability and concerning developments at the SABC, including top-down political interference and editorial censorship, a growing climate of fear and self-censorship within the public broadcaster, as well as serious financial mismanagement and compromised governance.

SABC'S EDITORIAL POLICY ON PROTESTS

In May 2016, the SABC issued a statement to announce a unilateral prohibition on footage and coverage of violence at protests on the airwaves (the "protest ban"). This sparked a public outcry. The Right2Know Campaign was one of those to respond, issuing a statement on 28 May 2016 to condemn the decision as an unjustifiable act of self-censorship, aimed to silence stories and images that those in power would find embarrassing[5]. In our analysis, the protest ban was the same policy pursued by the apartheid SABC in the face of civil unrest during the struggle against apartheid, footage of which was also banned from television and radio reports. It seemed clear that the ban was part of a range of editorial changes that had been made to shape a certain narrative in the news media in the lead-up to municipal elections.

It is worth noting that the absurdity of the protest ban became clear shortly afterwards when Tshwane erupted in waves of violent protests. It was a leading national news story, yet the SABC cameras looked away. It was a clear case where the SABC had disregarded basic editorial codes and was in flagrant violation of its mandate as a public broadcaster to ensure "a high standard of accuracy, fairness and impartiality in news and programmes that deal with matters of public interest."[6]

The crisis at the SABC was already on the Right2Know Campaign agenda, but these events precipitated a renewed focus. The issue was tabled and discussed at the June provincial working group meetings of Right2Know in Gauteng, Western Cape and KZN. Members of various grassroots organisations that make up R2K provincial structures expressed serious alarm by the decision of the SABC to censor protests. These members and organisations, operating in solidarity with like-minded progressive organisations and fighting for a more equal, more open and democratic South Africa, represent economically marginalised working class communities across the country. Members have a two-fold interest in this matter. First, they have an inherent interest in how protests and mass action are covered by the public broadcaster. Secondly, they are by and large consumers of SABC media.

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[5] R2K statement, 28 May 2016: http://www.r2k.org.za/2016/05/28/r2k-statement-sabc-stop-self-censorship/
[6] SABC Charter

EVENTS LEADING TO SUSPENSION OF JOURNALISTS

On 20 June 2016, R2K Gauteng held a protest gathering at the SABC's offices in Auckland Park in response to the protest ban. This was the first of many actions, but bears noting because it appears to have set in motion a chain of events that precipitated widespread protests against SABC COO Hlaudi Motsoeneng, his allies at the SABC and on its board, and his political backers.

The Right2Know protest was a peaceful picket outside SABC offices in Auckland Park, Johannesburg. The event was properly organised in terms of the law, but later events suggest it was 'prohibited' in terms of the SABC's arbitrary protest ban.

Shortly after that, the news media reported that several SABC journalists -- the first of those who would become known as the SABC 8 -- had been suspended after they disagreed with an instruction during a diary conference not to cover the Right2Know protest. Those were economics editor Thandeka Gqubule, RSG executive producer Foeta Krige and senior journalist Suna Venter.

This development escalated the public alarm, and set off further events. In the coming days and weeks, several other SABC journalists came to the defence of their suspended colleagues and journalistic integrity more broadly. As the Committee will know, in total eight SABC journalists were suspended and later fired under completely unlawful circumstances. Seven of whom the broadcaster later reinstated with no further explanation.

FURTHER PROTEST ACTION AT SABC

During this time a grouping of concerned organisations and people started to work together intensively to provide a unified response to the growing crisis at the SABC crisis. Among these were Right2Know, the SOS Coalition, unions such as Broadcasting, Electronic, Media & Allied Workers Union (BEMAWU) and the Media Workers Association of South Africa (MWASA), various civil society organisations, media workers, and concerned members of the public. Through public meetings in Johannesburg, Cape Town and Durban we coordinated rolling protest action in the weeks and months following the 20 June protest.

According to my records, Right2Know organised or supported 16 protests at SABC offices in Johannesburg, Cape Town, Durban, Kimberley and Mangaung, as well as others at ICASA,

the Department of Communications in Pretoria, and Parliament in Cape Town. During this time, numerous memoranda were handed to SABC representatives in various offices to raise concerns about various aspects of the SABC crisis. None has received a response.

DIRECT ENGAGEMENT WITH THE SABC

In our initial interview, Advocate Vanara asked for information about interactions with the SABC management over our various concerns. I will briefly deal with these here.

In the weeks following the 'Protest Ban', the 20 June protest at SABC, and the suspensions of members of the SABC 8, public pressure against the censorship, purges and management's heavy-handed, obstinate managerial style mounted. The Committee will be familiar with these events but I will provide some details.

During this time I was contacted by various SABC staff members and former staff members who informed me of intimidation and harassment from management, threats and punitive action against anyone who failed to toe the 'Hlaudi' line, and a pervasive "climate of fear" at the SABC.

On Friday 1 July, Right2Know participated in a protest led by media workers, media worker representatives and a coalition of civil society. This was a march from the SABC to the Constitutional Court. During the march, two members of Right2Know (Micah Reddy and Steena Molapo) joined a delegation to meet with an SABC delegation including Mr Motsoeneng himself which took place at SABC headquarters at Auckland Park. During this meeting we demanded the immediate reinstatement of the suspended SABC journalists. Mr Motsoeneng attempted to distance himself from the decision, saying that it was an HR decision and that he was therefore powerless to meet our demands. His attempt to evade any responsibility was disingenuous, as it was clear that Mr Motsoeneng exercised total control over such matters, and is highly likely to have been directly involved in their suspension. Our delegation pointed out that Mr Motsoeneng could halt the compromised disciplinary processes against the journalists with a mere phone call, but he remained obstinate. Eventually Mr Motsoeneng agreed that he would look into the matter and report back to the same delegation the following Monday at an agreed upon time.

However, Mr Motsoeneng acted in bad faith. On Monday the delegation reconvened in Braamfontein in preparation for the meeting with SABC management. But shortly before the meeting was due to start, we received a phone call from Mr Motsoeneng saying that the

meeting was off. Mr Motsoeneng said that he had made up his mind, that there was nothing to talk about, and that the journalists would not be reinstated.

The Committee will know that on 26 July 2016, the Labour Court overturned the dismissal of four the SABC 8, reinstating them. On the morning of 27 July 2016, after those reinstated journalists were blocked by security from entering their place of work, I joined other Right2Know members at Auckland Park to protest this abuse of worker rights. However, later that day, it was announced without explanation that seven of the eight had been reinstated. I am confident that the Committee will hear further evidence on this matter from other sources. I raise it here because to date there has been no full accounting of who was behind this flagrant abuse of workers' rights, and under what circumstances the reversal happened.

OUTLINE OF OUR CONCERNS AND DEMANDS

Following engagements of the various allied groupings mentioned above, a set of key demands grew as the crisis progressed and the focus of our collective efforts broadened. These were listed in a number of public statements and memoranda that were handed to SABC management and regional directors. While these demands and variations of them were broadly supported by numerous organisations, for the Right2Know Campaign these included:

1. The immediate reinstatement of the SABC 8:
It was clear from the outset that the eight journalists were simply purged for exercising their independence and speaking out against the extremely authoritarian actions of management.

2. A end to censorship policies:
We noted that the SABC was increasingly leaning towards politically biased coverage and at times actively suppressing views and content deemed to be critical of the ruling elite. Examples include:

- The SABC's refusal to screen Emmy Award-winning documentary Miners Shot Down, and the shelving of the SABC-commission documentary on apartheid corruption, Project Spear;
- The canning of critical news shows such as The Editors and On The Record
- The unilateral prohibition on SABC broadcast journalists reading newspaper headlines on air.

- The prohibition on broadcasting footage of violent protest. Though ICASA had found that this policy should be withdrawn, the order has been disregarded[7].
- In engaging the media, Right2Know's members and leaders have had frequent interactions with SABC journalists and producers covering R2K's work. While we have great respect and appreciation for these workers, we have encountered many incidents which point to a climate of self-censorship at the public broadcaster, where certain issues are considered taboo.

3. The withdrawal of the unlawfully revised editorial policies

It is a matter of record that the SABC unlawfully revised its editorial policies, failing to properly undertake the required public consultation process. It is a basic principle of good public service media practice that management should not be allowed to interfere arbitrarily in day-to-day editorial decisions. But the new policy says that content should be referred upwards for approval, giving Mr Motsoeneng and others sweeping powers to interfere with the work of editors and journalists. We demanded that the new policy be withdrawn and redrafted after a full and meaningful public participatory process. This matter has been taken to ICASA by the SOS Coalition and Media Monitoring Africa.

4. The removal of Hlaudi Motsoeneng

We have consistently said that SABC COO Hlaudi Motsoeneng is patently unfit for the job. Despite findings by the Public Protector and several courts that he is unqualified and irregularly appointed as COO, Mr Motsoeneng has retained a senior executive position at the SABC. It is a matter of public record that Mr Motsoeneng has been instrumental in purging and victimising staff, often in flagrant disregard for labour law. We are particularly troubled by reports of the involvement of the State Security Agency in identifying whistleblowers at SABC and clamping down on those who are disclosing details of his mismanagement to the public. This dictatorial mismanagement also comes at considerable cost to the public; for example, Mr Motsoeneng ignored regulations by increasing his salary from R1.5 million to R2.4 million and hiked the salaries of other select staff, inflating the salary bill by R29 million at the struggling broadcaster. It has been reported that the SABC has been called to the CCMA in 190 matters in the past two years.

5. Dissolution of the SABC Board

It is clear that the Board has involved itself in all manner of irregular decisions and failed to exercise its duties and provide good governance at the SABC. It our belief that the Board

[7] We understand the Committee will hear more of this in the submission by Media Monitoring Africa (MMA)

was ‘captured’ by an untouchable employee of the organisation (Mr Motsoeneng) and needed urgently to be dissolved and new members appointed through a transparent and participatory process. The resignation of various board members has rendered the board inquorate, hastening the urgency for a new board to be appointed.

6. Removal of Minister of Communications Faith Muthambi

During her tenure, Minister Muthambi has been directly implicated in political interference that has undermined the independence of the SABC as a public broadcaster. The memorandum of incorporation signed by the minister in 2014 gave her an inappropriate level of influence over governance decisions at the broadcaster, including overarching powers to influence the appointments and removals of board members and executives. No doubt in the course of this inquiry, the Committee will learn more about the irregular interference of the Minister in the SABC’s governance. We believe her conduct has seriously damaged public broadcasting and media freedom and she is not suitable to continue to serve as Minister of Communications.

We believe the unlawfully revised editorial policies, giving Mr Motsoeneng ultimate editorial authority, and the memorandum of incorporation, concentrating powers into the hands of the Minister of Communications, have given two individuals extraordinary and unchecked influence at the SABC. These two developments have grossly undermined the independence of the SABC, as well as the power of the board and the role of Parliament -- and ultimately did damage to public broadcasting as a whole. We describe this is a form of state capture.

WORK BEFORE THE AD HOC COMMITTEE

The Right2Know Campaign welcomes the steps to establish the Ad Hoc Committee and to hold a formal inquiry into the serious damage that been done to the public broadcaster. R2K had been disappointed that Parliament’s portfolio committee on Communications did not take further action on the SABC crisis when it met in August

Subsequent events, notably the SCA ruling on Motsoeneng’s appointment, have made the position of Motsoeneng and the sole remaining board member completely untenable.

I wish to put it on record that we do have some concerns regarding the limited scope of this inquiry. The crisis at the SABC will be at risk of repeating itself if the underlying structural factors that enabled the crisis in the first place are not rectified. Simply put, it will not be

enough to simply shake up the current management without strengthening governance mechanisms to guard against potential political interference. This must include:

- Addressing the extraordinary and unlawful powers exercised by Minister Muthambi, who has systematically undermined the SABC's independence by substituting the Companies Act for the Broadcasting Act;
- Parliament reaffirming its role in appointments and removals of board members, and make it explicit that the Minister does not do this at her sole discretion;
- Ensuring that the Board is reconstituted through a transparent and open Parliamentary process;
- A public, participatory process to review the structure of the SABC and its charter;
- Establishing measures to protect and promote editorial independence at the SABC.

Lastly, we are concerned that the Committee has not taken the opportunity to get input from affected media worker structures, in particular Broadcasting, Electronic, Media & Allied Workers Union (BEMAWU) and the Media Workers Association of South Africa (MWASA), whose members have been directly affected by the conduct of Mr Motsoeneng and his allies in the Board and SABC management. We do call on the Committee to consider getting testimony from these stakeholders.

It is our sincerest hope, however, that this inquiry will result in meaningful steps being taken to halt and reverse the rot at the public broadcaster and hold to account SABC management for their trickery and lies, for flouting due process, defying parliament, insulting the intelligence of the public, and running the SABC as if it were their own fiefdom and not a crucial public institution and asset. Enormous damage has been done and it will take enormous political will to undo. But it can be done. We remain committed to that vision, as you do, of an independent, vibrant, well-run and well-funded public broadcaster that holds power to account, meets the needs our diverse nation and remains a public asset in the hands of the people.

Micah Reddy, Right2Know Campaign, 9 December 2016